



City Council Agenda

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

CITY COUNCIL EXECUTIVE SESSION

Tuesday, June 21, 2016 – 6:45 p.m.

Ralph Doetsch Conference Room - 70 N. First Street

- A. Personnel - Pursuant to G.C. Section 54957: Public Employee Performance Evaluation – City Manager
- B. Litigation – Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to paragraph (2) of subsection (d) of California Government Code Section 54956.9: One case.
- C. Real Property
- D. Labor Negotiations

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL/CAMPBELL INDUSTRIAL DEVELOPMENT AUTHORITY

Tuesday, June 21, 2016 – 7:30 p.m.
Council Chamber – 70 N. First Street

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

Pledge: Amy Olay, City Engineer

SPECIAL PRESENTATIONS AND PROCLAMATIONS

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.

1. **Minutes of Study Session of June 7, 2016**
Recommended Action: Approve the study session minutes.
2. **Minutes of Regular Meeting of June 7, 2016**
Recommended Action: Approve the regular meeting minutes.
3. **Approving Bills and Claims**
Recommended Action: Approve the bills and claims in the amount of \$641,157.82.
4. **Excess Workers' Compensation Coverage Renewal**
Recommended Action: Approve the Excess Workers' Compensation Insurance coverage provided by Midwest Employers Casualty Company for the period from July 1, 2016 to June 30, 2018.
5. **Resolution Amending Pay Ranges for Temporary Positions (Resolution/Roll Call Vote)**
Recommended Action: Adopt a resolution amending pay ranges for temporary positions.
6. **Calling the General Municipal Election and Requesting Consolidation of Election in Accordance with California Elections Code Section 10418 (Resolution/Roll Call Vote)**
Recommended Action: Adopt a resolution calling the General Municipal Election for November 8, 2016, requesting consolidation of election with Registrar of Voters in accordance with California Election Code 10418, and levying a fee to each candidate for their Candidate Statement.
7. **Ordinance 2203 Approving a Zoning Map Amendment (PLN2015-307) to Change the Zoning District Designation from R-M (Multiple-Family Residential) to P-D (Planned Development for the Project Located at 180 Redding Road. (Ordinance Second reading/Roll Call Vote)**
Recommended Action: Approve the Second reading of Ordinance 2203 approving a Zoning Map Amendment (PLN2015-307) to change the zoning district designation from R-M (Multiple-Family Residential) to P-D (Planned Development).
8. **Ordinance 2204 Approving a City-Initiated Text Amendment to the Campbell Municipal Code to Include Vaping as a Form of Smoking (Ordinance Second reading/Roll Call Vote)**

Recommended Action: Approve second reading of Ordinance 2204 approving a city-initiated text amendment to Campbell Municipal Code Section 6.11.110 to include vaping as a form of smoking.

9. **Ordinance 2205 Approving a City Council Compensation Adjustment (Ordinance Second Reading/ Roll Call Vote)**

Recommended Action: Approve the second reading of Ordinance 2205 approving an adjustment to the City Council compensation for 2017.

10. **Authorization to Submit One Bay Area Grant (OBAG) Application (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the Public Works Director to submit One Bay Area Grant (OBAG) Program grant applications for the surface Transportation Block Grant Guarantee Funds, FY 17/18 Annual Street Maintenance – Arterial Overlay – Winchester Boulevard project; and Congestion Mitigation and Air Quality Improvements (CMAQ) Funds, Campbell Priority Development Area (PDA) Enhancements Project.

11. **Authorize the Public Works Director to Award and Execute a Construction Contract with JJR Construction for Virginia Avenue Sidewalk Project 14-HH and Approval of a Budget Adjustment (Resolution/Roll Call Vote)**

Recommended Action: Adopt a Resolution authorizing the Public Works Director to award and execute a construction contract to JJR Construction in an amount not to exceed \$950,241 and encumber a construction contingency in an amount not to exceed \$95,024 for a total encumbrance not to exceed \$1,045,265; authorize the City Engineer to negotiate and execute contract change orders up to and within the allocated contingency; and approve associated budget adjustment.

12. **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 enclosed baseball field, concession building and associated area at John D. Morgan Park for the period of July1, 2016- June 30, 2019.

13. **Proposition 4 – GANN Spending Limitation for FY 16/17 (Resolution/Roll Call Vote)**

Recommended Action: Adopt the change in California per capita income and the change in the County of Santa Clara population as the calculation factors to be used in determining the City's spending limitation for FY 16/17; and adopt a resolution establishing the City of Campbell's FY 16/17 appropriation limit at \$64,424,831.

14. **Approval of the FY 2016-17 City of Campbell Investment Policy Update (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution approving the annual update to the investment policy and related administrative policy revisions.

15. **Fiscal Year 2016-17 Council Strategic Priorities and City Council Reserve Fund Projects**
Recommended Action:
Approve the Fiscal Year 2016-17 Council Strategic Priorities and City Council Reserve Fund Projects.

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

16. **Adoption of Fiscal Year 2016-17 (FY 17) Operating and Capital Budget and 2017-21 Five-Year Capital Improvement Plan (CIP) (Resolution/Roll Call Vote)**
Recommended Action:
Approve resolutions adopting the FY 17 City operating and capital budgets, including transfers, in the amounts of \$62,014,859 and \$9,840,000, respectively, for a combined total budget of \$71,854,859; and adopt findings that the proposed FY 2017-2021 Capital Improvement Plan projects are categorically exempt under the California's Environmental Quality Act (CEQA) and are consistent with the City's General Plan; and approve the five-year plan total of \$12,220,000 and adopt appropriations for FY 17 projects of \$4,920,000; and direct staff to incorporate within the final adopted and published FY 17 budget document any changes or adjustments pursuant to this public hearing and any other minor corrections prior to the budget's final publication.
17. **Public Hearing to Clarify a Condition of Approval Regarding Removal of a Gate and Replacement of a Wall for the Barracuda Networks, Inc. for a Planned Development Permit and Site and Architectural Review Permit (PLN2015-107) on Properties Located at 3175 S. Winchester and 471/485 Chapman Drive**
Recommended Action:
Adopt a resolution clarifying the conditions of approval for the modification of a Planned Development Permit for properties located at 3175 S. Winchester, 471 Chapman Drive and 485 Chapman Drive.

NEW BUSINESS

18. **Conceptual Approval of Harriet Avenue/McCoy Avenue/San Tomas Aquino Road Signalization Project (Resolution/Roll Call Vote)**
Recommended Action: Adopt a resolution approving the signalization of the Harriet Avenue/McCoy Avenue/San Tomas Aquino Road intersection.
19. **Maki Swim School (973 Apricot Ave.) – Request for City Council Direction Regarding Necessary Enforcement Action**
Recommended Action: Provide direction to staff regarding which enforcement action to proceed with.
20. **Use of City Staff by Individual Councilmembers (Resolution/Roll Call Vote)**
Recommended Action: Adopt a resolution establishing a Council policy to address situations when individual Councilmembers request staff assistance.

21. **Authorization to Enter Negotiations for Acquisition to Purchase Property and to Appoint a Negotiator (Resolution/Roll Call Vote)**
Recommended Action: Adopt a resolution, authorizing the City Manager to enter negotiations for acquisition to purchase property and to appoint a negotiator.

COUNCIL COMMITTEE REPORTS

22. **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 MINUTES

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



CAMPBELL CITY COUNCIL STUDY SESSION

Tuesday, June 7, 2016 – 6:00 p.m.

Ralph Doetsch Conference Room – 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).

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 the Ralph Doetsch Conference Room of City Hall, 70 N. First Street, Campbell, California, to discuss the Civic Center Revenue Measure Survey Results.

ROLL CALL

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

Absent: Councilmembers: None

Staff Present: Mark Linder, City Manager; Bill Seligmann, City Attorney; Wendy Wood, City Clerk; Al Bito, Deputy City Manager; Dave Carmichael, Police Chief; Todd Capurso, Public Works Director; Paul Kermoyan, Community Development Director; Jesse Takahashi, Finance Director, Sharif Etman, Finance Manager; and Margarita Mendoza, Administrative Analyst.

NEW BUSINESS

1. **Civic Center Revenue Measure Survey Results**

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

City Manager Linder gave a brief background for this item.

Bryan Godbe presented survey results. He stated that the data collected showed that a parcel tax would not have enough support to pass if put on the ballot at this time; and the bond measure would have some potential of passing but it would need more outreach to inform the taxpayers and there might not be enough time to do it before the November election.

Council listened to the presentation and discussed whether to move forward with putting a measure on the November ballot or waiting until the 2018 Election. Council directed staff to look at how much funding could be generated and what could be done with that amount and bring that information back to Council on or before the August 2nd meeting.

PUBLIC COMMENT

Jasmine Leyva, reporter for the Campbell Reporter, asked if Council would be holding off on a ballot measure.

ADJOURN

Mayor Baker adjourned the meeting at 7:00 p.m.

APPROVED:

ATTEST:

Jason T. Baker, Mayor

Wendy Wood, City Clerk

CITY COUNCIL MINUTES

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



CITY COUNCIL EXECUTIVE SESSION

Tuesday, June 7, 2016 – 7:00 p.m.

Ralph Doetsch Conference Room - 70 N. First Street

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

Council met in Executive Session to discuss item A which was continued to the June 21, 2016 meeting. Executive session adjourned to the regular meeting at 7:30 p.m.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL/CAMPBELL INDUSTRIAL DEVELOPMENT AUTHORITY

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

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

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

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

The City Council of the City of Campbell and the Campbell Industrial Development Authority 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

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

Pledge: Scott Johnson

The Pledge of Allegiance was led by Scott Johnson. Mayor Baker thanked him for his services on the Parks and Recreation Commission and presented him with a certificate of appreciation.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. **Presentation by the Youth Commission regarding 2015-2016 Work Plan Accomplishments**

Recommended Action: Accept the presentation.

Recreation Specialist Bybee gave a brief introduction of the Youth Commission.

Youth Commission presented 2015-16 Work Plan Accomplishments.

Council listened to the presentation, made general comments and thanked them for their services.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

ORAL REQUESTS

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Chris Lander, Campbell resident, spoke about a lot line reconfiguration request by a developer on California Avenue and stated concerns that this development is not required to have a site and architectural review, Planning Commission oversight or community input.

Cam Robertson, Campbell resident, provided a handout for Council's review and spoke about information he found about the lot previously mentioned on California Avenue which states that the property is one, lot not two.

Mathew Arcoleo, Campbell resident, spoke about safety concerns with the intersection at Campbell Drive and Hacienda Avenue and stated that the parked cars make it difficult to see oncoming traffic.

Robin Yeamans, Campbell resident, stated safety concerns on Hacienda Avenue, spoke about recent accidents and submitted pictures for public record.

COUNCIL ANNOUNCEMENTS

The Civic Improvement Commission is still accepting donations for Phase II of the popular "Outside the Box" program. This program is supported by private box sponsorships and donations. Individuals, families, neighborhood groups, businesses, and local civic and other non-profit organizations are welcome to contribute to the

beautification of Campbell. Contributions cover materials and paint for volunteers and artists to prep and paint various city utility cabinets.

For more information about the program and how to donate, please visit the city's website at www.cityofcampbell.com

Recreation Youth Scholarships - The City of Campbell Recreation Youth Scholarship program is open to Campbell residents under the age of 17. The scholarship fund is a privately funded program that grants a limited scholarship to a child with the intent of providing a positive recreation experience. To make a donation towards this program or to apply, please contact (408)866-2104.

The Heritage Theatre is seeking volunteers. Join the wonderful team of volunteers for upcoming productions. Volunteers specialize in a variety of areas such as ticket taking, ushering, greeting and more. Volunteer applications and other detailed information about volunteering can be found online at www.heritagetheatre.org.

History Happy Hour – Come sip, snack and socialize. History Happy Hour is a lecture series at the Ainsley House where you can learn about interesting topics, meet new people and tour the Ainsley House in the evening hours.

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.

Join us Thursday nights for the 24th Annual Summer Concert Series from 6:30 – 8:00 p.m. at the Orchard City Green located between City Hall and the Campbell Library. Thursday, June 23, will feature “The Jesse Charles Band and on June 30, the “Cocktail Monkeys.”

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.

Councilmember Cristina asked to remove item four.

The Consent calendar was considered as follows:

2. **Minutes of Study Session of May 17, 2016**

Recommended Action: Approve the study session minutes.

This action approves the study session minutes of May 17, 2016.

3. **Minutes of Regular Meeting of May 17, 2016**

Recommended Action: Approve the regular meeting minutes.

This action approves the regular meeting minutes of May 17, 2016.

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

Recommended Action: Note and file the monthly investment report for April, 2016.

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

6. **Authorize the City Manager to execute the Master Agreement with the County of Santa Clara to provide a Senior Nutrition Program for FY 16-17 (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the City Manager to execute the Master Agreement with the County of Santa Clara to provide a Senior Nutrition Program for FY16-17.

Resolution 11985 authorizes the City Manager to execute the Master Agreement with the County of Santa Clara to provide a Senior Nutrition Program for FY16-17.

7. **Authorize the City Manager to execute to execute the Agreement with Tastee Inc. DBA “Little Chef Asian Kitchen” to provide catered meals for the Senior Nutrition program for FY 16-17. (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the City Manager to execute the Agreement with Tastee Inc DBA “Little Chef Asian Kitchen” to provide catered meals for the Senior Nutrition Program during FY 16-17.

Resolution 11986 authorizes the City Manager to execute the Agreement with Tastee Inc DBA “Little Chef Asian Kitchen” to provide catered meals for the Senior Nutrition Program during FY 16-17.

8. **Resolution Authorizing the City Manager to Execute an Agreement Amending the Terms Under which Campbell Police Officers are Authorized to Work as Reserve Officers for the City of Santa Clara at Levi’s Stadium (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the City Manager to execute an agreement substantially conforming to the attached amendment regarding the terms under which Campbell Police Officers serve as Officers for the City of Santa at Clara at Levi’s Stadium.

Resolution 11987 authorizes the City Manager to execute an agreement substantially conforming to the amendment regarding the terms under which Campbell Police Officers serve as Officers for the City of Santa Clara at Levi's Stadium.

9. **Accept the Resignation of Scott Johnson from the Parks and Recreation Commission**

Recommended Action: Accept the resignation of Scott Johnson from the Parks and Recreation Commission, and direct the City Clerk to prepare the appropriate recognition of service and advertise the vacancy.

This action accepts the resignation of Scott Johnson from the Parks and Recreation Commission, and directs the City Clerk to prepare the appropriate recognition of service and advertise the vacancy.

10. **Preliminary Approval of Engineer's Report and Adoption of Resolution of Intention, Lighting and Landscaping District LLA-1, Fiscal Year 2016-17 and Set the Time and Place for a Public Hearing (Resolutions/Roll Call Vote)**

Recommended Action: Adopt resolutions preliminarily approving the Engineer's Report for the annual levy and collection of assessments for the City of Campbell Lighting and Landscaping District LLA-1 for Fiscal Year (FY) 2016-17; and declaring Council's intention to levy and collect assessments within the City of Campbell Lighting and Landscaping District LLA-1 for FY 2016-17 and setting forth the time and place for required Public Hearing.

Resolution 11988 preliminarily approves the Engineer's Report for the annual levy and collection of assessments for the City of Campbell Lighting and Landscaping District LLA-1 for Fiscal Year (FY) 2016-17; and Resolution 11989 declares Council's intention to levy and collect assessments within the City of Campbell Lighting and Landscaping District LLA-1 for FY 2016-17 and setting forth the time and place for the required Public Hearing.

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

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

Resolution 11990 approves the policy on lighting the Campbell Water Tower.

M/S: Cristina/Gibbons - that the City Council approve the Consent Calendar with the exception of item four. 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

4. Approving Bills and Claims

Recommended Action: Approve the bills and claims in the amount of \$2,354,735.02.

Councilmember Cristina spoke about a payment made to the Lew Edward Group and stated he does not support it.

Deputy City Manager Bito provided clarification for the payment.

M/S: Gibbons/Resnikoff – that the City Council approve the Bills and Claims in the amount of \$2,354,735.02. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Gibbons, Baker

NOES: Councilmembers: Cristina

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

12. **Public Hearing to consider the application of Mike Paydar for a Planned Development Permit (PLN2015-305) for the approval of site configuration, architectural design, and to create lots which do not have frontage on a public street, Tentative Subdivision Map (PLN2015-306) to create five single family lots and one commonly owned lot, Zoning Map Amendment (PLN2015-307) to change the zoning from R-M (Multiple-Family Residential) to P-D (Planned Development), Parking Modification Permit (PLN2016-068) to allow uncovered parking in lieu of covered and Tree Removal Permit (PLN2015-310) to allow removal of protected trees on property located at 180 Redding Road. Staff is recommending that a Mitigated Negative Declaration (PLN2015-308) be adopted for this project.**

Recommended Action: Adopt a resolution, incorporating findings, recommending that the City Council adopt a Mitigated Negative Declaration (PLN2015-308); introduce an ordinance incorporating findings, recommending that the City Council approve a Zoning Map Amendment (PLN 2015-307) to change the Zoning district designation from R-M (Multiple-Family Residential) to P-D (Planned Development); a resolution, incorporating findings, recommending that the City Council approve a Tentative Subdivision Map (PLN2015-306) to create five single family lot and one commonly owned lot, subject to the Conditions of Approval; a resolution, incorporating findings, recommending that the City Council approve a Planned Development Permit (PLN2015-305) for site configuration resulting in the development of five units, architectural design, and creation of lots which do not have frontage on a public street, subject to Conditions of Approval; a resolution, incorporating findings, recommending that the City Council approve a Parking Modification Permit (PLN2016-068) to allow uncovered parking in lieu of covered, subject to Conditions of Approval; and a resolution, incorporating findings, recommending that the City Council approve

Tree Removal Permit 9PLN2015-310) to allow for the removal of protected trees, subject to Conditional of Approval.

This is the time and place for a public hearing to consider the application of Mike Paydar for a Planned Development Permit (PLN2015-305) for the approval of site configuration, architectural design, and to create lots which do not have frontage on a public street, Tentative Subdivision Map (PLN2015-306) to create five single family lots and one commonly owned lot, Zoning Map Amendment (PLN2015-307) to change the zoning from R-M (Multiple-Family Residential) to P-D (Planned Development), Parking Modification Permit (PLN2016-068) to allow uncovered parking in lieu of covered and Tree Removal Permit (PLN2015-310) to allow removal of protected trees on property located at 180 Redding Road.

Associate Planner, Rose presented staff report dated June 7, 2016.

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

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

After discussion, **M/S: Resnikoff/Kotowski – that the City Council adopt resolution 11991 incorporating findings, recommending that the City Council adopt a Mitigated Negative Declaration (PLN2015-308); resolution 11992, incorporating findings, recommending that the City Council approve a Tentative Subdivision Map (PLN2015-306) to create five single family lots and one commonly owned lot, subject to the Conditions of Approval; resolution 11993, incorporating findings, recommending that the City Council approve a Planned Development Permit (PLN2015-305) for site configuration resulting in the development of five units, architectural design, and creation of lots which do not have frontage on a public street, subject to Conditions of Approval; resolution 11994, incorporating findings, recommending that the City Council approve a Parking Modification Permit (PLN2016-068) to allow uncovered parking in lieu of covered, subject to Conditions of Approval; resolution 11995, incorporating findings, recommending that the City Council approve Tree Removal Permit (PLN2015-310) to allow for the removal of protected trees, subject to Conditional of Approval and take first reading of Ordinance 2203 incorporating findings, recommending that the City Council approve a Zoning Map Amendment (PLN 2015-307) to change the Zoning district designation from R-M (Multiple-Family Residential) to P-D (Planned Development). 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 2203.

M/S: Gibbons/Kotowski – that the City Council waive further reading of Ordinance 2203. Motion was adopted unanimously.

13. **City-initiated Text Amendment to Campbell Municipal Code to Include Vaping as a Form of Smoking (Introduction of Ordinance/Roll Call Vote)**

Recommended Action: Take first reading and introduce an ordinance approving a city-initiated text amendment to the Campbell Municipal of Section 6.11.110 to include vaping as a form of smoking.

This is the time and place for a public hearing to approve a city-initiated text amendment to the Campbell Municipal to include vaping as a form of smoking.

City Attorney Seligmann presented staff report dated June 7, 2016.

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

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

After discussion, **M/S: Gibbons/Kotowski – that the City Council take first reading and introduce ordinance 2204 approving a city-initiated text amendment to the Campbell Municipal of Section 6.11.110 to include vaping as a form of smoking. Motion was adopted by the following roll call vote:**

AYES: Councilmembers: Kotowski, Resnikoff, Gibbons, Baker

NOES: Councilmembers: Cristina

City Clerk Wood read the title of Ordinance 2204.

M/S: Gibbons/Kotowski – that the City Council waive further reading of Ordinance 2204. Motion was adopted unanimously.

14. **City Council Compensation Adjustment (Introduction of Ordinance/Roll Call Vote)**

Recommended Action: Provide direction of Council compensation for 2017 and introduce an ordinance should that be Council's direction.

This is the time and place for a public hearing to discuss City Council Compensation.

Deputy City Manager Bito presented staff report dated June 7, 2016.

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

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

M/S: Gibbons/Kotowski – that the City Council take first reading and introduce ordinance 2205 adjusting City Council compensation by an increase of five percent. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Gibbons, Baker

NOES: Councilmembers: Cristina

City Clerk Wood read the title of Ordinance 2205.

M/S: Gibbons/Resnikoff – that the City Council waive further reading of Ordinance 2205. Motion was adopted unanimously.

15. **Introduction of FY 17 Operating and Capital Budget**

Recommended Action: Review the proposed fiscal year 2016-17 (FY 17) operating & capital budget as presented; provide direction to staff to proceed with finalizing the budget; and establish June 21, 2016 as the date for a public hearing and adoption of the FY 17 Operating and Capital Budget, as well as the Gann Spending Limit.

This is the time and place for a public hearing to review the proposed fiscal year 2016-17 (FY 17) operating & capital budget as presented; provide direction to staff to proceed with finalizing the budget; and establish June 21, 2016 as the date for a public hearing and adoption of the FY 17 Operating and Capital Budget, as well as the Gann Spending Limit.

City Manager Linder gave opening remarks.

Finance Director, Takahashi presented staff report dated June 7, 2016.

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

Mike Krisman, Campbell resident, thanked Council for consideration of funding projects in the Campbell Neighborhood Village Area, suggested possible funding for a Camden Avenue project, and thanked staff for all their work on the neighborhood plan.

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

There was discussion by a majority of Council regarding a matrix for new positions as well as an allocation of money for the Campbell Village Neighborhood to fund short term improvements.

After further discussion, **M/S: Cristina/Kotowski – that the City Council provide direction to staff to proceed with finalizing the budget; and establish June 21, 2016 as the date for a public hearing and adoption of the**

FY 17 Operating and Capital Budget, as well as the Gann Spending Limit. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Cristina, Baker

NOES: Councilmembers: Gibbons

Mayor Baker stated there would be a 10 minute recess.

Council reconvened at 10:16 p.m.

NEW BUSINESS

16. **A Resolution of the City of Campbell Adopting Disclosure Policies and Procedures Related to the Issuance of Municipal Securities (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution approving the Disclosure Policies and Procedures related to issuance of municipal securities to ensure compliance with disclosure obligations of the City under federal securities law.

Finance Director, Takahashi presented staff report dated June 7, 2016.

M/S: Cristina/Gibbons – that the City Council adopt resolution 11996 approving the Disclosure Policies and Procedures related to issuance of municipal securities to ensure compliance with disclosure obligations of the City under federal securities law. Motion was adopted by the following roll call vote:

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

NOES: Councilmembers: None

17. **Adoption of Resolution to establish the new “Campbell Joint Public Finance Authority” and authorize execution of a related Joint Powers Agreement (Resolution/Roll Call Vote)**

Recommended Action: The City Council as the legislative body of the Campbell Industrial Development Authority and the City of Campbell adopt a resolution authorizing the execution of a Joint Exercise of Powers Agreement establishing the Campbell Joint Public Finance Authority.

Finance Director, Takahashi presented staff report dated June 7, 2016.

M/S: Kotowski/Gibbons – that the City Council adopt resolution 11997 authorizing the execution of a Joint Exercise of Powers Agreement establishing the Campbell Joint Public Finance Authority. Motion was adopted by the following roll call vote:

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

NOES: Councilmembers: None

M/S: Resnikoff/Gibbons – that the Campbell Industrial Development Authority adopt resolution 11998 authorizing the execution of a Joint Exercise of Powers Agreement establishing the Campbell Joint Public Finance Authority. Motion was adopted by the following roll call vote:

AYES: Board members: Kotowski, Resnikoff, Cristina, Gibbons, Baker

NOES: Board members: None

City Attorney Seligmann confirmed the signatures of the City of Campbell and the Campbell Industrial Development Authority for the Joint Exercise of Powers Agreement forming the Campbell Joint Public Finance Authority; and stated that the signatures have been released and the Campbell Joint Public Finance Authority is now in effect and authorized to transact business.

The Mayor convened a joint meeting of the City Council and the Board of Directors of the Campbell Joint Public Finance Authority; the members of the City Council are also the members of the Board of Directors of the Campbell Joint Public Finance Authority.

18. **Approval of the Resolution of the Board of Directors of the Campbell Joint Public Finance Authority authorizing the issuance and sale of refunding lease revenue bonds to refinance certain outstanding 1997 Certificates of Participation and 2002 Certificate of Participation and approving related documents and official actions (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the issuance and sale of lease revenue bonds to refinance certain outstanding certificates of participation and approving related documents and actions.

Finance Director, Takahashi presented staff report dated June 7, 2016.

M/S: Resnikoff/Gibbons – that the Board of Directors of the Campbell Joint Public Finance Authority adopt resolution 11999 authorizing the issuance and sale of refunding lease revenue bonds to refinance certain outstanding 1997 Certificates of Participation and 2002 Certificate of Participation and approving related documents and official actions. Motion was adopted by the following roll call vote:

AYES: Board members: Kotowski, Resnikoff, Cristina, Gibbons, Baker

NOES: Board members: None

19. **Resolution of the City Council of the City of Campbell Approving Documents and Actions Relating to the Refinancing of 1997 Certificates of**

Participation and 2002 Certificates of Participation (Resolution/Roll Call Vote)

Recommended Action: Adopt a resolution approving bond documents in connection with the proposed issuance of bonds to refund the City's 1997 and 2002 Certificates of Participation.

Finance Director, Takahashi presented staff report dated June 7, 2016.

M/S: Kotowski/Gibbons – that the City Council adopt resolution 12000 approving bond documents in connection with the proposed issuance of bonds to refund the City's 1997 and 2002 Certificates of Participation. Motion was adopted by the following roll call vote:

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

NOES: Councilmembers: None

20. **Adoption of a Resolution to approve selection of the BMR Administrator and Authorization for the City Manager to Award and Execute the Contract with HouseKeys (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution approving the selection of Nyanda & Associate, LLC, a California Limited Liability Company dba HouseKeys to administer the City's Below Market Rate Program; approve HouseKeys Scope of Work and Budget; and authorize the City Manager to enter into a Professional Service Agreement with Nyanda & Associates, LLC, a California Limited Liability Company dba HouseKeys.

Senior Planner, McCormick presented staff report dated June 7, 2016.

M/S: Gibbons/Resnikoff – that the City Council adopt resolution 12001 approving the selection of Nyanda & Associate, LLC, a California Limited Liability Company dba HouseKeys to administer the City's Below Market Rate Program; approve HouseKeys Scope of Work and Budget; authorize the City Manager to enter into a Professional Service Agreement with Nyanda & Associates, LLC, a California Limited Liability Company dba HouseKeys; and resolution 12002 approving the budget adjustment not to exceed \$30,000 from the City of Campbell Housing Assistance Fund to Nyanda & Associates, LLC, a California limited liability company dba Housekeys for administrative set-up of the City's BMR program. Motion was adopted by the following roll call vote:

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

NOES: Councilmembers: None

21. **Public Art Policy (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution to establish a Council policy on public art.

Deputy City Manager Bito presented staff report dated June 7, 2016.

Alan Zisser, Campbell resident and Civic Improvement Commissioner, spoke about the policy and stated that he would recommend a one percent capital expenditure to be pulled from the City's general fund to use for public art on public land.

Mike Krisman, Campbell resident, presented a letter of support, spoke about public art and a public art fee for developers.

After discussion, **M/S: Resnikoff/Cristina – that the City Council adopt resolution 12003 with the removal of the conditions for impact fees and private property art and remove bullet point in section 5 B that states “Diversity of applicants and proposed expression of art work.” Motion was adopted by the following roll call vote:**

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

NOES: Councilmembers: None

COUNCIL COMMITTEE REPORTS

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

M/S: Cristina/Resnikoff - that the City Council agendaize a discussion on creating a policy that Council meetings will not be held on Election Days. Motion was adopted unanimously.

-- Councilmember Resnikoff attended the State Route 85 Corridor Policy Advisory Board meeting; Valley Transportation Authority Policy Action; Campbell Middle School exhibitions projects; Memorial Day Ceremony; the Downtown Campbell Business Association meeting; and the Finance Subcommittee meeting.

--Councilmember Kotowski attended the Memorial Day Ceremony and thanked everyone for attending.

--Vice Mayor Gibbons attended the Campbell Historical Museum & Ainsley House Foundation meeting, spoke about the upcoming summer concert series and the new exhibit at the museum; attended the Downtown Campbell Business Association meeting; finance subcommittee meeting; Peninsula League of California Cities Dinner; Asian Pacific Islander Celebration held by Assembly Member Low; a seminar presented by the State Bureau of Marijuana on medical marijuana regulations and licensing; the service academy appointments by Congress Woman Eshoo at Moffett Field; and spoke about the upcoming

Chamber luncheon on June 15th with a presentation by the Silicon Valley Community Choice Energy.

--Mayor Baker spoke about the upcoming Valley Transportation Authority Network Meeting in Campbell on June 18th from 11:00 a.m. to 2:00 p.m. at the Campbell Community Center; attended a Valley Transportation Authority meeting; Metropolitan Transportation Commission meeting; and County Library District JPA Board of Directors meeting.

ADJOURN

Mayor Baker adjourned the meeting at 11:29 p.m.

APPROVED:

ATTEST:

Jason T. Baker, Mayor

Wendy Wood, City Clerk



City Council Report

Item: 3.
Category: Consent Calendar
Meeting Date: June 21, 2016

TITLE: Approving Payment of Bills and Claims

RECOMMENDATION

Approve the attached lists of bills and claims for payment in the amount of \$641,157.82.

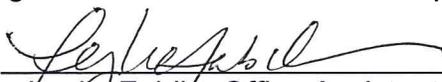
DISCUSSION

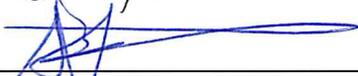
Attached are the lists of bills and claims that have been audited and approved by staff for payments made as noted below:

Type	Check Date	Amount
Bills & Claims	May 30, 2016	\$194,656.95
Payroll	June 2, 2016	\$297,404.01
Bills & Claims	June 6, 2016	\$149,096.86
	Total	\$641,157.82

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: 4.
Category: Consent Calendar
Meeting Date: June 21, 2016

TITLE: EXCESS WORKERS' COMPENSATION COVERAGE RENEWAL

RECOMMENDATION

That the City Council approve the Excess Workers' Compensation Insurance coverage provided by Midwest Employers Casualty Company for the period from July 1, 2016 to June 30, 2018.

DISCUSSION

Leavitt Group, the City's excess workers' compensation insurance broker, has solicited proposals for excess workers' compensation insurance coverage to provide the best value available. Premiums have increased slightly over the past couple of years with rate increases seen between 5-10% this year. Leavitt Group considers brokered insurance quotes to select the most competitive for the City of Campbell. This year we received quotes from Leavitt with rates based on the same coverage and retention that we purchased last year.

Based on the information received and the advice of our insurance broker, staff recommends approving coverage provided by Midwest Employers Casualty Company. Midwest is the only carrier offering a two year quote. It has a minimal 1% rate increase over our 2014 rate and it is locked in until June 30, 2018.

FISCAL IMPACT

The quote provided has a two year premium of \$113,800 with a Self-Insured Retention (SIR) of \$1,000,000 and a \$25,000,000 limit of liability. This is the equivalent to the existing coverage we have.

ALTERNATIVES

1. Do not approve staff recommendation.
2. Request additional quotes for coverage.

Prepared by:


Jill Lopez, Human Resources Manager

Reviewed by:


Jesse Takahashi, Finance Director

Approved by:


Mark Linder, City Manager



City Council Report

Item: 5.
Category: Consent Calendar
Meeting Date: June 21, 2016

**TITLE: RESOLUTION AMENDING PAY RANGES FOR TEMPORARY POSITIONS
(Resolution/Roll Call Vote)**

RECOMMENDATION

That the City Council adopt the attached Resolution amending pay ranges for temporary positions.

DISCUSSION

Pay ranges for temporary positions are typically amended annually each July. Due to the minimum wage adjustment in January 2016, some of the pay ranges were last amended in January 2016.

The proposed adjustments reflected in the attached document consist of a minor Cost-of-Living Adjustment to some of the temporary positions that were found to be below the market level and require adjustments. Additionally, the minimum wage adjustments done in January resulted in compaction issues for some of the Recreation positions and require increases for those impacted positions as well.

Human Resources surveyed other bay area Cities that have comparable temporary positions and the proposed adjustments are based on this survey along with the recommendations of the Department Head.

The Minimum Wage Law will be adjusted again on January 1, 2017 to \$10.50 per hour. Staff proposes a second pay range (Exhibit B) with an effective date of January 1, 2017 reflecting only the minimum wage adjustments. The listing of all temporary positions with current and proposed ranges is shown in Exhibits A and B.

The adoption of changes to this schedule is not intended to be utilized for adjusting salaries currently being paid to all temporary employees, but to reflect current practice and market conditions to serve as a guideline for wage rates.

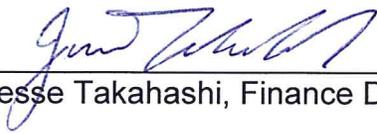
FISCAL IMPACT

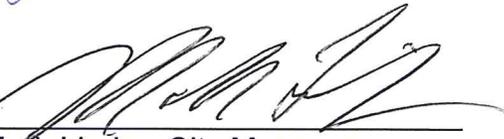
These temporary salary range changes do not translate to increased costs for current temporary employees. They merely provide authorization to compensate temporary positions within ranges that staff believes are reasonable for the individual positions listed. Any increased costs projected for individual temporary employees were included in temporary employee expenditure accounts in the various programs.

ALTERNATIVES

1. Do not adopt the amended pay range schedule.

Prepared by: 
Jill Lopez, Human Resources Manager

Approved by: 
Jesse Takahashi, Finance Director

Approved by: 
Mark Linder, City Manager

Attachment/Exhibits A and B

JULY 2016 PAY RANGES FOR TEMPORARY POSITIONS

<u>Position Title</u>	<u>Current 2016 Salary Range</u>		<u>Proposed 2016 Salary Range</u>	
Accounting Assistant	\$ 27.00	\$ 49.00	\$ 27.00	\$ 49.00
Aerobics Instructor	\$ 21.00	\$ 40.00	\$ 21.00	\$ 40.00
Aquatics/Fitness Specialist/Pool Manager.....	\$ 13.50	\$ 26.00	\$ 13.50	\$ 26.00
Assistant Swim Team Coach	\$ 14.00	\$ 16.25	\$ 14.00	\$ 18.00
Building Attendant	\$ 10.00	\$ 16.85	\$ 10.00	\$ 18.00
Building Inspector	\$ 29.75	\$ 45.00	\$ 29.75	\$ 45.00
CAD Operator	\$ 15.50	\$ 41.50	\$ 15.50	\$ 41.50
Clerical-Admin Support, Records Clerk, others.....	\$ 10.00	\$ 32.00	\$ 10.00	\$ 32.00
Crossing Guard	\$ 14.00	\$ 16.00	\$ 14.00	\$ 16.00
Engineering Assistant.....	\$ 10.50	\$ 22.00	\$ 10.50	\$ 22.00
Engineering Intern	\$ 10.50	\$ 22.00	\$ 10.50	\$ 22.00
Engineering Technician	\$ 16.85	\$ 36.00	\$ 16.85	\$ 36.00
Field Attendant	\$ 10.00	\$ 14.00	\$ 10.00	\$ 16.00
Graphics Technician	\$ 16.85	\$ 33.75	\$ 16.85	\$ 33.75
Instructor/Lifeguard	\$ 10.00	\$ 15.50	\$ 10.00	\$ 17.00
Intern	\$ 11.25	\$ 22.50	\$ 11.25	\$ 22.50
IT Technician	\$ 35.00	\$ 54.00	\$ 35.00	\$ 54.00
Lifeguard/Lap Swim Program Attendant	\$ 10.00	\$ 15.50	\$ 10.00	\$ 17.00
Maintenance Worker (All).....	\$ 15.00	\$ 26.00	\$ 15.00	\$ 26.00
Mechanic Assistant	\$ 15.00	\$ 26.00	\$ 15.00	\$ 26.00
Mechanic Journeyman	\$ 20.00	\$ 32.00	\$ 20.00	\$ 32.00
Museum Aide	\$ 15.25	\$ 19.75	\$ 15.25	\$ 19.75
Museum Curator/Coordinator.....	\$ 18.50	\$ 21.00	\$ 18.50	\$ 21.00

JULY 2016 PAY RANGES FOR TEMPORARY POSITIONS

<u>Position Title</u>	<u>Current 2016 Salary Range</u>		<u>Proposed 2016 Salary Range</u>	
Planner	\$ 30.00	\$ 54.00	\$ 30.00	\$ 54.00
Pre-School Instructor/Teacher.....	\$ 15.50	\$ 26.00	\$ 15.50	\$ 26.00
Pre-School Teacher's Aide.....	\$ 12.00	\$ 18.75	\$ 12.00	\$ 18.75
Project Engineer	\$ 34.50	\$ 52.00	\$ 34.50	\$ 52.00
Project Manager	\$ 26.00	\$ 68.50	\$ 26.00	\$ 68.50
Public Safety Assistant	\$ 26.00	\$ 36.00	\$ 26.00	\$ 36.00
Public Safety Dispatcher.....	\$ 25.00	\$ 43.00	\$ 25.00	\$ 43.00
Public Works Inspector	\$ 22.50	\$ 62.50	\$ 22.50	\$ 62.50
Recreation Leader I	\$ 10.00	\$ 11.00	\$ 10.00	\$ 11.00
Recreation Leader II	\$ 10.00	\$ 11.00	<u>\$ 11.00</u>	<u>\$ 12.50</u>
Recreation Leader III	\$ 11.50	\$ 15.50	<u>\$ 12.50</u>	<u>\$ 16.50</u>
Recreation Specialist	\$ 15.00	\$ 20.00	<u>\$ 16.50</u>	<u>\$ 22.00</u>
Relief Food Server/Senior Nutrition Program.....	\$ 10.00	\$ 12.00	\$ 10.00	<u>\$ 14.00</u>
Relief Site Manager/Senior Nutrition Program.....	\$ 10.75	\$ 15.50	<u>\$ 12.50</u>	<u>\$ 16.50</u>
Senior Instructor/Lifeguard	\$ 10.75	\$ 15.50	<u>\$ 11.75</u>	<u>\$ 17.00</u>
Senior Recreation Specialist.....	\$ 21.00	\$ 32.00	<u>\$ 22.00</u>	<u>\$ 34.00</u>
Signal & Lighting Technician and Assistant.....	\$ 11.25	\$ 28.00	\$ 11.25	\$ 28.00
Skate Park Attendant	\$ 10.00	\$ 16.00	\$ 10.00	\$ 16.00
Special Interest Class Instructor.....	\$ 15.50	\$ 41.50	\$ 15.50	\$ 41.50
Sports Official	\$ 12.00	\$ 25.00	\$ 12.00	\$ 25.00
Sports Attendant/Scorekeeper.....	\$ 10.00	\$ 18.00	\$ 10.00	\$ 18.00
Swim Team Coach.....	\$ 16.00	\$ 27.00	\$ 16.00	\$ 27.00
Traffic Engineering Assistant, Traffic Assistant.....	\$ 10.50	\$ 22.00	\$ 10.50	\$ 22.00
Work Crew Supervisor.....	\$ 15.00	\$ 28.00	\$ 15.00	\$ 28.00

JAN 2017 PAY RANGES FOR TEMPORARY POSITIONS

<u>Position Title</u>	<u>Assumed Adopted 2016 Salary Range</u>		<u>Proposed 2017 Salary Range</u>	
Accounting Assistant	\$ 27.00	\$ 49.00	\$ 27.00	\$ 49.00
Aerobics Instructor	\$ 21.00	\$ 40.00	\$ 21.00	\$ 40.00
Aquatics/Fitness Specialist/Pool Manager	\$ 13.50	\$ 26.00	\$ 13.50	\$ 26.00
Assistant Swim Team Coach	\$ 14.00	\$ 18.00	\$ 14.00	\$ 18.00
Building Attendant	\$ 10.00	\$ 18.00	\$ 10.50	\$ 18.00
Building Inspector	\$ 29.75	\$ 45.00	\$ 29.75	\$ 45.00
CAD Operator	\$ 15.50	\$ 41.50	\$ 15.50	\$ 41.50
Clerical-Admin Support, Records Clerk, others	\$ 10.00	\$ 32.00	\$ 10.50	\$ 32.00
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Engineering Assistant	\$ 10.50	\$ 22.00	\$ 10.50	\$ 22.00
Engineering Intern	\$ 10.50	\$ 22.00	\$ 10.50	\$ 22.00
Engineering Technician	\$ 16.85	\$ 36.00	\$ 16.85	\$ 36.00
Field Attendant	\$ 10.00	\$ 16.00	\$ 10.50	\$ 17.00
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Intern	\$ 11.25	\$ 22.50	\$ 11.25	\$ 22.50
IT Technician	\$ 35.00	\$ 54.00	\$ 35.00	\$ 54.00
Lifeguard/Lap Swim Program Attendant	\$ 10.00	\$ 17.00	\$ 10.50	\$ 17.00
Maintenance Worker (All)	\$ 15.00	\$ 26.00	\$ 15.00	\$ 26.00
Mechanic Assistant	\$ 15.00	\$ 26.00	\$ 15.00	\$ 26.00
Mechanic Journeyman	\$ 20.00	\$ 32.00	\$ 20.00	\$ 32.00
Museum Aide	\$ 15.25	\$ 19.75	\$ 15.25	\$ 19.75
Museum Curator/Coordinator	\$ 18.50	\$ 21.00	\$ 18.50	\$ 21.00

JAN 2017 PAY RANGES FOR TEMPORARY POSITIONS

<u>Position Title</u>	<u>Assumed Adopted 2016 Salary Range</u>		<u>Proposed 2017 Salary Range</u>	
Planner	\$ 30.00	\$ 54.00	\$ 30.00	\$ 54.00
Pre-School Instructor/Teacher.....	\$ 15.50	\$ 26.00	\$ 15.50	\$ 26.00
Pre-School Teacher's Aide	\$ 12.00	\$ 18.75	\$ 12.00	\$ 18.75
Project Engineer	\$ 34.50	\$ 52.00	\$ 34.50	\$ 52.00
Project Manager	\$ 26.00	\$ 68.50	\$ 26.00	\$ 68.50
Public Safety Assistant	\$ 26.00	\$ 36.00	\$ 26.00	\$ 36.00
Public Safety Dispatcher	\$ 25.00	\$ 43.00	\$ 25.00	\$ 43.00
Public Works Inspector	\$ 22.50	\$ 62.50	\$ 22.50	\$ 62.50
Recreation Leader I	\$ 10.00	\$ 11.00	<u>\$ 10.50</u>	<u>\$ 11.50</u>
Recreation Leader II	\$ 11.00	\$ 12.50	<u>\$ 11.50</u>	<u>\$ 13.00</u>
Recreation Leader III	\$ 12.50	\$ 16.50	<u>\$ 13.00</u>	<u>\$ 17.00</u>
Recreation Specialist	\$ 16.50	\$ 22.00	<u>\$ 17.00</u>	<u>\$ 23.00</u>
Relief Food Server/Senior Nutrition Program.....	\$ 10.00	\$ 14.00	<u>\$ 10.50</u>	\$ 14.00
Relief Site Manager/Senior Nutrition Program.....	\$ 12.50	\$ 16.50	\$ 12.50	\$ 16.50
Senior Instructor/Lifeguard	\$ 11.75	\$ 17.00	<u>\$ 12.25</u>	<u>\$ 17.50</u>
Senior Recreation Specialist	\$ 22.00	\$ 34.00	<u>\$ 23.00</u>	\$ 34.00
Signal & Lighting Technician and Assistant.....	\$ 11.25	\$ 28.00	\$ 11.25	\$ 28.00
Skate Park Attendant	\$ 10.00	\$ 16.00	<u>\$ 10.50</u>	<u>\$ 18.00</u>
Special Interest Class Instructor	\$ 15.50	\$ 41.50	\$ 15.50	\$ 41.50
Sports Official	\$ 12.00	\$ 25.00	\$ 12.00	\$ 25.00
Sports Attendant/Scorekeeper	\$ 10.00	\$ 18.00	<u>\$ 10.50</u>	\$ 18.00
Swim Team Coach.....	\$ 16.00	\$ 27.00	\$ 16.00	\$ 27.00
Traffic Engineering Assistant, Traffic Assistant	\$ 10.50	\$ 22.00	\$ 10.50	\$ 22.00
Work Crew Supervisor	\$ 15.00	\$ 28.00	\$ 15.00	\$ 28.00

RESOLUTION NO. _____

**RESOLUTION AMENDING PAY RANGES FOR FULL AND PART-TIME
TEMPORARY POSITIONS**

WHEREAS, Section 2.16.010 of the Campbell Municipal Code requires that salaries and wages of all employees of the City be fixed by ordinance or resolution; and

WHEREAS, the City of Campbell does utilize temporary employees in a number of departments where their compensation is an hourly pay rate; and

WHEREAS, a review of the pay ranges previously established by resolution indicates a need for updating.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Campbell does hereby approve the pay range schedules as outlined in the attached Exhibits A and B.

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 Council Report

Item: 6.
Category: Consent Calendar
Meeting Date: June 21, 2016

TITLE: Calling General Municipal Election and Requesting Consolidation of Election in accordance with California Elections Code Section 10418 (Resolution/Roll Call Vote)

RECOMMENDATION:

That the City Council adopt a Resolution calling the General Municipal Election for November 8, 2016, requesting consolidation of election with the Registrar of Voters in accordance with California Elections Code 10418, and levying a fee to each candidate for their Candidate Statement.

BACKGROUND:

A General Municipal Election will be held on November 8, 2016 to elect two City Councilmembers, each to four year terms. The terms of Councilmembers Michael Kotowski and Jason Baker will expire in November 2016. Consistent with term limits, Councilmembers Kotowski and Baker will be completing their second four-year terms in November and are not eligible to run for an additional term.

This resolution begins the process to prepare for said election by calling the General Municipal Election, requesting consolidation of election with the Registrar of Voters, and determining to levy cost of Candidate's Statement.

DISCUSSION:

The nomination period for the November 8, 2016 General Municipal Election begins on Monday, July 18 and ends Friday, August 12, 2016. Nomination papers will be available at the City Clerk's Office during the filing period.

Each candidate has an option to include a Candidates' Statement in the sample ballot. Costs for candidates' statements have escalated in recent years due primarily to increased printing costs, coupled with administrative, handling and typesetting charges. The cost estimate received from the Registrar of Voters for the November 2016 election is \$1,831 per candidate. Because this cost could impact a candidate's ability to include a statement in the sample ballot, the City Council has approved a flat charge of \$300 per candidate beginning with the November 2004 election. This action would be consistent with FPPC Advice Letter A-00-271 which states that the City can absorb the

cost of the Candidate's Ballot Statement. However, the City Council can choose to charge a higher amount to achieve greater cost recovery.

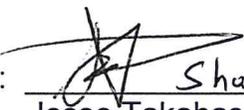
FISCAL IMPACT:

The estimated cost of the 2016 election is \$42,100 plus the cost of four candidate statements of \$7,342, or a total of \$49,442. These amounts are only estimates and are based on the current fee schedule and available data from the Registrar of Voters Office and are subject to change upon final billing. These funds will be allocated in the FY 2017 Budget for this expenditure. Election costs are determined by several factors including administrative costs, number of registered voters and printing of sample ballots, and will be billed by the Registrar of Voters Office following the election.

ALTERNATIVES:

1. Waive the entire fee for Candidate Statement.
2. Assess an amount other than \$300 for the Candidate Statement.
3. Require the candidate to pay full cost of Candidate Statement.

Prepared by: 
Wendy Wood, City Clerk

Reviewed by:  Sharif Etman for
Jesse Takahashi, Finance Director

Approved by: 
Mark Linder, City Manager

RESOLUTION NO. _____

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL CALLING THE GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF CAMPBELL ON NOVEMBER 8, 2016; REQUESTING SERVICES OF THE REGISTRAR OF VOTERS; REQUESTING CONSOLIDATION WITH THE STATEWIDE GENERAL ELECTION IN ACCORD WITH CALIFORNIA ELECTIONS CODE §10418 AND SPECIFYING CERTAIN PROCEDURES FOR THE CONSOLIDATED ELECTION; AND DETERMINING TO LEVY COST OF CANDIDATE'S STATEMENT

THE CITY COUNCIL OF THE CITY OF CAMPBELL DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. A General Municipal Election is scheduled to be held in the City of Campbell on the 8th day of November, 2016 to elect two (2) City Councilmembers, each to a full term of four years.

Section 2. The General Municipal Election hereby called for the date hereinbefore specified shall be and is hereby ordered consolidated with the Statewide General Election and all elections to be held in said jurisdiction and in the City of Campbell on such date, and within the territory affected by the consolidation, and the precincts, polling places and officers of election shall be the same as those established and designated for said election by the Board of Supervisors of the County of Santa Clara.

Section 3. The consolidated election will be held and conducted in the manner prescribed by California Elections Code §10418.

Section 4. Pursuant to Section 10002 of the Elections Code, the City Council hereby requests the Board of Supervisors of the County of Santa Clara to make available the services of the Registrar of Voters for the purpose of performing the usual services in the conduct of the Consolidated Election, including the provision of election supplies and voters' pamphlets. The Board of Supervisors of the County of Santa Clara is hereby authorized to canvass the returns of said election, and said election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

Section 5. The City Clerk is hereby directed to file with the Board of Supervisors and the Registrar of Voters of the County of Santa Clara certified copies of this Resolution at least eighty-eight (88) days prior to the herein referenced General Municipal Election.

Section 6. The City Clerk shall publish Notice of said Election as required by Section 12112 of the Elections Code.

Section 7. In accord with Section 13307 of the Elections Code, the City Council hereby determines to levy against each candidate availing himself or herself of the service

including a Candidate's Statement not to exceed two hundred (200) words in length in the voters pamphlet a charge of \$300 for printing and handling the Candidate's statement. The City Clerk shall provide written notice to such effect with each set of nomination papers issued. Candidates shall not be permitted to submit materials other than the Candidate's Statement with the sample ballot and voters' pamphlets.

Section 8. The polls for said election shall be opened at 7:00 a.m. of the day of said election, and shall remain open continuously from said time until 8:00 p.m. of the same day, when said polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

PASSED AND ADOPTED this _____ day of June, 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: 7.
Category: Consent Calendar
Meeting Date: June 21, 2016

TITLE: Ordinance 2203 Approving a Zoning Map Amendment (PLN2015-307) to Change the Zoning District Designation from R-M (Multiple-Family Residential) to P-D (Planned Development) for the Project Located at 180 Redding Road. (Ordinance Second Reading/Roll Call Vote)

RECOMMENDATION:

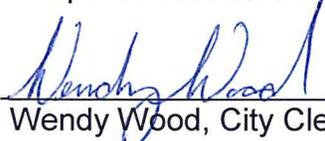
That the City Council approve the second reading of Ordinance 2203 approving a Zoning Map Amendment (PLN2015-307) to change the zoning district designation from R-M (Multiple-Family Residential) to P-D (Planned Development).

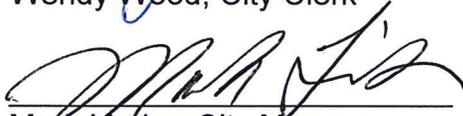
DISCUSSION:

On June 7, 2016, the City Council gave first reading to Ordinance 2203. Second reading of Ordinance 2203 will approve a Zoning Map Amendment (PLN2015-307) to change the zoning district designation from R-M (Multiple-Family Residential) to P-D (Planned Development) for project located at 180 Redding Road. Ordinance 2203 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

Attachment – Ordinance 2203

ORDINANCE NO. 2203

BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL APPROVING A ZONING MAP AMENDMENT (PLN2015-307) TO CHANGE THE ZONING DISTRICT DESIGNATION FROM R-M (MULTIPLE-FAMILY RESIDENTIAL) TO P-D (PLANNED DEVELOPMENT) FOR THE PROJECT LOCATED AT **180 REDDING ROAD**.

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

The City Council finds as follows with regard to the recommended approval of a Zoning Map Amendment (PLN2015-307):

Environmental Finding

1. An Initial Study has been prepared for the project which provides documentation for the factual basis for concluding that a Mitigated Negative Declaration may be adopted since no substantial evidence exists, in light of the whole record, that the project may have a significant effect on the environment as conditioned.

Evidentiary Findings

1. The proposed project ("project") includes a proposal for a Tentative Subdivision Map to allow subdivision of the project site into five single-family residential parcels, ranging from approximately 1,170 to 1,896 square feet in area. The project also includes a common lot consisting of a single private street and driveway for the subdivision, which takes access the south side of Redding Road. Required land use entitlements for the project include a Planned Development Permit (PLN2015-305) for the approval of site configuration, architectural design and to create lots which do not have frontage on a public street, Tentative Subdivision Map (PLN2015-0306) to create five single family lots and one commonly owned lot, Zoning Map Amendment (PLN2015-0307) to change the zoning from R-M (Multiple-Family Residential) to P-D (Planned Development), Parking Modification Permit (PLN2016-068) (to allow uncovered parking in lieu of covered) and Tree Removal Permit (PLN2015-310) to allow removal of protected trees.
2. The project site consists of a single rectangular parcel (15,470 sq. ft. net / 17,270 gross sq. ft.) located on Redding Road between White Oaks Road and S. Bascom Avenue.
3. The project site is zoned R-M (Residential Multifamily) as shown on the Campbell Zoning Map and will be rezoned to P-D (Planned Development).
4. The project site is designated Low-Medium Density Residential (6-13 Units / Gr. Acre) as shown on the Campbell General Plan Map.

5. The project site is bordered by Planned Development Zoning to the north, east and south, and further to the west with the exception of the abutting property to the west which has not yet been redeveloped.
6. The proposed residential project, at a density of 12.6 Units/Gr. Acre, is consistent with the allowable land use and maximum density permitted by the Low-Medium Density Residential General Plan land use designation and would be allowed in the P-D (Planned Development) Zoning District with the approval of a Planned Development Permit.
7. The proposed Planned Development Permit may be approved concurrently, and subject to, a Tentative Subdivision Map, and Zoning Map Amendment.

Based upon the foregoing findings of fact, the City Council further finds and concludes that:

8. The proposed amendment is consistent with the goals, policies, and actions of the General Plan.
9. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the city.
10. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.
11. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation(s) and anticipated land uses/project.

SECTION ONE: That this Ordinance be adopted to approve a Zoning Map Amendment (PLN2015-307) to amend the Zoning Map designation from R-M (Residential Multifamily) to P-D (Planned Development) for property located at **180 Redding Road**, as depicted by **Exhibit A**.

SECTION TWO: 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.

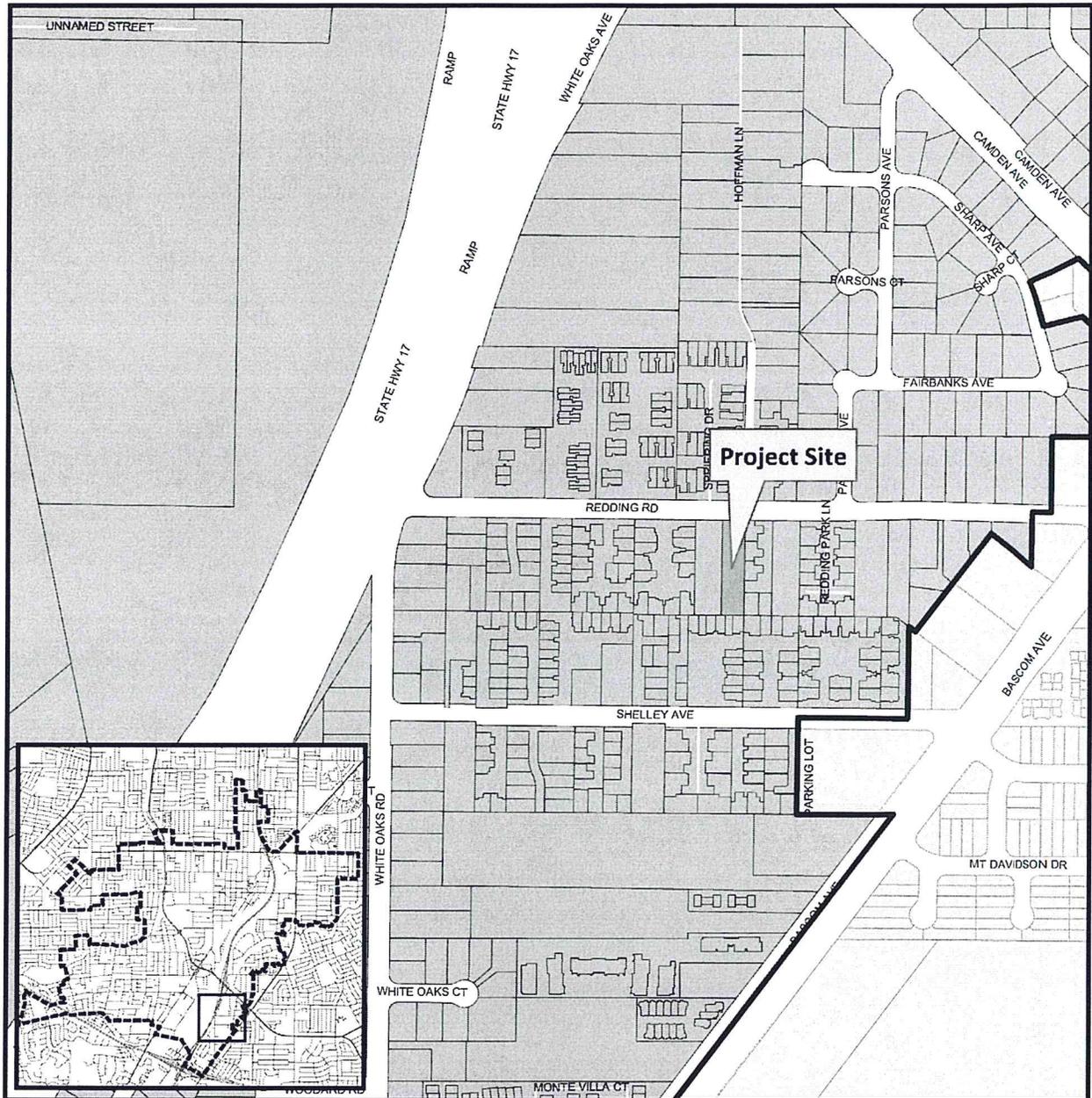
PASSED AND ADOPTED this _____ day of _____, 2016, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

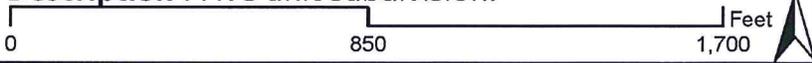
APPROVED: _____
Jason T. Baker, Mayor

ATTEST: _____
Wendy Wood, City Clerk

Project Location Map



<p>Project Location: 180 Redding Road</p> <p>Application Type: Planned Development Permit, Tentative Subdivision Map, Zoning Map Amendment, Tree Removal Permit, Parking Modification Permit</p> <p>Planning File No.: PLN2015-305 thru 310, PLN2016-68</p> <p>Description : Five unit subdivision.</p>	 <p>Community Development Department Planning Division</p>
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MEMORANDUM



City of Campbell
City Manager's Department

To: Honorable Mayor Baker and City Council Members **Date:** June 21, 2016
From: Stephen Rose, Associate Planner
Via: Mark Linder, City Manager
Subject: Item 7 - 180 Redding Road; Corrected Ordinance

On the second page of the City Council Ordinance for 180 Redding Road, the following declarative sentence was missing and has been added between the end of the project findings and the start of Section One:

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

The Ordinance provided as a desk item, reflects the corrected version of the Ordinance.

ORDINANCE NO. _____

BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL APPROVING A ZONING MAP AMENDMENT (PLN2015-307) TO CHANGE THE ZONING DISTRICT DESIGNATION FROM R-M (MULTIPLE-FAMILY RESIDENTIAL) TO P-D (PLANNED DEVELOPMENT) FOR THE PROJECT LOCATED AT **180 REDDING ROAD**.

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

The City Council finds as follows with regard to the recommended approval of a Zoning Map Amendment (PLN2015-307):

Environmental Finding

1. An Initial Study has been prepared for the project which provides documentation for the factual basis for concluding that a Mitigated Negative Declaration may be adopted since no substantial evidence exists, in light of the whole record, that the project may have a significant effect on the environment as conditioned.

Evidentiary Findings

1. The proposed project ("project") includes a proposal for a Tentative Subdivision Map to allow subdivision of the project site into five single-family residential parcels, ranging from approximately 1,170 to 1,896 square feet in area. The project also includes a common lot consisting of a single private street and driveway for the subdivision, which takes access the south side of Redding Road. Required land use entitlements for the project include a Planned Development Permit (PLN2015-305) for the approval of site configuration, architectural design and to create lots which do not have frontage on a public street, Tentative Subdivision Map (PLN2015-0306) to create five single family lots and one commonly owned lot, Zoning Map Amendment (PLN2015-0307) to change the zoning from R-M (Multiple-Family Residential) to P-D (Planned Development), Parking Modification Permit (PLN2016-068) (to allow uncovered parking in lieu of covered) and Tree Removal Permit (PLN2015-310) to allow removal of protected trees.
2. The project site consists of a single rectangular parcel (15,470 sq. ft. net / 17,270 gross sq. ft.) located on Redding Road between White Oaks Road and S. Bascom Avenue.
3. The project site is zoned R-M (Residential Multifamily) as shown on the Campbell Zoning Map and will be rezoned to P-D (Planned Development).
4. The project site is designated Low-Medium Density Residential (6-13 Units / Gr. Acre) as shown on the Campbell General Plan Map.

5. The project site is bordered by Planned Development Zoning to the north, east and south, and further to the west with the exception of the abutting property to the west which has not yet been redeveloped.
6. The proposed residential project, at a density of 12.6 Units/Gr. Acre, is consistent with the allowable land use and maximum density permitted by the Low-Medium Density Residential General Plan land use designation and would be allowed in the P-D (Planned Development) Zoning District with the approval of a Planned Development Permit.
7. The proposed Planned Development Permit may be approved concurrently, and subject to, a Tentative Subdivision Map, and Zoning Map Amendment.

Based upon the foregoing findings of fact, the City Council further finds and concludes that:

8. The proposed amendment is consistent with the goals, policies, and actions of the General Plan.
9. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the city.
10. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.
11. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation(s) and anticipated land uses/project.

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

SECTION ONE: That this Ordinance be adopted to approve a Zoning Map Amendment (PLN2015-307) to amend the Zoning Map designation from R-M (Residential Multifamily) to P-D (Planned Development) for property located at **180 Redding Road**, as depicted by **Exhibit A**.

SECTION TWO: 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.

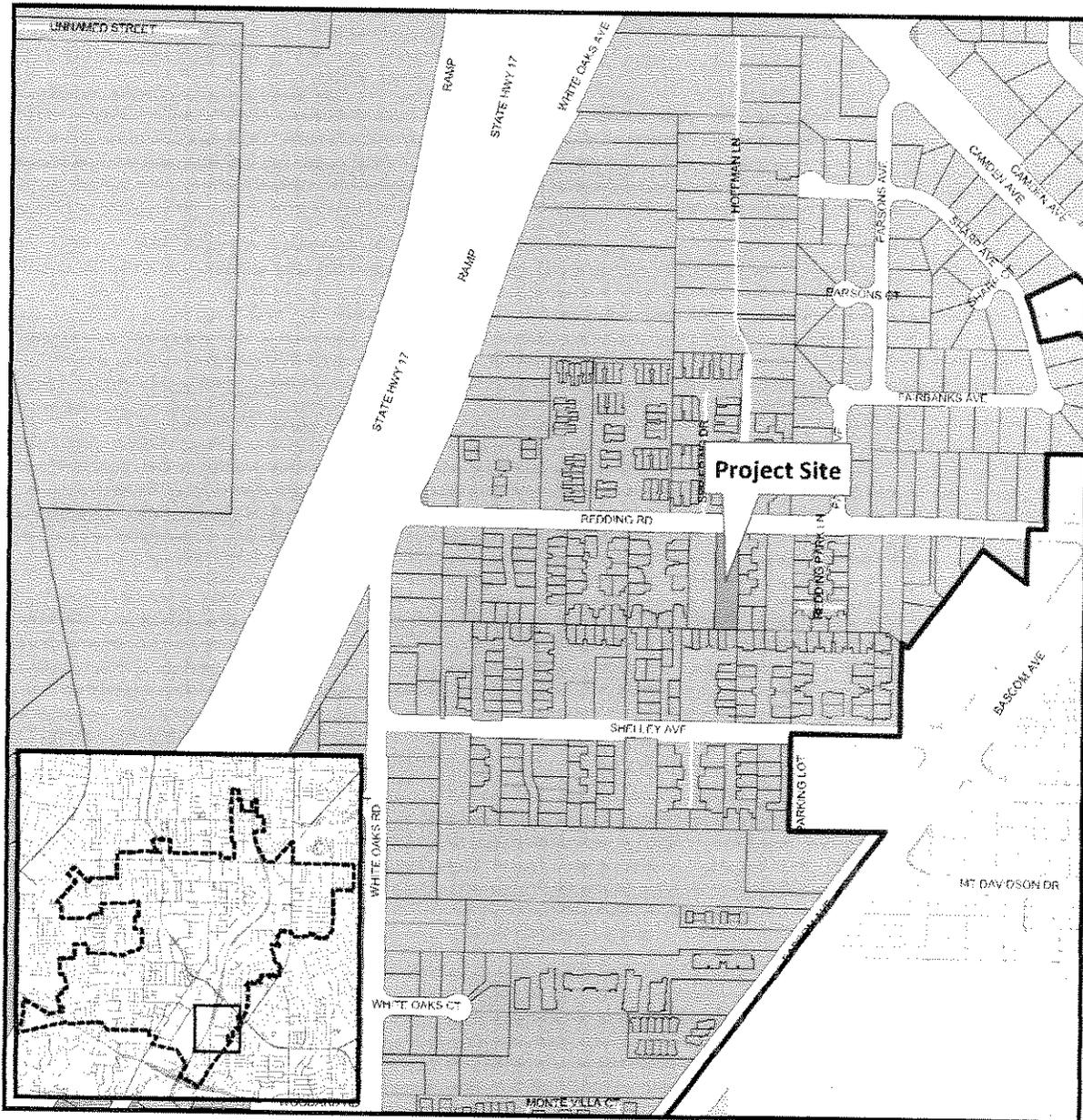
PASSED AND ADOPTED this _____ day of _____, 2016, by the following roll call vote:

- AYES: COUNCILMEMBERS:
- NOES: COUNCILMEMBERS:
- ABSENT: COUNCILMEMBERS:
- ABSTAIN: COUNCILMEMBERS:

APPROVED: _____
Jason T. Baker, Mayor

ATTEST: _____
Wendy Wood, City Clerk

Project Location Map

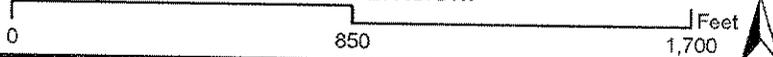


Project Location: 180 Redding Road

Application Type: Planned Development Permit,
Tentative Subdivision Map, Zoning Map Amendment,
Tree Removal Permit, Parking Modification Permit

Planning File No.: PLN2015-305 thru 310, PLN2016-68

Description : Five unit subdivision.



Community Development Department
Planning Division



City Council Report

Item: 8.
Category: Consent Calendar
Meeting Date: June 21, 2016

TITLE: Ordinance 2204 Approving a City-Initiated Text Amendment to the Campbell Municipal Code to Include Vaping as a Form of Smoking (Ordinance Second Reading/Roll Call Vote)

RECOMMENDATION:

That the City Council approve the second reading of Ordinance 2204 approving a city-initiated text amendment to Campbell Municipal Code Section 6.11.110 to include vaping as a form of smoking.

DISCUSSION:

On June 7, 2016, the City Council approved the first reading to Ordinance 2204 by a vote of 4-1, Councilmember Cristina voted no. Second reading of Ordinance 2204 will approve an amendment to the Campbell Municipal Code Section 6.11.110 to include vaping as a form of smoking. Ordinance 2204 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

Attachment – Ordinance 2204

Ordinance No. 2204

BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
AMENDING CAMPBELL MUNICIPAL CODE SECTION 6.11.110 TO INCLUDE
VAPING AS A FORM OF SMOKING

The City Council of the City of Campbell does ordain as follows:

SECTION 1: Section 6.11.110 is amended to read as follows, with strikeouts (~~strikeouts~~) indicating deleted text and underlining (underlining) indicating added text:

6.11.110 - Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

(1) "Bar, tavern, lounge or nightclub" means a facility primarily devoted to the serving of alcoholic beverages, in which the serving of food is incidental. A bar, tavern, lounge or nightclub can be freestanding, but also includes those facilities located within a hotel or motel or other transient occupancy establishment. When a bar, tavern, lounge or nightclub is located in conjunction with another use, such as a restaurant, the definition of bar or tavern applies only to those areas used primarily for the sale and service of alcoholic beverages. Bar, tavern, lounge or nightclub does not include the dining areas of a restaurant, regardless of whether alcohol is served in them.

(2) "Business" means any sole proprietorship, partnership, joint venture, corporation, association and includes any commercial or industrial establishment, including, but not limited to, the common areas of a building which leases space to one or more commercial or industrial tenants.

(3) "Dining area" means any area of a business, which is available to or customarily used by the general public or an employee, and is designed, established, or regularly used for consuming food or drink regardless if located on public or private property or whether enclosed or unenclosed.

(4) "Electronic smoking device" means an electronic and/or battery operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of vapors including nicotine or other substances. "Electronic smoking device" includes any such electronic smoking devices, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. "Electronic smoking device" does not include any product specifically approved by the United States Food and Drug Administration for use in the mitigation, treatment or prevention of diseases.

~~(4)~~ (5) "Employee" means any person who is employed or retained as an independent contractor by any employer or nonprofit entity in consideration for direct or indirect monetary wages or profit or any person who volunteers his or her services for an employer or nonprofit entity.

~~(5)~~ (6) "Employer" means any person, business or nonprofit entity that retains the services of one or more employees.

~~(6)~~ (7) "Enclosed area" means an area in which outside air cannot circulate freely to all parts of the area, and includes an area that has any type of overhead cover whether or not that cover includes vents or other openings and at least three walls or other vertical boundaries of any height whether or not those boundaries include vents or other openings; or four walls or other vertical boundaries that exceed six feet in height whether or not those boundaries include vents or other openings.

~~(7)~~ (8) "Gaming club" means any gaming club as defined in Section 19802 of the Business and Professions Code or bingo facility as defined in Section 326.5 of the Penal Code that restricts access to minors under the age of eighteen.

~~(8)~~ (9) "Lobby" means the common public area of a hotel/motel in which registration and other similar activities are conducted and in which the establishment's guests and members of the public congregate.

~~(9)~~ (10) "Motion picture theater" means any theater engaged in the business of exhibiting motion pictures.

~~(10)~~ (11) "Person" means any natural person, business, cooperative association, nonprofit entity, personal representative, receiver, trustee, assignee, or other legal entity including government agencies.

~~(11)~~ (12) "Place of employment" means any area under the legal or de facto control of an employer, that an employee or the general public may have cause to enter in the normal course of the operations, regardless of the hours of operation.

~~(12)~~ (13) "Place of public assembly" means a room or chamber in which a public entity conducts a public meeting.

~~(13)~~ (14) "Public place" means any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to banks, educational facilities, health facilities, public transportation facilities, reception areas, restaurants, retail stores, retail service establishments, retail food establishments and waiting rooms. A private residence is not a "public place."

~~(14)~~ (15) "Public recreational area" means any area that is owned or operated by the City of Campbell and open to the general public for recreational purposes, regardless of any fee or age requirement. The term "recreational area" includes, but is not limited to the community center, the public area located between city hall and the Campbell library commonly known as the orchard city green, parks, playgrounds, sports fields, walking

paths, gardens, hiking trails, bike paths, trails, swimming pools, roller-and ice-skating rinks, and skateboard parks.

~~(15)~~ (16) "Reasonable distance area" means a distance of twenty feet in any direction from any doorway, window opening, crack, or vent of any area where smoking is prohibited under Section 6.11.020 of this chapter, except while actively passing on the way to another destination. Nothing in this definition shall limit or reduce the minimum smoking prohibition distance requirements for any publicly owned or utilized building or structure, subject to state or federal regulations.

~~(16)~~ (17) "Restaurant" means any coffee shop, cafeteria, luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain, private and public school cafeteria or eating establishment, and any other eating establishment, or organization, club, including veterans' club, boardinghouse, or guesthouse which gives or offers for sale food to the public, guests, patrons or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering functions, except that the term "restaurant" shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a "bar" as defined in subsection (1) of this section.

~~(17)~~ (18) "Service area" means any publicly or privately owned area, including streets and sidewalks, that is designed to be used or is regularly used by one or more persons to receive a service, wait to receive a service or to make a transaction, whether or not such service or transaction includes the exchange of money. The term "Service Area" includes, but is not limited to, information kiosks, automatic teller machines (ATMs), ticket lines, bus stops or shelters, mobile vendor lines or cab lines.

~~(18)~~ (19) "Smoke" means the any gases, vapors and/or particles released into the air by combustion, electrical ignition, or vaporization when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the resulting byproducts combustion products, such as, for example, tobacco smoke, except with when the combustible material contains no tobacco or nicotine and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term "smoke," includes, but is not limited to, tobacco smoke, and vapors from an electronic smoking devise.

~~(19)~~ (20) "Smoking" means engaging in any activity that generates smoke, such as, for example: possessing a lighted pipe, a lighted hookah pipe, a lighted cigar, or a lighted cigarette of any kind; or lighting a pipe, a lighted hookah pipe, a lighted cigar, or a lighted cigarette of any kind, or a heated or activated electronic smoking devise.

~~(20)~~ (21) "Theatrical productions" means any movie and television production set (indoor or outdoor) and live theater.

~~(21)~~ (22) "Tobacco product" means any substance containing tobacco leaf, and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that

the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

~~(22)~~ (23) "Tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

~~(23)~~ (24) "Unenclosed area" means any area that is not an enclosed area.

~~(24)~~ (25) "Warehouse facility" means a warehouse facility with more than one hundred thousand square feet of total floor space, and twenty or fewer full-time employees working at the facility, but does not include any area within such a facility that is utilized as office space.

~~(25)~~ (26) "Workplace" means any enclosed places of employment with walls and a ceiling. Partitioned, individual offices within a larger office space are included, since they are within a larger building. Individual offices with doors within a larger office space are included, since they are within a larger building. Indoor restaurants are also included, since they are considered enclosed places of employment.

A private residence is not a workplace, except for those residences licensed as family day care homes. In those cases, Smoking is prohibited during the hours when the home is used as a family day care home and in the presence of children.

SECTION 2: This Ordinance shall become effective (30) days following its passage and adoption and shall be published once 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



City Council Report

Item: 9.
Category: Consent Calendar
Meeting Date: June 21, 2016

TITLE: Ordinance 2205 Approving a City Council Compensation Adjustment (Ordinance Second Reading/Roll Call Vote)

RECOMMENDATION:

That the City Council approve the second reading of Ordinance 2205 approving an adjustment to the City Council compensation for 2017.

DISCUSSION:

On June 7, 2016, the City Council approved the first reading to Ordinance 2205 by a vote of 4-1, Councilmember Cristina voted no. Second reading of Ordinance 2205 will approve the City Council Compensation adjustment for 2017. Ordinance 2205 will amend Council salaries from \$650.90 per month to \$683.45 per month, effective January 15, 2017, in accordance with government Code Section 36516.

FISCAL IMPACT:

The additional cost for Fiscal Year 2017 (January 2017 to June 2017) is \$976.50, and the funds will be built into the budget to support this increase.

Prepared by: 
Wendy Wood, City Clerk

Reviewed by:  Sharif Etman for
Jesse Takahashi, Finance Director

Approved by: 
Mark Linder, City Manager

Attachment – Ordinance 2205

ORDINANCE NO. 2205

**BEING AN ORDINANCE OF THE CITY OF CAMPBELL
ADJUSTING CITY COUNCIL COMPENSATION**

The City Council of the City of Campbell does ordain as follows:

SECTION ONE: Pursuant to California Government Code §36516, the monthly salary of each member of the City Council shall be increased from \$650.90 per month to \$683.45 per month, to commence on January 15, 2017.

SECTION TWO: This ordinance shall become effective thirty days following its passage and adoption, and shall be published once within fifteen 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



City Council Report

Item: 10.
Category: Consent Calendar
Meeting Date: June 21, 2016

TITLE: Authorization to Submit One Bay Area Grant (OBAG) Application (Resolution/Roll Call Vote)

RECOMMENDATION

That the City Council adopt the attached resolution authorizing the Public Works Director to submit One Bay Area Grant (OBAG) Program grant applications for the following projects:

1. Surface Transportation Block Grant Program (STBGP) Guarantee Funds
 - a. FY 17/18 Annual Street Maintenance – Arterial Overlay – Winchester Boulevard Project
2. Congestion Mitigation and Air Quality Improvement (CMAQ) Funds
 - a. Campbell Priority Development Area (PDA) Enhancements Project

BACKGROUND

One Bay Area Grant (OBAG) Call for Projects

On November 5, 2012, the Santa Clara Valley Transportation Authority (VTA) issued a Call for Projects for Cycle 1 of the OBAG Program. On January 15, 2013, the City Council adopted Resolution No. 11500 authorizing staff to submit OBAG applications for the Annual Street Maintenance Project for Fiscal Year (FY) 2013/14 and the East Campbell Avenue Portals Project.

On June 6, 2013, the VTA Board of Directors approved \$279,000 in OBAG guaranteed funds toward the Hamilton Avenue Rehabilitation Project (which was a portion of the Annual Street Maintenance Project FY 13/14) and \$3,718,260 in OBAG discretionary funds toward the East Campbell Avenue Portals Project.

In April 2014 staff submitted a PDA Planning grant application for the Transportation Improvement Plan for Campbell PDA Project. The purpose of the Transportation Improvement Plan for Campbell PDA Project was to develop a transportation improvement plan that forms the basis for Campbell to compete for future funding (e.g., OBAG Program) of infrastructure projects that support housing, employment, and services in Campbell's PDA, the Central Redevelopment Area. The project plan goals would be a safe, efficient, attractive transportation system that supports employment and housing near transit, enhances walking and bicycling, improves streetscape design,

and encourages alternative transportation modes in the Campbell PDA. Project objectives would include:

1. Assess infrastructure needs (e.g., gaps in facilities)
2. Recommend typical roadway cross-sections (e.g., sidewalk and lane widths, landscaping, and amenities)
3. Develop project concepts and cost estimates

In August 2014 the VTA Board awarded a PDA grant for the Transportation Improvement Plan for Campbell PDA Project. On May 19, 2015, the City Council adopted Resolution No. 11813 authorizing the City Manager to execute the fund agreement with the Santa Clara Valley Transportation Authority (VTA) for the Campbell Priority Development Area (PDA) Project (a.k.a. the Transportation Improvement Plan for Campbell PDA or TIPC Project).

On May 9, 2016, the VTA issued a Call for Projects for Cycle 2 of the OBAG Program. Funds are available for projects that meet the eligibility requirements for any of the following transportation improvement categories: (1) local streets and roads preservation, (2) bicycle and pedestrian improvements (3) Transportation for Livable Communities (TLC), (4) safe routes to school, and (5) mobility management.

OBAG Fund Source Distribution

OBAG funds are being distributed with 70% of the funding being made available on a competitive process for eligible projects and activities within Priority Development Areas (PDAs) and 30% of the funding being made available to the various cities as a 'guaranteed' allocation. A Priority Development Area is a locally-identified infill development opportunity area within existing communities which is typically in proximity to transit with identifiable housing production opportunities.

Based on formulas developed by VTA for the distribution of the 'guaranteed' OBAG funds, the City of Campbell is eligible to apply for and receive approximately \$503,000 of funds that can be used for road rehabilitation and/or complete streets purposes. These funds are not restricted for use in PDA's, however, as the funding source for this portion of the OBAG program will be Surface Transportation Block Grant Program (STBGP) funds, the use will be restricted to arterials or collector streets that are identified as part of the Federal Aid eligible roadway system.

Santa Clara County OBAG Congestion Mitigation and Air Quality Improvement (CMAQ) funds are available to local agencies for Competitive Complete Streets projects which must be located in PDAs or have proximate access to a PDA. The minimum grant amount requested is \$500,000, which cannot exceed 88.53% of the total project cost. The OBAG program has developed a fairly extensive list of eligibility criteria for these projects.

The PDAs located in or near Campbell include the Central Redevelopment Area in Campbell and the West San Carlos and Southwest Expressway Corridors, Winchester Boulevard TOD Corridor, and Bascom Urban Village in San Jose (see Figure 1). Other eligible areas include transit corridors and stations (existing and planned) and PDA-serving bicycle corridors.

City staff has been working diligently to identify project needs for the City of Campbell, and to develop candidate projects that will meet OBAG program's extensive list of eligibility requirements to submit for the 'guaranteed' program funds as well as for the competitive program funds. Staff is proposing the following projects for submittal to the guaranteed and competitive portions of the OBAG program.

Guarantee Fund Projects (STBGP funding)

FY 17/18 Annual Street Maintenance – Arterial Overlay – Winchester Boulevard Project
The Annual Street Maintenance Project for FY17/18 is anticipated to overlay Winchester Boulevard between Alice Avenue and the north city limits. This street would be eligible for the STBGP funds being offered through the OBAG 'guaranteed' program. Staff is therefore proposing the submittal of an application for the \$503,000 of OBAG guaranteed funds for the FY 17/18 Annual Street Maintenance – Arterial Overlay – Winchester Boulevard Project.

Competitive Complete Streets Projects (CMAQ funding)

Thus far the TIPC Project has featured a Kickoff Meeting where staff shared its thoughts on transportation deficiencies in the PDA with the consultant team. The consultant and staff have also interviewed representatives from the following stakeholders groups: Downtown Campbell Neighborhood Association, Downtown Campbell Business Association (DCBA), Campbell Chamber of Commerce, Campbell City Library, and the Campbell Bicycle and Pedestrian Advisory Committee (BPAC). The result is a draft table cataloging locations with existing conditions, stakeholder input, and recommended improvements.

Based on the draft list of TIPC improvements, staff is proposing the Campbell PDA Enhancements Project that includes the following components.

1. Retrofitting curb ramps at intersections to comply with Americans with Disabilities Act (ADA). Various intersections along Orchard City Drive and Civic Center Drive would be involved.
2. Rectangular rapid flashing beacon systems are proposed at Civic Center Drive/Second Street, Civic Center Drive/Third Street, Orchard City Drive/Second Street, and Orchard City Drive/Central Avenue.
3. New sidewalk on north side of Orchard City Drive between Second and Third Streets. This concept would narrow the width of this block of Orchard City Drive and close a gap in the sidewalk on the north side of the street.

4. Widen sidewalk on south side of Orchard City Drive west of Central Avenue. This concept would provide better visibility and more standing room for pedestrians wishing to cross Orchard City Drive from the south side.
5. Campbell Avenue/Railway Avenue/Civic Center Drive Pedestrian and Bicycle Improvements. This concept would add crosswalks to the north leg of Civic Center Drive and the west leg of Campbell Avenue. To do so, the traffic signal would be modified to provide pedestrian signal poles for the new crosswalks. Green-backed shared lane markings (“sharrows”) are recommended to guide bicyclists through the intersection. Sidewalk would be constructed on the northwest corner of the intersection where the “Downtown Campbell” monument sign would need to be relocated. New sidewalk would extend to the west to meet at the Ainsley Park parking lot driveway. Pedestrian gates would be installed to channelize pedestrians through the light rail at-grade crossing. This concept may also include a green bike box although staff’s understanding is such an experimental device would require authorization from the California Traffic Control Devices Committee (CTCDC) to install and a commitment from the City to prepare before/after studies on the experiment.
6. Harrison Avenue/Salmar Avenue Pedestrian Crossing. This concept would provide a marked crosswalk across the east leg of Salmar Avenue. Staff has not yet discussed this draft concept with the consultant team and has reservations about the impact on the channelization island that currently prevents northbound Harrison Avenue traffic from cutting through to Hamilton Avenue.
7. Bike racks at various locations. The BPAC identified several potential locations for bike racks along Campbell Avenue in the Historic Downtown. Ainsley Park was also a candidate location but may be retrofitted prior to this project.
8. Family-Friendly Bike Route. The BPAC expressed a family-friendly bike boulevard that would begin with East Rincon Avenue and continue along the existing bike route along First Street to Grant Street to Central Avenue. This concept would introduce green-backed sharrows and possibly replace the existing bike route signs along these streets in the Campbell PDA.
9. Central Avenue Sidewalk. The west side of Central Avenue between Civic Center Drive and Campbell Avenue is narrow and has steep driveways that are not ADA-compliant. This concept would replace the sidewalk, curb, gutter, and driveways along the west side of Central Avenue. To match the existing grade of the street, some asphalt concrete paving would need to be replaced.
10. Wayfinding Signs (tentative). Staff has asked VTA to determine whether electronic wayfinding signs are eligible for OBAG funds. At the writing of this report, VTA is still performing research. Wayfinding signs would be installed on Campbell Avenue and would tell motorists the number of available parking spaces in the public parking garages on South First Street and North Second Street, respectively. A counting system and communications system would need to be installed at both garages. There is a potential for a smartphone app that would inform motorists of available parking spaces.

Staff believes the Campbell PDA Enhancements Project would compete well since the project would improve safety and access for pedestrians, bicyclists, and transit users.

The preliminary engineer’s estimate to design and construct the project is approximately \$3,100,000 with the wayfinding sign system and \$2,100,000 without the wayfinding sign system.

OBAG Grant Program Schedule

The OBAG Program schedule is as follows.

OBAG Applications Due Date	July 15, 2016
VTA Committees/Working Groups Review Projects	August/September 2016
VTA Board Approval of Project List	October 6, 2016
VTA Project List Submittal to MTC	October 2016
Local Agencies’ Fund Obligation Requests	November of Fund Program Year

The OBAG funds would become available by the Fall of 2017 at the earliest.

FISCAL IMPACT

Although there is no fiscal impact with the current action, both the guaranteed and the competitive portions of the OBAG program require a minimum local match of 11.47 percent. Based on the projects outlined above, Table 1 provides an estimate of the potential minimum local match that would be required for each project.

Table 1 Project Cost and Funding Summary			
Project Name	Estimated Project Cost	Estimated Grant Request*	Estimated Local Match
<i>STBGP Guarantee Funds</i>			
FY 17/18 Annual Street Maintenance – Arterial Overlay – Winchester Boulevard Project	\$1,500,000	\$503,000	\$65,169
<i>CMAQ Competitive Funds</i>			
Option #1: Campbell PDA Enhancements Projects (with wayfinding sign system)	\$3,100,000	\$2,744,430 ^a \$2,728,000 ^b	\$355,570 ^a \$372,000 ^b
Option #2: Campbell PDA Enhancements Projects (without wayfinding sign system)	\$2,100,000	\$1,859,130 ^a \$1,848,000 ^b	\$240,870 ^a \$252,000 ^b
^a Grant request = 88.53%; local match = 11.47%			
^b Grant request = 88.00%; local match = 12.00%			

Local matching funds for the FY 17/18 Annual Street Maintenance – Arterial Overlay – Winchester Boulevard Project are available in the current project budget and additional appropriations would not be necessary to provide the local match for this project.

OBAG candidate projects competing for CMAQ funds will be scored on a point system based on several factors such as safety, project benefits, gap closure, project readiness, and local match. The scoring system assigns 0 points for 11.47% local match, one point for 12%, two points for 13%, and so on up to ten points for 21% local match. Since local matching funds may be scarce, staff is recommending at most a 12% local match to score one extra point. Staff will look for options to fund the required local match for the CMAQ project listed above through other potential grant programs and the Capital Improvement Program Reserves (CIPR). The next grant cycle is tentatively scheduled for FY 20/21.

ALTERNATIVES

1. Do not submit OBAG Grant application.

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
2. Figure 1 – PDA's in and near Campbell

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
AUTHORIZING THE CITY ENGINEER TO SUBMIT
ONE BAY AREA GRANT (OBAG) PROGRAM GRANT APPLICATIONS**

WHEREAS, the Santa Clara Valley Transportation Authority (VTA) has issued a call for projects for the One Bay Area Grant (OBAG) program; and

WHEREAS, the One Bay Area Grant (OBAG) program call for projects is comprised of two components; and

WHEREAS, the first component of the OBAG call for projects is the City Road Rehabilitation Projects that allocates federal Surface Transportation Block Grant Program (STBGP) Guarantee funds to member agencies based on population and housing production; and

WHEREAS, the STBGP Guarantee allocation for Campbell is \$503,000; and

WHEREAS, the second component of the OBAG call for projects is the City Complete Streets Projects that uses federal Congestion Mitigation and Air Quality Improvement (CMAQ) funds and allows member agencies to compete with each other for the available CMAQ funds; and

WHEREAS, the OBAG program requires a minimum 11.47 percent local match for both the STP Guarantee and CMAQ funds; and

WHEREAS, staff recommends the FY 17/18 Annual Street Maintenance – Arterial Overlay – Winchester Boulevard Project be submitted as City Road Rehabilitation Project using the City’s STP Guarantee funds; and

WHEREAS, staff has identified the Campbell Priority Development Area (PDA) Enhancements Project to be considered for submittal as City Complete Streets Projects to compete for CMAQ funds.

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 One Bay Area Grant (OBAG) Program City Road Rehabilitation Projects grant application for the FY 17/18 Annual Street Maintenance – Arterial Overlay – Winchester Boulevard Project for the City’s STBGP Guarantee funds; and

BE IT FURTHER RESOLVED that the Public Works Director is hereby authorized to submit an OBAG Program City Complete Streets Projects grant application for the Campbell Priority Development Area (PDA) Enhancements Project to compete for OBAG CMAQ funds; and

BE IT FURTHER RESOLVED that the City of Campbell will provide between the required minimum 11.47 percent up to 12 percent in local matching funds should One Bay Area Grant funds be awarded to the City of Campbell.

PASSED AND ADOPTED this 21st day of June, 2016, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS:

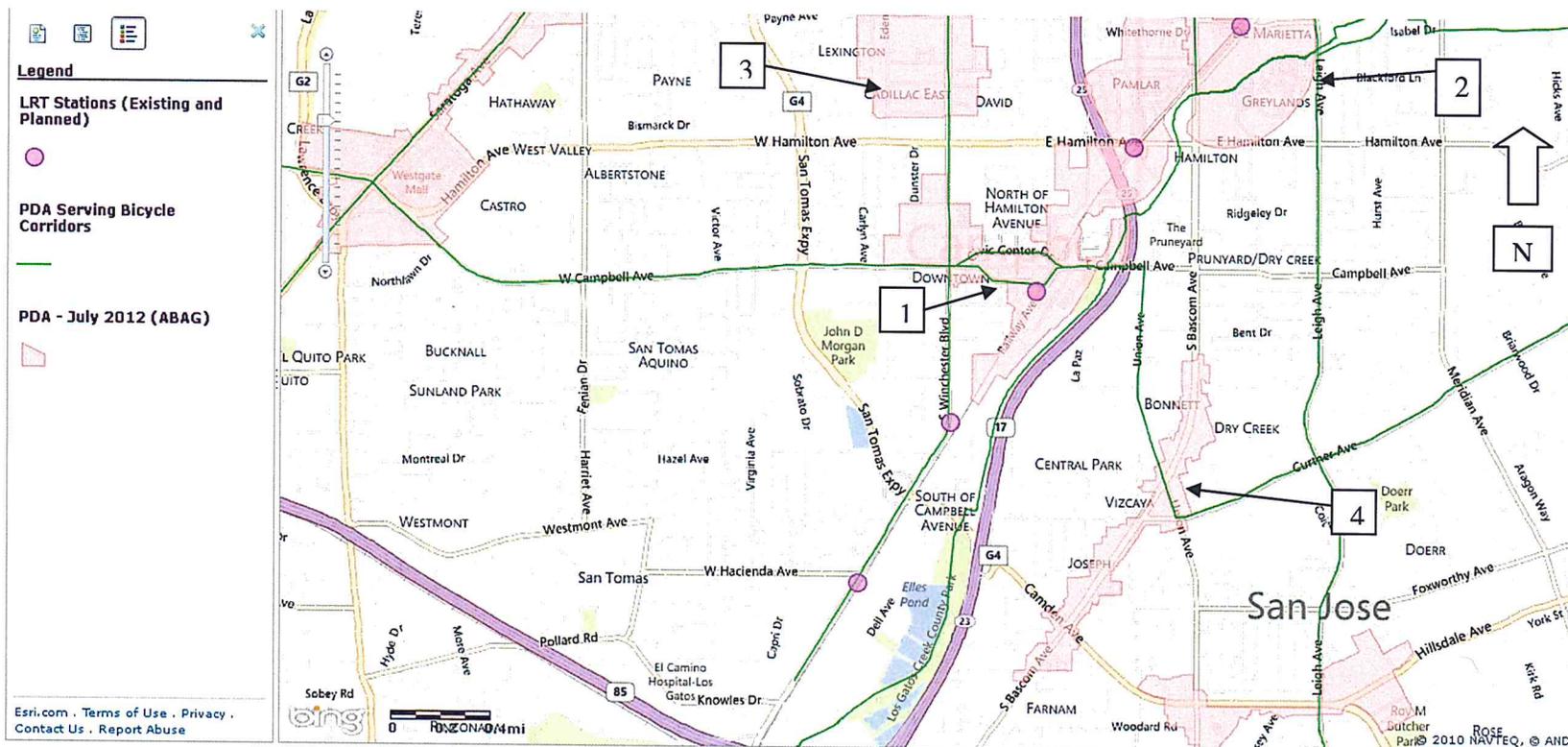
APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk

Figure 1
Priority Development Areas (PDAs) in and near Campbell



PDAs:

1. Central Redevelopment Area
2. West San Carlos and Southwest Expressway Corridors (San Jose)
3. Winchester Boulevard TOD Corridor (San Jose)
4. Bascom Urban Village (San Jose).



City Council Report

Item No.: 11.
Category: Consent Calendar
Meeting Date: June 21, 2016

TITLE: Authorize the Public Works Director to Award and Execute a Construction Contract with JJR Construction for Virginia Avenue Sidewalk Project 14-HH and Approval of a Budget Adjustment (Resolution/Roll Call Vote)

RECOMMENDATION

That the City Council adopt the attached resolution:

1. Authorizing the Public Works Director to award and execute a construction contract to JJR Construction in an amount not to exceed \$950,241 and encumber a construction contingency in an amount not to exceed \$95,024 for a total encumbrance not to exceed \$1,045,265;
2. Authorizing the City Engineer to negotiate and execute contract change orders up to and within the allocated contingency;
3. Approving associated budget adjustment.

BACKGROUND

On February 19, 2013, the City Council adopted Resolution No. 11515 authorizing staff to submit a Vehicle Emissions Reduction Based at Schools (VERBS) Program grant application for the Virginia Avenue Sidewalk Project. The Federally funded VERBS grant program focusses on reducing greenhouse gases by promoting walking, biking, transit, and carpooling to school, targeting grades K-12. The project is consistent with grant goals in that it will provide a continuous ADA compliant sidewalk along Virginia Avenue between Hacienda Avenue and Budd Avenue. The new sidewalk will enhance safety along this important pedestrian route and will encourage students to walk to Capri Elementary School. The grant was awarded in the fall of 2013.

Subsequently, the City Council adopted Resolution No. 11767 on January 20, 2015 authorizing the following:

1. Approving the plans and specifications for the Virginia Avenue Sidewalk Project 14-HH;
2. Authorizing the solicitation of bids;
3. Authorizing the Public Works Director to negotiate and execute a construction contract in an amount not to exceed \$759,000 and encumber a construction contingency in an amount not to exceed \$75,900 for a total encumbrance not to exceed \$834,900;
4. Authorizing the City Engineer to negotiate and execute contract change orders up to and within the allocated contingency;
5. Authorizing associated budget adjustment.

DISCUSSION

Following the adoption of Resolution No. 11767, staff submitted the approved plans, specification, and estimate (PS&E) to Caltrans in accordance with the guidelines governing all federally funded projects. On March 23, 2015, Caltrans, on behalf of US Department of Transportation, issued the Authorization to Proceed for Construction (Form E76).

As a matter of best practice, staff surveyed neighboring agencies for bid prices on similar projects. Agencies that were surveyed included the Town of Los Gatos, the City of Morgan Hill, the City of Santa Clara, the City of Sunnyvale, and the City of Mountain View. Surveyed results showed an unfavorable bidding climate relative to prior years. For example, the approximate cost in 2013 and 2014 for the installation of a typical ADA curb ramp ranged from \$2,800 to \$3,500. In 2015, costs for the same ramp ranged from \$4,000 to \$6,000. Based on this information, the project was temporarily placed on hold with the hope that a more favorable bidding climate would materialize.

Unfortunately, after close to a year of monitoring economic conditions, the more favorable climate has not materialized. After consultation with Caltrans, and factoring in potential complications with the Federal grant funds by creating an additional delay of the project, staff advertised the project for bid on March 30, 2016.

Six bid proposals were received at the May 3, 2016 public bid opening. The results are listed below. A fully detailed bid summary is attached.

	Engineer's Estimate	Dalian Construction	JJR Construction	Wattis Construction	Redgwick Construction	Sposeto Engineering	FBD Vanguard Construction
Base Bid	\$736,079	\$718,180.18	\$896,240.68	\$929,216	\$968,388.50	\$1,021,274	\$1,068,152.80
Add. Alt. A	\$1,500	\$1,000	\$2,000	\$650	\$2,900	\$1,200	\$1,510
Add. Alt. B	\$4,500	\$4,500	\$6,000	\$3,900	\$15,900	\$3,600	\$4,530
Add. Alt. C	\$9,600	\$3,600	\$46,000	\$5,750	\$25,200	\$2,400	\$16,200
Total Bid	\$751,679	\$727,280.18	\$950,240.68	\$939,516	\$1,012,388.50	\$1,028,474	\$1,090,392.80
Base Bid Differing from Engineer's Estimate	0%	-2.43%	21.76%	26.24%	31.56%	38.75%	45.11%

Dalian Construction, Inc. (Dalian) of Bakersfield, CA submitted an apparent low bid of \$727,280, 2.43% below the engineer's estimate. However, all bid proposals for federally funded projects must either meet Disadvantage Business Enterprise (DBE) goals or include proof of Good Faith Effort to meet these goals. Caltrans confirmed that failure to meet DBE goals would render a bid unresponsive. Dalian's proposal did not meet the published DBE goals and, as such, was deemed unresponsive.

The second low bid, submitted by JJR Construction (JJR) of San Mateo, CA, meets the requirements and has been deemed responsive. That base bid of \$896,240 and total bid of \$950,240 are 21.76% and 26% above the engineer's estimate, respectively.

**Virginia Avenue Sidewalk - Project 14-HH
Award Construction Contract
and Approval of Budget Adjustment
June 21, 2016**

Given the value associated with this project related to pedestrian safety, walkability, and the connection to Capri Elementary school, staff recommends moving forward with the project using additional funds that have previously been allocated to other projects. Three projects have been identified as potential sources of funds. The projects are Project 13-AA - ADA Transition Plan, Project 15-FF - Miscellaneous Storm Drain Improvements, and Project 16-CC - Bike/Pedestrian and Traffic Safety Improvements. Funds currently allocated to Projects 13-AA and 16-CC are intended to address pedestrian issues and ADA compliance, directly in line with the project value for the Virginia Avenue Sidewalk Project. Funds from Project 15-FF will allow installation of new storm drain facilities that are necessary for the installation of new sidewalk along Virginia Avenue.

FISCAL IMPACT

The originally anticipated source of funds for the Virginia Avenue Sidewalk Project 14-HH is as follows:

Original Source of Funds

VERBS Grant	\$ 708,240
FY 13/14 CIPR	\$ 91,760
Utility Reimbursement	\$ 34,000
Carryover (Project 12-BB)	\$ 188,836
TOTAL	\$ 1,022,836

In order to continue to take full advantage of the \$708,240 in grant funds, staff is recommending additional funding be allocated to Project 14-HH. The attached budget adjustment would allow the project to proceed as previously approved.

Original Source of Funds

SUBTOTAL	\$ 1,022,836
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Additional Source of Funds

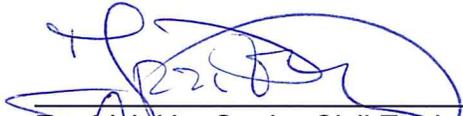
Carryover	
Project 13-AA ADA Transition Plan	\$ 29,993
Project 15-FF Misc. Storm Drain	\$ 72,465
Project 16-CC Bike/Pedestrian and Traffic Safety Improvements	\$ 30,935
Additional Utility Reimbursement	\$ 28,100
SUBTOTAL	\$ 161,493
GRAND TOTAL	\$ 1,184,329

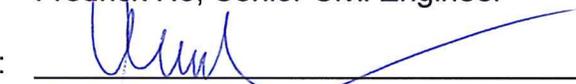
**Virginia Avenue Sidewalk - Project 14-HH
Award Construction Contract
and Approval of Budget Adjustment
June 21, 2016**

Proposed Use of Funds

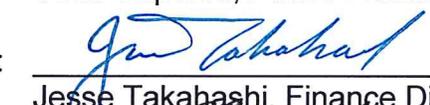
Design (Completed)	\$ 80,114
Construction Engineering (Inspection, Material Testing)	\$ 58,950
Construction (including 10% contingency)	\$ <u>1,045,265</u>
TOTAL	\$ 1,184,329

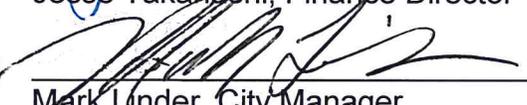
One of the two carryover projects, Project 13-AA, has been completed but continues to maintain a positive accounting balance. The other carryforward project, Project 15-FF, is in the initial planning stage and can be deferred until the transferred funds are replenished from a future allocation of miscellaneous storm drain funds. As for Project 16-CC, staff is recommending transferring \$30,935 to the Virginia Sidewalk Project. The transferred funds will be replaced with the incoming Transportation Development Act (TDA) funds in FY17. Staff will return to the Council for approval to replenish the Project 16-CC fund balance at a later date.

Prepared by: 
Fredrick Ho, Senior Civil Engineer

Reviewed by: 
Amy Olay, City Engineer

Reviewed by: 
Todd Capurso, Public Works Director

Reviewed by: 
Jesse Takahashi, Finance Director

Approved by: 
Mark Linder, City Manager

- Attachment: 1. Resolution
2. Budget Adjustment
3. Detailed Bid Summary

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
AUTHORIZING THE PUBLIC WORKS DIRECTOR TO AWARD AND EXECUTE A
CONSTRUCTION CONTRACT FOR VIRGINIA AVENUE SIDEWALK PROJECT
14-HH AND APPROVING A BUDGET ADJUSTMENT**

WHEREAS, on March 23, 2015, Caltrans, on behalf of US Department of Transportation, issued the Authorization to Proceed for Construction; and

WHEREAS, the project was placed temporarily on hold for a more favorable bidding climate; and

WHEREAS, staff advertised the project for bids on March 30, 2016; and

WHEREAS, the apparent low bidder, Dalian Construction, Inc.'s proposal did not meet Disadvantage Business Enterprise requirements and was deemed unresponsive; and

WHEREAS, the second low bid submitted by JJR Construction (JJR) of San Mateo, CA., with a base bid amount of \$896,240 was deemed responsive; and

WHEREAS, funds are available from carryover projects, Project 13-AA ADA Transition Plan in the amount of \$29,993, and Project 15-FF Misc. Storm Drain in the amount of \$72,465; and

WHEREAS, funds from Project 16-CC Bike/Pedestrian and Traffic Safety Improvements in the amount of \$30,935 will be replaced with the incoming Transportation Development Act (TDA) funds in FY17; and

WHEREAS, a budget adjustment has been prepared.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Campbell:

1. Authorizes the Public Works Director to award and execute a construction contract to JJR Construction in an amount not to exceed \$950,241 and encumber a construction contingency in an amount not to exceed \$95,024 for a total encumbrance not to exceed \$1,045,265;
2. Authorizes the City Engineer to negotiate and execute contract change orders up to and within the allocated contingency; and
3. Approves associated budget adjustment.

**Virginia Avenue Sidewalk - Project 14-HH
Award Construction Contract
and Approval of Budget Adjustment
June 21, 2016**

PASSED AND ADOPTED this 21st day of June, 2016, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS:

APPROVED:

Attest:

Jason T. Baker, Mayor

Wendy Wood, City Clerk

City of Campbell Request for Budget Adjustments

Department/Program	Division	Date	Request No.
Public Works	CIP 14-HH Virginia Avenue Sidewalk Project	June 21, 2016	BA 25 50

Budget to be Reduced

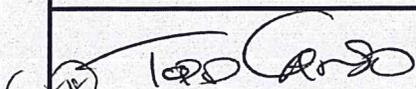
Fund	Account Number	Description	Amount
101	101.13AA.9999	Capital transfers out CIP 13AA ADA Transition Plan	29,993
209	209.15FF.9999	Capital transfers out CIP 15FF Storm Drain Improve	72,465
216	216.16CC.9999	Capital transfers out CIP 16CC Bike/Pedes./Traffic	20,000
216	216.16CC.9999	Capital transfers out CIP 16CC Bike/Pedes./Traffic	10,935
435	435.13AA.7130	Project salary CIP 13AA ADA Transition Plan	7,000
435	435.13AA.7883	Improvement other than building CIP 13AA ADA Transition Plan	22,993
435	435.15FF.7883	Improvement other than building CIP 15FF Storm Drain Improve	72,465
435	435.16CC.7883	Improvement other than building CIP 16CC Bike/Pedes./Traffic	20,000

Budget to be Increased

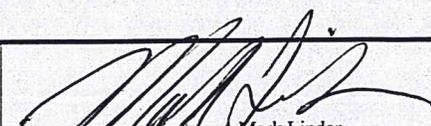
Fund	Account Number	Description	Amount
101	101.14HH.9999	Capital transfers out CIP 14HH Virginia Ave Sidewalk	29,993
209	209.14HH.9999	Capital transfers out CIP 14HH Virginia Ave Sidewalk	72,465
216	216.14HH.9999	Capital transfers out CIP 14HH Virginia Ave Sidewalk	30,935
435	990.6999	Capital transfers in CIP 14HH Virginia Ave Sidewalk	10,935
216	216.535.4525	TDA Grant CIP 16CC Bike/Pedes./Traffic	10,935
216	216.16CC.9999	Capital transfers out CIP 16CC Bike/Pedes./Traffic	10,935
435	435.535.4921	Project Revenue Utility reimbursement	28,100
435	435.14HH.7883	Improvement other than building CIP 14HH Virginia Ave Sidewalk	161,493

REASON FOR REQUEST - BE SPECIFIC:

To increase CIP 16CC TDA Grant revenue from budgeted amount \$20,000 to \$30,935, and to increase project 14HH revenue \$28,100 from a utility company. To re-allocate funding sources from CIP 13AA, CIP 15FF, and CIP 16CC to CIP 14HH, and to increase CIP 14HH expenditures \$161,493.


Todd Capurso
Public Works Director


Jesse Takahashi
Finance Director


Mark Linder
City Manager

City of Campbell - Department of Public Works
PROJECT 14-HH: VIRGINIA AVENUE SIDEWALK IMPROVEMENT PROJECT
Bid Opening: Tuesday, May 3, 2016 at 3:00 PM
BID SUMMARY / BID TABULATION

ITEM NO.	DESCRIPTION	UNIT	TOTAL EST. QUANTITY	Dalian Construction, Inc. 1501 E. 19th St. Bakersfield, CA 93305 (661) 327-5300		Redgwick Construction Co. 21 Hegenberger Ct. Oakland, CA 94621 (510) 792-1727		JJR Construction Inc. 1120 Ninth Ave. San Mateo, CA 94402 (650)343-6109		FBD Vanguard Construction, Inc. 651 Enterprise Ct. Livermore, CA 94550 925-245-1300		Sposeto Engineering, Inc. 4558 Contractors Place Livermore, CA 94551 925-443-4200		Waltis Construction Co. Inc. 964 Stockton Ave. San Jose, CA 95110 408-293-3669	
				UNIT PRICE	EXT. AMOUNT	UNIT PRICE	EXT. AMOUNT	UNIT PRICE	EXT. AMOUNT	UNIT PRICE	EXT. AMOUNT	UNIT PRICE	EXT. AMOUNT	UNIT PRICE	EXT. AMOUNT
1	TRAFFIC CONTROL	LS	1	\$ 15,000.00	\$ 15,000.00	\$ 41,600.00	\$ 41,600.00	\$ 45,000.00	\$ 45,000.00	\$ 65,000.00	\$ 65,000.00	\$ 55,000.00	\$ 55,000.00	\$ 46,630.00	\$ 46,630.00
2	CONSTRUCTION STAKING AND LAYOUT	LS	1	\$ 10,500.00	\$ 10,500.00	\$ 9,500.00	\$ 9,500.00	\$ 20,000.00	\$ 20,000.00	\$ 5,250.00	\$ 5,250.00	\$ 11,600.00	\$ 11,600.00	\$ 14,400.00	\$ 14,400.00
3	CLEARING, GRUBBING AND REMOVAL OF OBSTRUCTIONS	LS	1	\$ 20,000.00	\$ 20,000.00	\$ 60,900.00	\$ 60,900.00	\$ 155,000.00	\$ 155,000.00	\$ 100,000.00	\$ 100,000.00	\$ 104,000.00	\$ 104,000.00	\$ 62,155.00	\$ 62,155.00
4	POTHOLING/EXPOSING UTILITIES	LS	1	\$ 3,000.00	\$ 3,000.00	\$ 9,500.00	\$ 9,500.00	\$ 650.00	\$ 650.00	\$ 7,540.00	\$ 7,540.00	\$ 8,500.00	\$ 8,500.00	\$ 8,925.00	\$ 8,925.00
5	REMOVE EX CURB AND GUTTER	LF	837	\$ 17.92	\$ 14,999.04	\$ 34.00	\$ 28,458.00	\$ 11.17	\$ 9,349.29	\$ 22.00	\$ 18,414.00	\$ 14.00	\$ 11,718.00	\$ 19.00	\$ 15,903.00
6	REMOVE EX PCC/AC SIDEWALK	SF	6,155	\$ 2.98	\$ 18,341.90	\$ 6.00	\$ 36,930.00	\$ 2.10	\$ 12,925.50	\$ 7.00	\$ 43,085.00	\$ 4.00	\$ 24,620.00	\$ 3.50	\$ 21,542.50
7	REMOVE EX AC DRIVEWAY	SF	708	\$ 7.07	\$ 5,005.56	\$ 9.00	\$ 6,372.00	\$ 3.36	\$ 2,378.88	\$ 10.00	\$ 7,080.00	\$ 4.00	\$ 2,832.00	\$ 3.00	\$ 2,124.00
8	REMOVE EX PCC DRIVEWAY	SF	1,402	\$ 5.35	\$ 7,500.70	\$ 8.00	\$ 11,216.00	\$ 3.15	\$ 4,416.30	\$ 10.00	\$ 14,020.00	\$ 4.00	\$ 5,608.00	\$ 4.50	\$ 6,309.00
9	REMOVE EX 12" RCP STORM DRAIN	LF	4	\$ 325.00	\$ 1,300.00	\$ 700.00	\$ 2,800.00	\$ 500.00	\$ 2,000.00	\$ 100.00	\$ 400.00	\$ 120.00	\$ 480.00	\$ 75.00	\$ 300.00
10	REMOVE EX STORM DRAIN INLET	EA	1	\$ 4,000.00	\$ 4,000.00	\$ 950.00	\$ 950.00	\$ 1,000.00	\$ 1,000.00	\$ 1,200.00	\$ 1,200.00	\$ 900.00	\$ 900.00	\$ 500.00	\$ 500.00
11	REMOVE EX TREE AND GRIND STUMP	EA	27	\$ 888.89	\$ 24,000.03	\$ 500.00	\$ 13,500.00	\$ 530.00	\$ 14,310.00	\$ 550.00	\$ 14,850.00	\$ 1,000.00	\$ 27,000.00	\$ 540.00	\$ 14,580.00
12	PAVEMENT MARKER, MARKINGS & STRIPING REMOVAL	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 2,500.00	\$ 2,500.00	\$ 3,000.00	\$ 3,000.00	\$ 4,080.00	\$ 4,080.00	\$ 4,600.00	\$ 4,600.00	\$ 2,875.00	\$ 2,875.00
13	RELOCATE EX SIGN	EA	5	\$ 200.00	\$ 1,000.00	\$ 155.00	\$ 775.00	\$ 300.00	\$ 1,500.00	\$ 235.00	\$ 1,175.00	\$ 325.00	\$ 1,625.00	\$ 175.00	\$ 875.00
14	RELOCATE EX MONUMENT (REVOCABLE)	EA	1	\$ 500.00	\$ 500.00	\$ 1,600.00	\$ 1,600.00	\$ 4,500.00	\$ 4,500.00	\$ 3,000.00	\$ 3,000.00	\$ 1,900.00	\$ 1,900.00	\$ 3,000.00	\$ 3,000.00
15	RELOCATE EX BENCHMARK	EA	1	\$ 500.00	\$ 500.00	\$ 1,400.00	\$ 1,400.00	\$ 2,500.00	\$ 2,500.00	\$ 1,400.00	\$ 1,400.00	\$ 1,600.00	\$ 1,600.00	\$ 3,000.00	\$ 3,000.00
16	ADJUST STORM DRAIN MANHOLE TO GRADE	EA	1	\$ 1,700.00	\$ 1,700.00	\$ 1,800.00	\$ 1,800.00	\$ 1,100.00	\$ 1,100.00	\$ 1,510.00	\$ 1,510.00	\$ 1,200.00	\$ 1,200.00	\$ 650.00	\$ 650.00
17	12" RCP STORM DRAIN	LF	70	\$ 200.00	\$ 14,000.00	\$ 350.00	\$ 24,500.00	\$ 400.00	\$ 28,000.00	\$ 645.00	\$ 45,150.00	\$ 347.00	\$ 24,290.00	\$ 340.00	\$ 23,800.00
18	STORM DRAIN CATCH BASIN	EA	2	\$ 6,250.00	\$ 12,500.00	\$ 2,800.00	\$ 5,600.00	\$ 4,000.00	\$ 8,000.00	\$ 3,000.00	\$ 6,000.00	\$ 4,400.00	\$ 8,800.00	\$ 2,800.00	\$ 5,600.00
19	STORM DRAIN FIELD INLET	EA	2	\$ 4,500.00	\$ 9,000.00	\$ 1,500.00	\$ 3,000.00	\$ 3,000.00	\$ 6,000.00	\$ 2,000.00	\$ 4,000.00	\$ 4,400.00	\$ 8,800.00	\$ 4,025.00	\$ 8,050.00
20	STORM DRAIN MANHOLE	EA	2	\$ 1,000.00	\$ 2,000.00	\$ 10,200.00	\$ 20,400.00	\$ 10,000.00	\$ 20,000.00	\$ 10,500.00	\$ 21,000.00	\$ 12,000.00	\$ 24,000.00	\$ 8,200.00	\$ 16,400.00
21	CLASS A-0.50" THICK SUBGRADE PREPARATION (SIDEWALK & DRIVEWAY) (FPQ)	SF	13,735	\$ 2.55	\$ 35,024.25	\$ 2.00	\$ 27,470.00	\$ 1.50	\$ 20,602.50	\$ 2.00	\$ 27,470.00	\$ 1.00	\$ 13,735.00	\$ 1.60	\$ 21,978.00
22	CLASS A-0.75" THICK SUBGRADE PREPARATION (STREET) (FPQ)	SF	17,259	\$ 2.66	\$ 45,908.94	\$ 0.50	\$ 8,629.50	\$ 0.75	\$ 12,944.25	\$ 2.90	\$ 50,051.10	\$ 1.00	\$ 17,259.00	\$ 1.75	\$ 30,203.25
23	ROADWAY EXCAVATION (AC & BASE MATERIAL) (FPQ)	CY	396	\$ 118.69	\$ 47,001.24	\$ 130.00	\$ 51,480.00	\$ 129.00	\$ 51,084.00	\$ 80.00	\$ 31,680.00	\$ 210.00	\$ 83,160.00	\$ 107.00	\$ 42,372.00
24	CASE C (MODIFIED)-ACCESSIBILITY RAMP	EA	6	\$ 5,000.00	\$ 30,000.00	\$ 4,400.00	\$ 32,400.00	\$ 4,850.00	\$ 29,100.00	\$ 4,000.00	\$ 24,000.00	\$ 4,600.00	\$ 27,600.00	\$ 7,625.00	\$ 45,750.00
25	CASE F ACCESSIBILITY RAMP	EA	2	\$ 5,000.00	\$ 10,000.00	\$ 5,200.00	\$ 10,400.00	\$ 2,700.00	\$ 5,400.00	\$ 3,200.00	\$ 6,400.00	\$ 3,700.00	\$ 7,400.00	\$ 7,350.00	\$ 14,700.00
26	CASE F (MODIFIED)-ACCESSIBILITY RAMP	EA	16	\$ 5,000.00	\$ 80,000.00	\$ 5,400.00	\$ 86,400.00	\$ 3,416.00	\$ 54,656.00	\$ 3,500.00	\$ 56,000.00	\$ 3,700.00	\$ 59,200.00	\$ 6,865.00	\$ 109,840.00
27	PCC SIDEWALK	SF	7,248	\$ 6.50	\$ 47,112.00	\$ 13.00	\$ 94,224.00	\$ 9.90	\$ 71,755.20	\$ 8.85	\$ 64,144.80	\$ 11.00	\$ 79,728.00	\$ 11.50	\$ 83,352.00
28	6"PCC/6"AB DRIVEWAY	SF	6,487	\$ 7.03	\$ 45,603.61	\$ 15.00	\$ 97,305.00	\$ 12.72	\$ 82,514.64	\$ 10.00	\$ 64,870.00	\$ 14.00	\$ 90,818.00	\$ 15.50	\$ 100,548.50
29	PCC CURB AND GUTTER	LF	1,154	\$ 30.00	\$ 34,620.00	\$ 80.00	\$ 92,320.00	\$ 50.00	\$ 57,700.00	\$ 40.00	\$ 46,160.00	\$ 67.00	\$ 77,318.00	\$ 43.00	\$ 49,622.00
30	PCC ROLLED CURB	LF	331	\$ 28.10	\$ 9,301.10	\$ 85.00	\$ 28,135.00	\$ 60.00	\$ 19,860.00	\$ 40.00	\$ 13,240.00	\$ 63.00	\$ 20,853.00	\$ 42.00	\$ 13,902.00
31	PCC VALLEY GUTTER	LF	28	\$ 28.57	\$ 799.96	\$ 105.00	\$ 2,940.00	\$ 110.79	\$ 3,102.12	\$ 40.00	\$ 1,120.00	\$ 35.00	\$ 980.00	\$ 110.50	\$ 3,094.00
32	PCC RETAINING CURB	LF	203	\$ 9.86	\$ 2,001.58	\$ 75.00	\$ 15,225.00	\$ 20.00	\$ 4,060.00	\$ 60.00	\$ 12,180.00	\$ 46.00	\$ 9,338.00	\$ 43.00	\$ 8,729.00
33	ASPHALT CONCRETE (4" BASE)	TON	431	\$ 198.15	\$ 85,402.65	\$ 150.00	\$ 64,650.00	\$ 153.00	\$ 65,943.00	\$ 400.00	\$ 172,400.00	\$ 207.00	\$ 89,217.00	\$ 156.00	\$ 67,236.00
34	ASPHALT CONCRETE (2" OVERLAY)	TON	238	\$ 205.47	\$ 48,901.86	\$ 150.00	\$ 35,700.00	\$ 157.00	\$ 37,366.00	\$ 366.00	\$ 87,108.00	\$ 266.00	\$ 63,308.00	\$ 156.00	\$ 37,128.00
35	12" WHITE LIMIT/CROSSWALK LINE (THERMO)	LF	49	\$ 8.16	\$ 399.84	\$ 5.00	\$ 245.00	\$ 7.00	\$ 343.00	\$ 7.70	\$ 377.30	\$ 9.00	\$ 441.00	\$ 5.75	\$ 281.75
36	12" YELLOW CROSSWALK LINE (THERMO)	LF	103	\$ 6.32	\$ 650.96	\$ 5.00	\$ 515.00	\$ 7.00	\$ 721.00	\$ 7.70	\$ 793.10	\$ 9.00	\$ 927.00	\$ 5.75	\$ 592.25
37	24" YELLOW CROSSWALK LINE (THERMO)	LF	72	\$ 6.95	\$ 500.40	\$ 9.00	\$ 648.00	\$ 14.00	\$ 1,008.00	\$ 15.40	\$ 1,108.80	\$ 18.00	\$ 1,296.00	\$ 9.25	\$ 666.00
38	DETAIL 2 STRIPING	LF	410	\$ 7.57	\$ 3,103.70	\$ 1.00	\$ 410.00	\$ 1.75	\$ 717.50	\$ 0.85	\$ 348.50	\$ 4.00	\$ 1,640.00	\$ 1.15	\$ 471.50
39	DETAIL 22 STRIPING	LF	138	\$ 2.90	\$ 400.20	\$ 4.00	\$ 552.00	\$ 6.00	\$ 828.00	\$ 2.65	\$ 365.70	\$ 7.00	\$ 966.00	\$ 4.50	\$ 621.00
40	DETAIL 27B STRIPING	LF	36	\$ 2.78	\$ 100.08	\$ 4.00	\$ 144.00	\$ 4.50	\$ 162.00	\$ 1.00	\$ 36.00	\$ 3.00	\$ 108.00	\$ 4.00	\$ 144.00
41	SHARED USE ARROW-SHARROW (THERMO)	EA	31	\$ 103.23	\$ 3,200.13	\$ 55.00	\$ 1,705.00	\$ 75.00	\$ 2,325.00	\$ 125.00	\$ 3,875.00	\$ 125.00	\$ 3,875.00	\$ 57.50	\$ 1,782.50
42	"STOP" PAVEMENT MARKING (THERMO)	SF	22	\$ 9.09	\$ 199.98	\$ 5.00	\$ 110.00	\$ 8.00	\$ 176.00	\$ 10.50	\$ 231.00	\$ 9.00	\$ 198.00	\$ 5.75	\$ 126.50

City of Campbell - Department of Public Works
PROJECT 14-HH: VIRGINIA AVENUE SIDEWALK IMPROVEMENT PROJECT
Bid Opening: Tuesday, May 3, 2016 at 3:00 PM
BID SUMMARY / BID TABULATION

				Dalan Construction, Inc. 1501 E. 19th St. Bakersfield, CA 93305 (661) 327-5300		Redgwick Construction Co. 21 Hegenberger Ct. Oakland, CA 94621 (510) 792-1727		JJR Construction Inc. 1120 Ninth Ave. San Mateo, CA 94402 (650)343-6109		FBD Vanguard Construction, Inc. 651 Enterprise Ct. Livermore, CA 94550 925-245-1300		Sposeto Engineering, Inc. 4558 Contractors Place Livermore, CA 94551 925-443-4200		Wattis Construction Co. Inc. 964 Stockton Ave. San Jose, CA 95110 408-293-3669	
43	*SLOW SCHOOL XING* PAVEMENT MARKING (THERMO)	SF	79	\$ 7.60	\$ 600.40	\$ 5.00	\$ 395.00	\$ 7.50	\$ 592.50	\$ 10.50	\$ 829.50	\$ 9.00	\$ 711.00	\$ 5.75	\$ 454.25
44	FURNISH AND INSTALL R26(S)	EA	3	\$ 133.34	\$ 400.02	\$ 230.00	\$ 690.00	\$ 350.00	\$ 1,050.00	\$ 300.00	\$ 900.00	\$ 375.00	\$ 1,125.00	\$ 260.00	\$ 780.00
45	RESET EXISTING SIGN	EA	9	\$ 200.00	\$ 1,800.00	\$ 155.00	\$ 1,395.00	\$ 300.00	\$ 2,700.00	\$ 175.00	\$ 1,575.00	\$ 250.00	\$ 2,250.00	\$ 175.00	\$ 1,575.00
46	24" BOX TREE	EA	31	\$ 493.55	\$ 15,300.05	\$ 1,000.00	\$ 31,000.00	\$ 900.00	\$ 27,900.00	\$ 1,185.00	\$ 36,735.00	\$ 1,250.00	\$ 38,750.00	\$ 1,150.00	\$ 35,650.00
	Total Base Bid (1 - 46)				\$ 718,180.18		\$ 968,388.50		\$ 896,240.68		\$ 1,068,152.80		\$ 1,021,274.00		\$ 929,216.00
A1	ADJUST WWSO SANITARY SEWER MANHOLE TO GRADE	EA	1	\$ 1,000.00	\$ 1,000.00	\$ 2,900.00	\$ 2,900.00	\$ 2,000.00	\$ 2,000.00	\$ 1,510.00	\$ 1,510.00	\$ 1,200.00	\$ 1,200.00	\$ 650.00	\$ 650.00
	Total Additive Alternate Schedule A (A1)				\$ 1,000.00		\$ 2,900.00		\$ 2,000.00		\$ 1,510.00		\$ 1,200.00		\$ 650.00
B1	ADJUST AT&T MANHOLE TO GRADE	EA	3	\$ 1,500.00	\$ 4,500.00	\$ 5,300.00	\$ 15,900.00	\$ 2,000.00	\$ 6,000.00	\$ 1,510.00	\$ 4,530.00	\$ 1,200.00	\$ 3,600.00	\$ 1,300.00	\$ 3,900.00
	Total Additive Alternate Schedule B (B1)				\$ 4,500.00		\$ 15,900.00		\$ 6,000.00		\$ 4,530.00		\$ 3,600.00		\$ 3,900.00
C1	ADJUST SJWC WATER VALVE TO GRADE	EA	7	\$ 300.00	\$ 2,100.00	\$ 2,100.00	\$ 14,700.00	\$ 3,000.00	\$ 21,000.00	\$ 1,350.00	\$ 9,450.00	\$ 200.00	\$ 1,400.00	\$ 500.00	\$ 3,500.00
C2	ADJUST SJWC WATER METER TO GRADE	EA	5	\$ 300.00	\$ 1,500.00	\$ 2,100.00	\$ 10,500.00	\$ 5,000.00	\$ 25,000.00	\$ 1,350.00	\$ 6,750.00	\$ 200.00	\$ 1,000.00	\$ 450.00	\$ 2,250.00
	Total Additive Alternate Schedule C (C1 - C2)				\$ 3,600.00		\$ 25,200.00		\$ 46,000.00		\$ 16,200.00		\$ 2,400.00		\$ 5,750.00

* Per Section 3 of the Project Specifications: The determination of the low bid will be based on the Total Base Bid.



City Council Report

Item: 12.
Category: Consent
Meeting Date: June 21, 2016

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 City of Campbell and Campbell Pony Baseball League have a long history of collaboration. Campbell Pony Baseball League has been headquartered at Rincon Park, later named John D. Morgan Park, since 1969. The League installed many of the improvements at the field including the backstop and dirt infield, as well as built the Equipment Room now used by the Recreation and Community Services Department for summer camp programs. The first formal agreement between the City and Campbell Pony Baseball League was developed in 1975 and has been updated periodically. The agreement provides exclusive use of the enclosed field to Campbell Pony Baseball League. Because of this arrangement, the enclosed field at John D. Morgan Park is not rentable and does not fall under the recently updated Park, Field and Athletic Use Policy.

The term of the most recent license agreement with Campbell Pony Baseball League 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. Campbell Pony Baseball League's 501c3 non-profit status has expired. The League is working with a Certified Public Accountant to have their non-profit status reinstated and it is anticipated that this process will take a few months to complete. Staff checked with the City Attorney and since Campbell Pony Baseball League is still incorporated, the City may move forward with an updated license agreement with Campbell Pony Baseball League.

FISCAL IMPACT

The fee for Campbell Pony Baseball 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
Regina Maurantonio, Recreation & Community Services Director

Reviewed by: Jesse Takahashi
Jesse Takahashi, Finance Director

Reviewed by: William Seligmann
William Seligmann, City Attorney

Approved by: Mark Linder
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 15th and August 15th 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 Licensors 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 device 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. Licensor 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 constructed 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

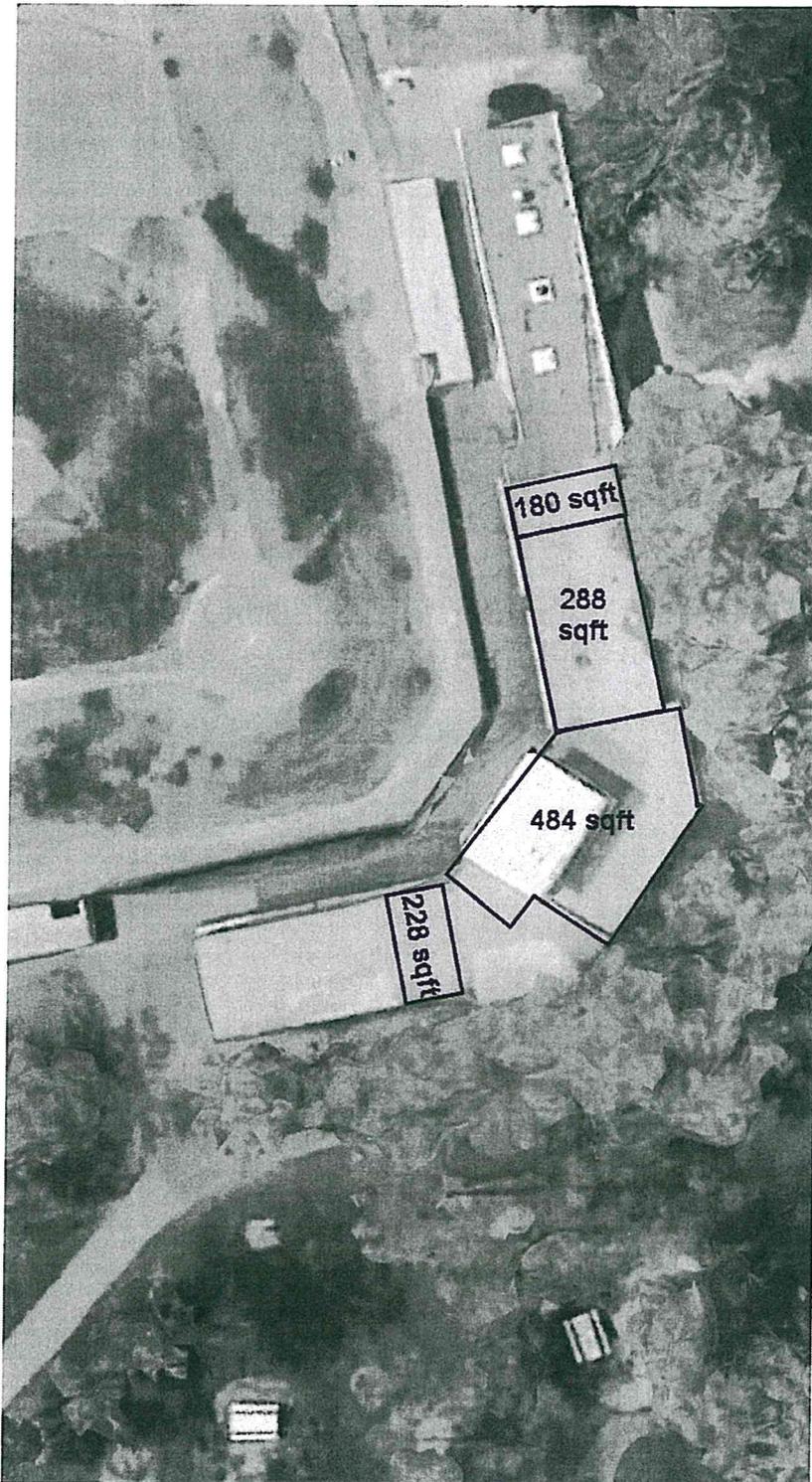
Licensee hereby covenants and agrees that Licensee shall notify the City of Campbell of any changes in status from a non-profit 501c (3) enterprise to a profit enterprise.

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.

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

CITY	PONY LEAGUE
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: 13.

Category: Consent Calendar

Meeting Date: June 21, 2016

**TITLE: PROPOSITION 4 - GANN SPENDING LIMITATION FOR FY 16/17
(RESOLUTION/ROLL CALL VOTE)**

RECOMMENDATION

Adopt the change in California per capita income and the change in the County of Santa Clara population as the calculation factors to be used in determining the City's spending limitation for FY 16/17; and adopt the attached resolution establishing the City of Campbell's FY 16/17 appropriations limit at \$64,424,831.

DISCUSSION

Article XIII B of the California Constitution as enacted by Proposition 4, the Gann Initiative of 1979, mandates a limit on the amount of proceeds from taxes that cities and other government agencies within California can receive and spend each fiscal year. The intent of this law is to limit government spending by putting a cap on the total tax proceeds that can be appropriated each year. State legislation requires the City to annually adopt a spending limit for each fiscal year. This limit can be re-established by a recorded vote of the Council throughout the fiscal year if deemed necessary. The calculation factors can only be revised annually. Any challenge to the declared amount must be brought within 45 days of its adoption.

The original legislation, Article XIII B was further modified by Proposition 111 and SB 88 as approved by California voters in June of 1990. Proposition 111 allows cities more flexibility in selecting certain inflation and population factors to calculate the Gann limit. The limit varies for each agency and can change each year. When a city's proceeds of taxes (less statutory exclusions) exceed the legal limit, excess tax revenue must be returned to the State or citizens via a process of refunds, rebates, or other means that may be determined at that time. The City is currently at 52.6% of its limit. As a result, the appropriations limit is not expected to present a restraint on current or future budget deliberations.

The basis for the calculation is the amount of tax proceeds that were authorized to be spent in FY 1978/79 including modifications for inflationary and population changes in each subsequent year. The attached schedules provide detailed information on the City's expenditure limit calculation. The calculation indicates the City will again be significantly below its spending limit by approximately \$30.6 million based upon the proposed FY 16/17 budget. The City's appropriations limit of \$64.4 million for FY 16/17 is \$4.1 million higher than the FY 15/16 limit of \$60.3 million. The City's estimated amount of "proceeds from taxes subject to the appropriate limit" is \$33.9 million. Any future amendments to the adopted appropriations from proceeds of taxes will be subject to the limit and will be calculated accordingly.

As required in Article XIII B, the City Council must authorize both inflation and population factors for calculating the spending limitation amount. The available options are:

(1) **INFLATION FACTORS:**

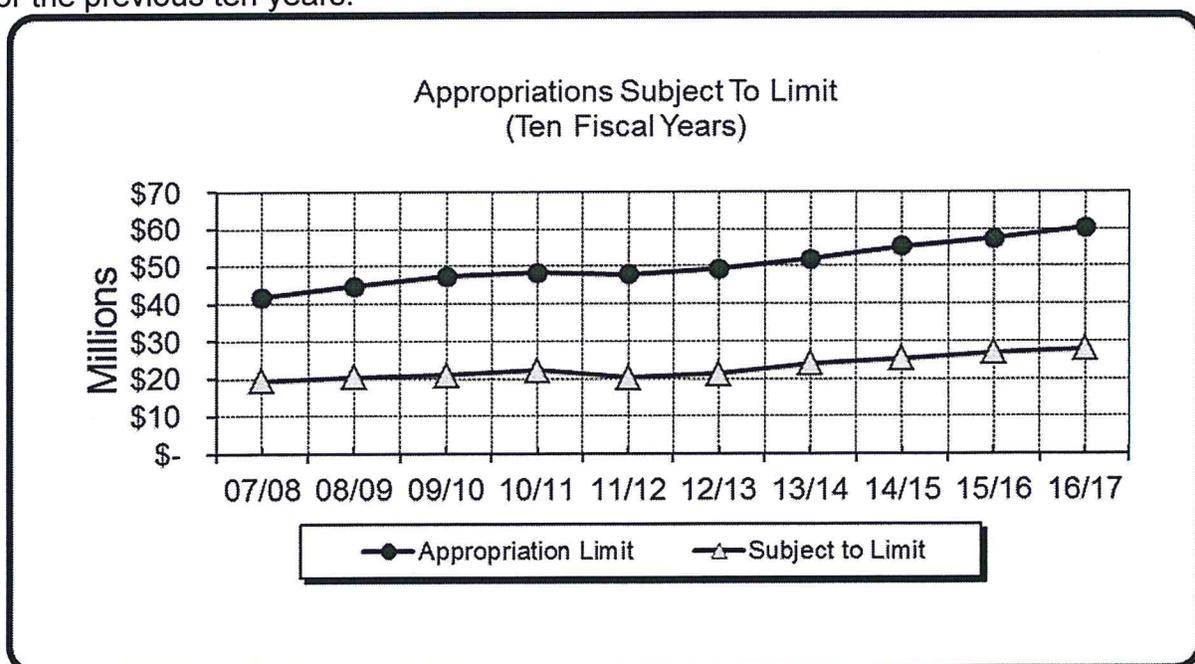
- a) California per capita income
- b) Increase in non-residential assessed valuation due to new construction

(2) **POPULATION FACTORS:**

- a) City population growth
- b) County population growth

Staff recommends the combination of factors that result in the City's ability to retain the greatest flexibility under the spending limitation. The two factors that accomplish this objective for the FY 16/17 limit are the California per capita income and the increase in the City's population. At the time of this report, the increase in non-residential valuation (factor # 1-b) was not available from the Santa Clara County Assessor. Should the Assessor make this information available at a later date, the City retains the right to recalculate the limit using the assessed valuation factor should it materially affect the adopted spending limit calculation. By selecting the recommended combination of factors, the City reserves the highest level of management discretion for future appropriations. This helps to ensure that in years with major street improvements or other needed capital improvements, it would be highly unlikely for the City to approach or reach its Gann limit.

As can be seen in the following graph, the City is well below its spending limitation. This analysis compares the appropriations limit with the appropriations subject to limit for the previous ten years.



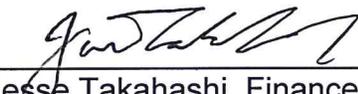
FISCAL IMPACT

There is no specific fiscal impact as a result of this action. Upon acceptance of this year's spending limitation, the City will be approximately \$30.6 million below its limit for FY 16/17.

ALTERNATIVES

1. Approve a different combination of factors to calculate the spending limit.

Prepared by: 
Sharif Etman, Finance Manager

Reviewed by: 
Jesse Takahashi, Finance Director

Approved by: 
Mark Linder, City Manager

Attachments:

1. Resolution
2. Worksheets 1-7

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2016/17
PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION**

WHEREAS, Proposition 4 was adopted by the voters of the State of California on November 6, 1979, adding Article XIII B of the California State Constitution; and

WHEREAS, Proposition 111 was adopted by the voters of the State of California on June 5, 1990, amending Article XIII B of the California State Constitution; and

WHEREAS, pursuant to Section 8 of Article XIII B of the California State Constitution, the City Council determines that the change in the cost of living shall be measured by the percentage change in Per Capita Personal Income as provided by the State of California Department of Finance from the preceding year and the change in population shall be measured by the change in the City of Campbell's population growth; and

WHEREAS, the City Council of the City of Campbell wishes to establish this appropriations limit for the Fiscal Year 2016/17 pursuant to Article XIII B of the California State Constitution;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Campbell hereby finds and determines that the appropriations limit for Fiscal Year 2016/17 is \$64,424,831.

PASSED AND ADOPTED this 21st day of June, 2016 by the following roll call vote:

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

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk

**CALCULATION OF
PROCEEDS OF TAXES**

FY 16/17

BUDGET: FY 16/17 Proposed Budget

Fund			PROCEEDS OF TAXES FY 2016-17	NON-TAX PROCEEDS FY 2016-17	Total FY 2016-17
		TAXES:			
101	4001	Property Tax	\$12,320,000	\$0	\$12,320,000
207	4001	Property Tax (Lighting & Landscape)	773,000	0	773,000
101	4110-15	Sales & Use Tax	15,022,000	0	15,022,000
101	4150	Transient Occupancy Taxes	4,750,000	0	4,750,000
101	4151	Construction Tax	0	0	0
101	4152	Business License Taxes	674,000	0	674,000
101	4153	Real Prop Transfer Taxes	560,000	0	560,000
		Sub-total	34,099,000	0	34,099,000
		FROM STATE:			
101	4580	Motor Vehicle In Lieu	18,000	0	18,000
101	4581	Homeowners Prop Tax Relief	45,000	0	45,000
101	4586	Off-Hwy Vehicle	0	0	0
204	4510-13	Gasoline Tax	0	762,000	762,000
101	4584	SB90 Reimbursements	0	30,000	30,000
101	4588	P.O.S.T. Reimbursement	0	20,000	20,000
212	4523	Other Grants	0	0	0
		Sub-total	63,000	812,000	875,000
		OTHER GOVERNMENTS:			
208	4520	Community Development(CDBG)	0	10,000	10,000
212/218	4523	Other Grants	0	0	0
101/210	4526	Supplemental Law Enforcement	0	100,000	100,000
218	4531	DOJ (Bulletproof Vest Program)	0	5,000	5,000
218	4532	Local Law Enforcement Block Grant	0	0	0
101	4542	Signal Maintenance Cost Sharing	0	2,500	2,500
101	4544	Transit Shelter Advertising	0	6,000	6,000
101	4561	Sr. Nutrition	0	77,247	77,247
368	4966	Principal Repayment (97 COP)	0	31,050	31,050
208	4966	Principal Repayment (CDBG loan)	0	0	0
366	4966	Principal Repayment (RDA Adv.)	0	318,780	318,780
		Sub-total	0	560,577	560,577
		LOCALLY RAISED:			
295	4920	Park In-Lieu fees	0	0	0
207	5001	Special Assessments-Lighting Dist.	0	1,165,000	1,165,000
367	5002	Special Assessments-LID 30	0	0	0
		LICENSES AND PERMITS:			
101	412*	Franchise fees	0	3,310,000	3,310,000
101	4310/20	Fines, forfeitures, penalties	0	200,000	200,000
101	4810/19	Rents-Comm. Ctr.	0	2,672,743	2,672,743
		Sub-total	0	7,347,743	7,347,743

**CALCULATION OF
PROCEEDS OF TAXES**

FY 16/17

BUDGET: FY 16/17 Proposed Budget

<u>Fund</u>		PROCEEDS OF TAXES FY 2016-17	NON-TAX PROCEEDS FY 2016-17	Total FY 2016-17
	USER FEES -from Worksheet #2			
101	General Fund	834,239	4,811,411	5,645,650
208	CDBG	0	55,000	55,000
209	Environmental Services	0	833,363	833,363
	Total User fees	834,239	5,699,774	6,534,013
	OTHER MISCELLANEOUS			
101	4725 Project Salaries Revenue	0	380,000	380,000
794	4812 Donations to Historical Museum	0	0	0
797	4813 Donations-Senior Citizens	0	0	0
101	4816 Donations-Meals	0	19,000	19,000
366	4951 Debt Service Abatement	0	0	0
ALL	4960 Sale of property	0	11,500	11,500
207	4962 Insurance Claim Reimbursements	0	5,000	5,000
ALL	4965 Other Revenues	0	33,300	33,300
101	6899 Interfund transfers	0	1,354,777	1,354,777
204	6899 Interfund transfers	0	484,300	484,300
207	6899 Interfund transfers	0	1,687,765	1,687,765
208	6899 Interfund transfers	0	0	0
209	6899 Interfund transfers	0	511,500	511,500
366	6899 Interfund transfers	0	508,510	508,510
368	6899 Interfund transfers	0	430,703	430,703
	SUB-TOTAL	0	5,426,355	5,426,355
	NON-INTEREST TAX PROCEEDS (use for worksheet	34,996,239	19,846,449	54,842,688
	INVESTMENT EARNINGS (from Worksheet #3)			
101	General Fund	102,942	68,058	171,000
208	CDBG/HCD	0	0	0
794	Parks Trust	0	0	0
797	Senior Citizens Trust	0	0	0
	Total investment earnings	102,942	68,058	171,000
	TOTAL REVENUE	\$ 35,099,181	\$ 19,914,507	\$ 55,013,688
	(use for worksheet #4)			

**USER FEES
VERSUS COSTS**

FY 16/17

				COMM. DEVLPMT PLANNING	COMM. DEVLPMT BUILDING	RECREATION & COMM. SERVICES	PUBLIC WORKS	POLICE SERVICES	FIRE SERVICES
COSTS REASONABLY BORNE		ACCOUNT #		\$831,142	\$1,273,671	\$7,197,215	\$1,255,264	\$171,153	\$732,564
REVENUE SUMMARY									
ZONING FEES	101	551	4660	325,000					
MICROFILM FEES	101	554	4661	20,000					
RENTAL DISPUTE FEES	208	555	4663	55,000					
GENERAL PLAN MAINTENANCE FEES	101	552	4670	0					
CONSTRUCTION PERMITS	101	554	4210		1,614,000				
ADV PLAN CHECK FEES	101	554	4211		400,000				
GENERAL REVENUE BLDG DEPT	101	554	4212		20,000				
TITLE 24 ENERGY PLAN CHECK	101	554	4213		73,910				
CODE ENFORCEMENT FEE	101	554	4671		0				
PROGRAM FEES: MUSEUM	101	528	4609			38,725			
AINSLEY HOUSE RENTAL FEES	101	528	4610			49,365			
ADMISSIONS FEES	101	528	4611			7,000			
SENIOR CITIZENS	101	526	4612/26			311,059			
PROGRAM FEES: SPORTS	101	531	4613			280,241			
PROGRAM FEES: AQUATICS	101	531	4614			230,500			
PICNIC FEES	101	527	4616			28,420			
DAY CAMP	101	532	4617			396,735			
TRIPS & TOURS	101	532	4618			0			
CLASSES	101	532	4619			355,859			
PRESCHOOL	101	532	4620			353,935			
SPECIAL EVENTS	101	532	4621			0			
FITNESS	101	531	4622			186,946			
PROGRAM FEES: HOMEWORK CTR	101	532	4627			0			
SPECIAL EVENT FEES	101	527	4630			54,910			
THEATER REVENUE	101	529	4631			3,500			
THEATER PRESERVATION CHARGE	101	529	4632			0			
CONCESSION & MERCHANDISE	101	529	4643			3,125			
THEATER TICKET SALES	101	529	4644			256,020			
SPONSOR/PROGRAM ADVERTISING	101	529	4645/46			59,900			
FIRE PERMITS	101	610	4241						75,000
TRUCK PERMITS	101	720	4271				500		
ABANDONED VEHICLE FEES	101	604	4582					80,000	
OTHER FILING FEES	101	603	4690					5,000	
SPECIAL POLICE SERVICES	101	603	4691					35,000	
FALSE ALARM FEES	101	602	4693					30,000	
COST RECOVERY BOOKING FEES	101	603	4700					0	
STORM WATER FEES	209	715	4720				379,400		
ENG & SUBDIV. FILING	101	740	4722				350,000		
SOLID WASTE RATE FEES	209	715	4724				404,607		
SALE OF MAPS & PUB.	101	730	4760				1,000		
	101	730	4921				0		
AB 939 RECYCLING	209	715	4922				49,356		
BEVERAGE CONTAINER GRANT	209	715	4533				0		
TOTAL FEE REVENUE				400,000	2,107,910	2,616,240	1,184,863	150,000	75,000
FEE REVENUE OVER (UNDER) COSTS				(\$431,142)	\$834,239	(\$4,580,975)	(\$70,401)	(\$21,153)	(\$657,564)

**INTEREST EARNINGS
PRODUCED BY TAXES
WORKSHEET #3**

	<u>Amount</u>	<u>Source</u>	
A	NON-INTEREST TAX PROCEEDS	\$34,996,239	Worksheet #1
B	MINUS: EXCLUSIONS	<u>\$ 1,247,576</u>	Worksheet #7
C	NET INVESTED TAXES	\$33,748,663	A - B
D	TOTAL NON-INTEREST BUDGET	<u>\$54,842,688</u>	Worksheet #1
E	TAX PROCEEDS AS % OF BUDGET	61.54%	C / D
F	INTEREST EARNINGS	<u>\$ 171,000</u>	Worksheet #1
G	AMOUNT OF INTEREST EARNED FROM TAXES	<u>\$ 105,229</u>	E * F
H	AMOUNT OF INTEREST EARNED FROM NON-TAXES	<u><u>\$ 65,771</u></u>	F - G

**APPROPRIATIONS SUBJECT
TO LIMIT
Worksheet #4**

	<u>Amount</u>	<u>Source</u>
A. PROCEEDS OF TAXES	\$ 35,099,181	Worksheet #1
B. EXCLUSIONS	<u>\$ 1,247,576</u>	Worksheet #7
C. APPROPRIATIONS SUBJECT TO LIMITATION	\$ 33,851,605	A - B
D. CURRENT YEAR LIMIT	<u>\$ 64,424,831</u>	Worksheet #6
E. OVER / (UNDER) LIMIT	<u><u>\$ (30,573.226)</u></u>	C - D

POPULATION INCREASES

Last Ten Fiscal Years

Worksheet #5

<u>TO COMPUTE LIMIT TO:</u>		<u>CITY</u>		<u>COUNTY</u>	
		<u>POPULATION *</u>	<u>PERCENT</u>	<u>POPULATION *</u>	<u>PERCENT</u>
2007-08					
	01/01/06	38,580		1,780,127	
	01/01/07	39,748	3.03%	1,807,216	1.52%
2008-09					
	01/01/07	39,689		1,804,474	
	01/01/08	40,161	1.19%	1,835,549	1.72%
2009-10					
	01/01/08	39,992		1,827,954	
	01/01/09	40,420	1.07%	1,856,514	1.56%
2010-11					
	01/01/09	40,415		1,856,514	
	01/01/10	40,860	1.10%	1,879,833	1.26%
2011-12					
	01/01/10	39,363		1,780,384	
	01/01/11	39,664	0.76%	1,797,375	0.95%
2012-13					
	01/01/11	39,610		1,793,271	
	01/01/12	39,882	0.69%	1,815,484	1.24%
2013-14					
	01/01/12	39,820		1,812,694	
	01/01/13	40,404	1.47%	1,841,236	1.57%
2014-15					
	01/01/13	40,373		1,839,877	
	01/01/14	41,993	4.01%	1,867,538	1.50%
2015-16					
	01/01/14	41,871		1,867,018	
	01/01/15	41,857	-0.03%	1,888,095	1.13%
2016-17					
	01/01/15	41,986		1,902,759	
	01/01/16	42,584	1.42%	1,926,675	1.26%

Source: California Department of Finance--Demographic Research Unit
Price & Population Data for Local Jurisdictions

* Population figures for each year are estimated and revised in the subsequent year by the State.
The percent change in population is then computed based upon the subsequent year's revised population figure.

APPROPRIATIONS LIMIT

Worksheet #6

FY 16/17

		<u>Amount</u>	<u>Source</u>
A. LAST YEAR'S LIMIT		\$ 60,283,364	PY WKSHT #6
B. ADJUSTMENT FACTORS:			
			\$0 CA Dep't of Fin.
2. <u>Per Capita Personal Income %</u> or Non-residential Const AV (> of CA per capita income or non-residential const AV)			5.3700% CA Dep't of Fin.
3a. Per Capita or NRAV converted to ratio	$\frac{5.37+100}{100}$	1.0537	
3b. Population converted to ratio	$\frac{1.42+100}{100}$	1.0142	
Calculation of factor for FY 16/17	1.0537x1.0142	1.0687	
Total Adjustment %		1.0687	
C. ANNUAL ADJUSTMENT		\$ 4,141,467	
D. OTHER ADJUSTMENTS			
Lost Responsibility (-)		0	
Transfer to Private (-)		0	
Transfer to Fees (-)		0	
Assumed Responsibility (-)		<u>0</u>	
E. TOTAL ADJUSTMENTS		<u>\$ 4,141,467</u>	C + D
F. THIS YEAR'S LIMIT		<u><u>\$ 64,424,831</u></u>	A + E

**EXCLUSIONS APPROPRIATIONS
WORKSHEET #7
FY 16/17**

<u>Description</u>	<u>Amount</u>	<u>Description</u>	<u>Amount</u>
Medicare total 16/17	\$ 285,613	Federal Mandates	
Less: Excluded funds		- Medicare coverage	\$ 272,848
641.750/647.750	12,273	- Social Security	32,171
690.516	<u>492</u>	- FLSA Overtime	<u>5,000</u>
Total excluded funds	<u>12,765</u>	Total Federal Mandates	<u>\$ 310,019</u>
Net Medicare Cost	<u><u>\$ 272,848</u></u>	Qualified Capital Outlays	
Social Security total 16/17	\$ 32,171	- COP Lease Payments	\$1,599,927
Less: Excluded funds		Less: RDA's Portion	(662,370)
641.750	<u>-</u>	- Qualified FY 17 CIP	<u>0</u>
Total excluded funds	<u>-</u>	Total qualified capital outlays	<u>\$ 937,557</u>
Net Social Security Cost	<u><u>\$ 32,171</u></u>	Qualified Debt Service	
FLSA OT total 16/17	\$ 5,000		\$ -
Less: Excluded funds		Total Qualified debt service	<u>0</u>
641.750/647	<u>0</u>	TOTAL EXCLUDABLE	<u><u>1,247,576</u></u>
Total excluded funds	<u>0</u>		
Net FLSA OT Cost	<u><u>\$ 5,000</u></u>		

0

0



City Council Report

Item: 14.
Category: Consent Calendar
Date: June 21, 2016

TITLE: Approval of the FY 2016-17 City of Campbell Investment Policy Update (Resolution/Roll Call Vote)

RECOMMENDATION

It is recommended that Council approve the annual update to the City's Investment Policy.

BACKGROUND

The investment policy establishes procedures and guidelines by which the City's surplus funds can be managed in a prudent and fiscally sound manner. The policy encompasses those funds over which the City exercises fiscal control and prioritizes the objectives of public funds management of safety, liquidity and yield. It also stipulates allowable and unallowable investment alternatives as well as establishes parameters for selecting broker/dealers and institutions with which the City may do business.

California Government Code (GC) Section 53646 requires that the City's statement of investment policy be submitted to Council annually for its consideration at a public meeting including any proposed changes to the policy.

DISCUSSION

The City's Finance Sub-Committee met on June 2, 2016 to discuss and review proposed changes to the Investment Policy. The Policy is updated annually to conform to California Government Code Section 53600 et. seq. Any statutory revisions made during the previous calendar year that impact the City policy are incorporated as necessary. There are no recommended revisions to the current Investment Policy.

The City's investment strategy was also updated to reflect current economic and financial conditions. The strategy is based on investment policy guidelines and was approved by the Finance Sub-Committee.

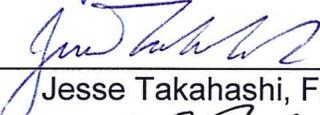
As of April, 2016, the City's investment portfolio was valued at approximately \$40.3 million. This was comprised of approximately \$34.7 million (86%) in LAIF and \$3.5 million (9%) in US Government Agency securities, and \$2.0 million (5%) in corporate bonds and money market accounts. Of the total portfolio, approximately \$36.8 million can be considered "discretionary" investments meaning that the City can invest this amount as it sees fit within the guidelines of the investment policy. With a holdback of approximately \$10.5 million for cash flow, that leaves up to \$26.3 million

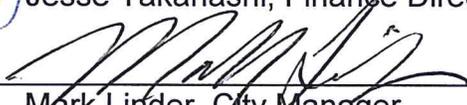
that can be invested in Agency and other securities (limitation of 75% of portfolio per investment policy) of which \$5.5 million is currently invested outside of LAIF. We will be looking to increase the portfolio of Agency securities for the remainder of FY 2016 and into FY 2017 in order to increase aggregate interest income while maintaining sufficient liquidity for unforeseen occurrences.

With respect to the upcoming year, it is anticipated that investments outside of LAIF will be made primarily in callable agency securities with some rate protection and a short term of two to three years. "Step" issues which generally have a five-year maturity but start at short term market rates of interest (0.90% to 1.45%) then automatically "step up" to rates as high as 2.8% in the fifth year are also contemplated. Much of the turnover in the portfolio this past year was in this type of "structured rate" bond which provides significantly higher rates of return in the short run when compared to LAIF. Most of these bonds were five year terms with interest rate protection in the later years, but the expectation when they are purchased is that they will be called early. Many of these bonds have a five-year yield to maturity now in the 2.00-2.50% range. Staff will also evaluate other types of investments allowed by policy that may have yields in excess of LAIF and agency issues, such as short term commercial paper and corporate notes rated AA or higher. FISCAL IMPACT

There is no immediate fiscal impact of the changes to either the investment policy or the investment strategy.

Prepared by: 
Sharif Etman, Finance Manager

Reviewed by: 
Jesse Takahashi, Finance Director

Approved by: 
Mark Linder, City Manager

Attachments:

Attachment 1 - Resolution

Attachment 2 - Investment Policy – Redline Version

Attachment 3 – Investment Strategy FY2016-17

RESOLUTION NO.: _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL APPROVING THE ANNUAL UPDATE TO THE INVESTMENT POLICY AND RELATED ADMINISTRATIVE POLICY REVISIONS

WHEREAS, Government Code Section 53646 requires a statement of Investment Policy be submitted to the City’s legislative body annually for its consideration at a public hearing; and

WHEREAS, there has been submitted to the City Council a statement of the City’s Investment Policy; and

WHEREAS, the Policy has been reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Campbell that the changes to the Investment Policy are approved as submitted.

PASSED AND ADOPTED the 21st day of June, 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, California

Investment Policy

Date: June 21, 2016~~May 19,~~

2015

I. PURPOSE

It is the policy of the City of Campbell to invest public funds in a prudent manner which conforms to all statutes governing the investment of public funds while providing security and meeting the daily cash flow needs of the City.

The purpose of this document is to identify the policies guiding prudent investment of the City's temporarily idle funds and to establish guidelines and objectives for suitable investments including delegation of authority, prudence, monitoring and reporting, policy review, diversification, eligible securities, safekeeping, collateralization, selection of financial institutions and broker/dealers, glossary of terms, and forms utilized.

II. SCOPE

A. This investment policy shall apply to all financial assets, investment activities, and debt issues of the City of Campbell including the following fund types:

1. General Fund
2. Special Revenue Funds
3. Debt Service Funds
4. Capital Projects Funds
5. Internal Service Funds
6. Trust and Agency Funds

B. The policy does not cover funds held by the Public Employees Retirement System nor funds of the Deferred Compensation program.

III. OBJECTIVES

A. It is the objective of this policy to provide a system which will monitor and forecast revenues and expenditures so that the City can invest temporarily idle funds to the fullest extent possible. The temporarily idle funds shall be invested in accordance with provisions of California Government Code Section 53600 et. seq.

B. The City adheres to conservative investment philosophies including investment of all idle cash, preservation of principal at the risk of yield, maintenance of adequate liquidity to meet anticipated cash flow needs and diversification to avoid the risks inherent in over investing in any one asset class.

C. This policy specifically prohibits trading securities for the sole purpose of speculating on the future direction of interest rates. It further prohibits reverse repurchase agreements, use of derivative products, and/or leveraging of the portfolio.

D. The City shall ensure the safety of invested funds by limiting credit and interest rate risks. The three primary objectives of the City's Investment Policy in order of priority are:



City of Campbell, California

Investment Policy

Date: ~~June 21, 2016~~ ~~May 19,~~

2015

1. **Safety:** Safety of principal is the foremost objective of the City of Campbell. Safety and the minimizing of risk associated with investing refer to attempts to reduce the potential for loss of principal, interest or a combination of the two. The City ensures safety of its invested idle funds and limits credit and interest rate risks by following these guidelines (all of which are detailed within the body of the Investment Policy):
 - a. Investing only in those instruments that are generally accepted as safe investment vehicles for local government as authorized by this Policy,
 - b. Carefully reviewing the qualifications and financial strength of financial institutions and broker/dealers prior to conducting business with them,
 - c. Diversifying the investment portfolio as prescribed within this Policy,
 - d. Structuring the portfolio such that securities mature to meet the City's cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to their maturation,
 - e. Limiting the final maturity of purchased securities to five years; limiting the weighted average maturity of the portfolio to three years, and
 - f. Ensuring the physical security or safekeeping of the City's investments.
2. **Liquidity:** Liquidity is the second most important objective of the City's Policy. Liquidity refers to the ability to convert an investment to cash promptly without loss of principal and minimal loss of interest. For example, this is accomplished by investing either in the Local Agency Investment Fund (LAIF) with same day availability, or investing in securities with active secondary or resale markets.
3. **Yield:** Yield on the City's portfolio is last in rank among investment objectives. Investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

IV. STRUCTURE AND RESPONSIBILITY

A. DELEGATION OF AUTHORITY:

1. The City Council assumes direction over the City's investments, and assigns management responsibility for the investment program to the Finance Director, who shall serve as Chief Fiscal Officer, and have legal custody of funds. The Finance Director may provide for delegation of his/her responsibilities to other persons under his/her control responsible for investment transactions, including designation of certain portions of the investment portfolio related to debt financing to be administered by professional portfolio administrators, i.e.



City of Campbell, California

Investment Policy

Date: June 21, 2016~~May 19,~~

2015

California Arbitrage Management Program (C.A.M.P.) or such other designated administrators approved by the Finance Sub-Committee.

B. POLICY REVIEW:

1. This Investment Policy shall be reviewed and approved annually as required by California Government Code Section 53600 et. seq.

C. RESPONSIBILITIES:

1. **Responsibilities of the City Council:** The City Council consists of a Mayor and four Council members and is the policy setting board for the City of Campbell. The City Council has considered and adopted a written Investment Policy for the City of Campbell. Pursuant to the City's Financial Policies, the City Council shall on an annual basis, approve necessary changes to the Investment Policy as recommended by the Finance Sub-Committee. On a monthly basis, the City Council shall receive, review and accept the Monthly Investment Report submitted by the Finance Department.
2. **Responsibilities of the Finance Sub-Committee:** The Finance Sub-Committee consists of two Council members, the City Manager, the Finance Director, and the Finance Manager. On an annual basis, this Sub-Committee shall review necessary revisions to the established Investment Policy of the City of Campbell and make a recommendation to the City Council accordingly. No less than once per fiscal year, the City's investment strategy will be reviewed by the Finance Sub-Committee. A summary of the investment strategy will be shared with the City Council at that time. Should market activity encourage revisions in the City's strategy, the Finance Sub-Committee shall be advised accordingly.
3. **Responsibilities of the City Manager:** The City Manager is responsible for directing and supervising the Finance Director. He/she has the responsibility of keeping the City Council fully advised as to the financial condition of the City.
 - a. **Wire Transfer Authority:** The City Manager has unlimited wire transfer authority for a single transaction. Such a transaction requires joint review, approval and verification in advance by the City Manager and Finance Director. The transaction shall be highlighted in the Monthly Investment Report to Council.
4. **Responsibilities of the Finance Director:** The Finance Director is appointed by the City Manager and serves as Chief Fiscal Officer. He/she is subject to the direction and supervision of the City Manager. The Finance Director is charged with the responsibility for the conduct of all Finance Department functions including the custody and investment of City funds, and investment of those funds in accordance with principles of sound treasury management and in accordance with applicable laws and policies. Refer to "Delegation of Authority" for additional information pertaining to delegation of investment responsibilities.
 - a. **Wire Transfer Authority:** The Finance Director has wire transfer authority not to exceed \$5,000,000 for a single transaction. Such a transaction shall be reviewed, approved and verified in advance by the



City of Campbell, California

Investment Policy

Date: ~~June 21, 2016~~ May 19,

2015

City Manager. The transaction shall be highlighted in the Monthly Investment Report to Council.

5. **Responsibilities of the Finance Manager:** The Finance Manager is appointed by the Finance Director and serves as the Investment Manager for the City pursuant to specific delegation authority provided by this Investment Policy. He/she is subject to the direction and supervision of the Finance Director and is charged with the responsibility and conduct of the day-to-day accounting and cash management functions of the City. This includes the custody and investment of City funds, and investment of those funds in accordance with principles of sound treasury management and in accordance with applicable laws and policies. Refer to "Delegation of Authority" for additional information pertaining to delegation of investment responsibilities.

Implementation and maintenance of the Investment Policy are the responsibility of this individual. On an annual basis, the Finance Manager shall present to the Finance Sub-Committee, recommended changes to the City's Investment Policy. On a monthly basis, the Finance Manager shall present to the City Council, via the City Manager, a Monthly Investment Report. Refer to "Monitoring and Reporting" for additional information.

- a. **Wire Transfer Authority:** The Finance Manager has wire transfer authority not to exceed \$3,000,000 for a single investment transaction. Such a transaction shall be reviewed, approved and verified in advance by the Finance Director, and shall be reported in the Monthly Investment Report to Council.

6. **Responsibilities of the Accountant and Sr. Accountant:** The Accountant is appointed by the Finance Director and is subject to the direction and supervision of the Finance Manager. The Accountant carries out the specific instructions provided by the Finance Manager regarding the purchase and sale of securities in accordance with principles of sound treasury management and in accordance with applicable laws and policies. Accounting for the various investment transactions is the responsibility of the Accountant.

- a. **Wire Transfer Authority:** The Accountant and Senior Accountant have ~~has~~ wire transfer authority not to exceed \$2,100,000 for a single investment transaction. The standard operating procedure is that all cash and investment wire transfers made by the Accountant and Senior Accountant are reviewed, approved and verified in advance by the Finance Manager, and are reported in the Monthly Investment Report to Council.

D. Prudence:

1. It is the understanding of the individuals holding positions with investment responsibilities that the "prudent person" rule applies. This means that investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital and income to be derived.
2. The City's overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The City recognizes



City of Campbell, California

Investment Policy

Date: June 21, 2016~~May 19,~~

2015

that no investment is totally riskless and that the investment activities of the City are a matter of public record. Accordingly, while the intent of the City is to hold purchased securities to maturity, the City recognizes that occasional measured losses may be advisable in a diversified portfolio and shall be considered within the context of the overall portfolio's return, provided that (a) adequate diversification has been implemented, (b) the sale of a security is in the best long-term interest of the City and (c) the City Manager approves in writing.

E. Ethics and Conflicts of Interest:

Elected officials and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the City's investment program or could impair or create the appearance of an impairment of their ability to make impartial investment decisions. Employees and investment officials shall disclose to the City Manager any business interests they have in financial institutions that conduct business with the City, and they shall subordinate their personal investment transactions to those of the City. In addition, the City Manager, the Finance Director and others with delegated investment authority shall file a Statement of Economic Interests each year pursuant to California Government Code Section 87203 and regulations of the Fair Political Practices Commission.

F. Conflict with State Statutes or Regulations

1. Any conflict between the City of Campbell Investment Policy and Government Code Section 53600 et seq, shall be interpreted in favor of the Government Code.

V. AUTHORIZED SECURITIES AND TRANSACTIONS

All investments and deposits of the City shall be made in accordance with California Government Code Sections 16429.1, 53600-53609 and 53630-53686, except that pursuant to California Government Code Section 5903(e), proceeds of bonds and any moneys set aside or pledged to secure payment of the bonds may be invested in securities or obligations described in the ordinance, resolution, indenture, agreement, or other instrument providing for the issuance of the bonds. Any revisions or extensions of these code sections will be assumed to be part of this Policy immediately upon being enacted. However, in the event that amendments to these sections conflict with this Policy and past City investment practices, the City may delay adherence to the new requirements when it is deemed in the best interest of the City to do so.

The City has further restricted the eligible types of securities and transactions to the following:

1. United States Treasury bills, notes, bonds, or strips with a final maturity not exceeding five years from the date of purchase.
2. Federal Agency debentures and mortgage-backed securities with a final maturity not exceeding five years from the date of purchase issued by the Government National Mortgage Association (GNMA). The aggregate investment in Federal Agency obligations shall not exceed 75% of the City's total portfolio.
3. Federal Instrumentality (government sponsored enterprise) debentures, discount notes, callable and step-up securities, with a final maturity not exceeding five years from the date of purchase, issued by the following only: Federal Home Loan Banks (FHLB), Federal



City of Campbell, California

Investment Policy

Date: ~~June 21, 2016~~ May 19,

2015

National Mortgage Association (FNMA), Federal Farm Credit Banks (FFCB) and Federal Home Loan Mortgage Corporation (FHLMC). The aggregate investment in Federal Instrumentality obligations shall not exceed 75% of the City's total portfolio.

4. Repurchase Agreements with a final termination date not exceeding one year collateralized by U.S. Treasury obligations, Federal Agency securities, or Federal Instrumentality securities listed in items 1, 2 and 3 above with the maturity of the collateral not exceeding five years. For the purpose of this section, the term collateral shall mean purchased securities under the terms of the City's approved Master Repurchase Agreement. The purchased securities shall have a minimum market value including accrued interest of 102% of the dollar value of the transaction. Collateral shall be held in the City's custodian bank, as safekeeping agent, and the market value of the collateral securities shall be marked-to-the-market daily. The aggregate investment in repurchase agreements shall not exceed 10% of the City's total portfolio.

Repurchase Agreements shall be entered into only with broker/dealers that have executed a City approved Master Repurchase Agreement with the City. Repurchase counterparties shall be recognized as Primary Dealers with the Federal Reserve Bank of New York, or shall have a primary dealer within their holding company structure. Broker/dealers approved as Repurchase Agreement counterparties shall have a short-term credit rating of at least A-1 or the equivalent and a long-term credit rating of at least A or the equivalent. The Finance Director shall maintain a copy of the City's approved Master Repurchase Agreement along with a list of the broker/dealers that have executed a Master Repurchase Agreement with the City.

5. Prime Commercial Paper with a maturity not exceeding 270 days from the date of purchase with the highest ranking or of the highest letter and number rating as provided for by a NRSRO. The entity that issues the commercial paper shall meet all of the following conditions in either sub-paragraph a. or sub-paragraph b. below:
 - a. The entity shall (1) be organized and operating in the United States as a general corporation, (2) have total assets in excess of five hundred million dollars (\$500,000,000) and (3) have debt other than commercial paper, if any, that is rated "A" or higher by a NRSRO.
 - b. The entity shall (1) be organized within the United States as a special purpose corporation, trust, or limited liability company, (2) have program wide credit enhancements, including, but not limited to, over collateralization, letters of credit or surety bond and (3) have commercial paper that is rated "A-1" or higher, or the equivalent, by a NRSRO.

Purchases of eligible commercial paper may not represent more than 10% of the outstanding commercial paper of any single corporate issuer. No more than 10% of the City's total portfolio may be invested in the commercial paper of any one issuer, and the aggregate investment in commercial paper shall not exceed 25% of the City's total portfolio.

6. Eligible Bankers Acceptances rated at least A-1 by Standard & Poor's, P-1 by Moody's, or F1 by Fitch at the time of purchase by each service that rates the commercial paper, with a maturity not exceeding 180 days from the date of purchase, issued by a state or national bank that has combined capital and surplus of at least \$250 million, whose deposits are insured by the FDIC, and whose senior long-term debt is rated at least A by



City of Campbell, California

Investment Policy

Date: ~~June 21, 2016~~ May 19,

2015

Standard & Poor's, A2 by Moody's or A by Fitch at the time of purchase. No more than 10% of the City's total portfolio may be invested in banker's acceptances of any one issuer, and the aggregate investment in banker's acceptances shall not exceed 30% of the City's total portfolio.

7. Medium Term Notes issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States, with a final maturity not exceeding five years from the date of purchase, and rated at least AA by Standard & Poor's, Aa2 by Moody's or AA by Fitch. The aggregate investment in medium term notes shall not exceed 10% of the City's total portfolio.
8. Non-negotiable Time Certificates of Deposit and savings deposits with a maturity not exceeding five years, in state or nationally chartered banks or savings and loans with a California branch office that are insured by the FDIC. Time Certificates of Deposit exceeding the FDIC insured amount must be secured pursuant to California Government Code Section 53652. No more than \$1 million may be invested in non-negotiable time certificates of deposit of any one issuer and the aggregate amount invested in non-negotiable time certificates of deposit shall not exceed 25% of the City's total portfolio.
9. Certificates of Deposit at commercial bank, savings bank, or savings and loan association that uses a private sector entity (Certificate of Deposit Account Registry Service) that assists in the placement of certificates of deposit, provided that the purchase of certificates of deposit do not, in total, exceed 30% of the City's funds that may be invested for this purpose. The City shall choose a nationally or state chartered commercial bank in California as the "selected" depository institution to invest the funds. The selected depository institution may submit the funds to a CDARS for the benefit of the City's account. The full amount of the principal and interest that may be accrued during the maximum term of each certificate shall be insured by the FDIC. ..
10. State of California's Local Agency Investment Fund (LAIF), pursuant to California Government Code Section 16429.1.
11. Mutual Funds registered under the Investment Company Act of 1940 that (1) are "no-load" (meaning no commission or fee shall be charged on purchases or sales of shares); (2) invest only in the securities and obligations authorized in this policy and (3) have a rating of AAAM by Standard and Poor's, Aaa by Moody's or AAA/V1+ by Fitch. No more than 10% of the City's total portfolio may be invested in mutual funds of any one issuer, and the aggregate investment in mutual funds shall not exceed 15% of the City's total portfolio.
12. Money Market Mutual Funds registered under the Investment Company Act of 1940 that (1) are "no-load" (meaning no commission or fee shall be charged on purchases or sales of shares); (2) have a constant daily net asset value per share of \$1.00; (3) invest only in the securities and obligations authorized in this policy and (4) have a rating of at least two of the following: AAAM by Standard and Poor's, Aaa by Moody's or AAA/V1+ by Fitch. No more than 10% of the City's total portfolio may be invested in money market funds of any one issuer, and the aggregate investment in money market funds shall not exceed 15% of the total portfolio.



City of Campbell, California

Investment Policy

Date: June 21, 2016~~May 19,~~

2015

13. Municipal and State Obligations with a minimum long-term rating of A/A-1 or higher by Standard and Poor's and not exceeding 10% of the portfolio:
- (a) Bonds Issued by the Local Agency (City of Campbell) including bonds payable solely out of the revenue from a revenue-producing property owned, controlled, or operated by the local agency or by a department, board, agency, or authority of the local agency.)
 - (b) State Obligations including registered treasury notes or bonds of this State and any of the other 49 states in addition to California, including bonds payable solely out of the revenue from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of the any of the other 49 United States, in addition to California.
 - (c) California Local Agency obligations including bonds, notes, warrants, or other evidence of indebtedness of any local agency within this state, including bonds payable solely out of the revenue from a revenue-producing property owned, controlled, or operated by the local agency or by a department, board, agency, or authority of the any of the local agency.

Note: Per state statute, the maximum combination of Mutual Funds and Money Market Mutual Funds is 20% of the portfolio.

It is the intent of the City that the foregoing list of authorized securities and transactions is strictly interpreted. Any deviation from this list must be preapproved by the City Council writing.

VI. PORTFOLIO MATURITIES AND LIQUIDITY

To the extent possible, investments shall be matched with anticipated cash flow requirements and known future liabilities. The City will not invest in securities maturing more than five years from the date of purchase, unless the City Council has granted authority to make such an investment at least three months prior to the date of investment. The weighted average final maturity of the City's portfolio shall at no time exceed 3 years.

VII. MONITORING AND REPORTING

- A. The Finance Director shall routinely monitor the contents of the portfolio and shall file with the City Council the Finance Manager's Investment Report within 30 days of the end of the quarter. The reports shall be prepared and submitted in accordance with California Government Code Section 53646 and shall include the following on all invested monies:
- Type of Investment and Issuer
 - Beginning Balances
 - Purchases During Month
 - Maturities or Sales During the Month
 - Ending Balances
 - Maturity Date
 - Weighted Average Final Maturity
 - Call Provisions (if any)



City of Campbell, California

Investment Policy

Date: June 21, 2016~~May 19,~~

2015

- Interest Rate
- Weighted Average Yield
- Face Value or Purchase Cost
- Market Value including source
- Interest Earned During Month
- Interest Earned to Maturity
- Cash Flow Projection for the Following Month
- Summary of Cash Invested to Total Cash Balances
- Comparative Statistics by Fiscal Year
- Reconciliation of Cash & Investments to General Ledger Balances
- Investments under the Management of Contracted Parties
- Statement of Compliance with the Investment Policy
- Statement of Ability to Meet Obligations of Next Six Months

B. Each time an investment transaction is made, an "Investment Transaction Record" form shall be prepared by the Accountant and approved by the Finance Manager. Copies of the form are to be distributed to the City Manager, and Finance Director.

VIII. SELECTION OF BROKER/DEALERS

The City shall transact business with securities broker/dealers after careful review of their qualifications and creditworthiness. In selecting broker /dealers, the Finance Director or designated staff member shall select broker/dealers representing primary dealers in government securities that have established offices and order desks within the State of California, or with such firms that have a primary dealer within their holding company structure.

Exceptions to this rule will be made only upon the joint written authorization of the Finance Director and City Manager. Staff shall investigate broker/dealers wishing to do business with the City to determine if they are adequately capitalized, are reputable, have pending legal action against the firm or the individual broker, have established offices and order desks within the State of California, and make markets in the securities appropriate to the City's needs.

Before accepting funds or engaging in investment transactions with the City, the supervising officer at each authorized broker/dealer shall submit and annually update a City approved Broker/Dealer Information Request form that includes the firm's most recent audited financial statement. The Finance Director, or his or her designee, shall maintain a list of approved broker/dealers. Broker/dealers shall attest in writing that they have received and reviewed a copy of this Investment Policy, and that they will comply with it and disclose potential conflicts or risks to public funds that might arise out of business transactions between the firm and the City of Campbell.

IX. SAFEKEEPING AND COLLATERALIZATION

A. Safekeeping:

1. The City shall contract with a bank or banks for the safekeeping of securities which are owned by the City as a part of the investment portfolio. Staff shall periodically review the performance and pricing of the third-party, safekeeping agent services.
2. All investment securities (except the collateral for certificates of deposit in banks, and/or savings and loans) purchased by the City shall be held in



City of Campbell, California

Investment Policy

Date: ~~June 21, 2016~~ May 19,

2015

	of Deposit		\$1 million per issuer	
53601.8 (a)-(h)	Certificates of Deposit through Account Registry Services	5 years	7.5% Aggregate Maximum Up to the FDIC Insured Limit Per Issuer	-
16429.1	State of California LAIF	18 Months-Avg	None	-
53601(k)	*Mutual Funds	None	15%	AAAm/Aaa/AAAV1+
53601(k)	*Money Market Mutual Funds	None	15%	AAAm/Aaa/AAAV1+
	*Combined total not to exceed 20% per State		20%	



City of Campbell, California

Investment Policy

Date: ~~June 21, 2016~~ May 19,

2015

EXHIBIT A

GLOSSARY OF ELIGIBLE INVESTMENTS

Local Agency Investment Fund (L.A.I.F.). The L.A.I.F. was established by the state of California to enable treasurers to place funds in a pool for investments. There currently is a limitation of \$40 million per agency subject to a maximum of 15 total transactions per month. The City of Campbell uses this fund when interest rates are declining as well as for short-term investments and liquidity.

U.S. Treasury Bills. Commonly referred to as T-Bills, these are short-term marketable securities sold as obligations of the U.S. Government. T-Bills do not accrue interest but are sold at a discount to pay face value at maturity.

U.S. Treasury Notes. These are marketable, interest-bearing securities sold as obligations of the U.S. Government with original maturities of one to ten years. Interest is paid semi-annually.

U.S. Treasury Bonds. These are the same as U.S. Treasury Notes except they have original maturities of ten years or longer.

U.S. Government Agency Issues. Are securities that are unconditionally backed by the full faith and credit of the United States, including: Government National Mortgage Association (GNMA), Farmers Home Administration (FmHA), Small Business Administration (SBA), General Services Administration (GSA), Federal Housing Administration (FHA) and Housing and Urban Development (HUD).

U.S. Government Instrumentality Issues. Are government sponsored enterprises that are backed by the creditworthiness of the issuing agency, not the full faith and credit of the U.S. government. They do carry an implied guarantee of government assistance to the organization should it encounter financial difficulties. Issuers include: Federal National Mortgage Association (FNMA), Federal Home Loan Bank (FHLB), Federal Farm Credit Banks (FFCB) and Federal Home Loan Mortgage Corporation (FHLMC).

Banker's Acceptance. This is a negotiable time draft (bill of exchange) with a maturity of six months or less drawn on and accepted by a commercial bank. Banker's Acceptances are usually created to finance the import and export of goods, the shipment of goods within the United States and storage of readily marketable commodities. Per State Law, cities may not invest more than 30% of idle cash in Banker's Acceptances.

Certificate of Deposit (CD's). - is a receipt for funds deposited in a bank or savings and loan association for a specified period of time at a specified rate of interest. The first \$250,000 of a certificate of deposit is guaranteed by the Federal Deposit Insurance Corporation (FDIC). CD's with a face value in excess of \$250,000 can be collateralized by Treasury Department Securities, which must be at least 110% of the face value of the CD's, in excess of the first \$250,000, or by first mortgage loans which must be at least 150% of the face value of the CD balance in excess of the first \$250,000.

Repurchase Agreements (REPOS). - is a contractual arrangement between a financial institution, or dealer, and an investor. This agreement normally can run for one or more days. The investor puts up his funds for a certain number of days at a stated yield. In return, he takes a given block of securities as collateral. At maturity, the securities are repurchased and the funds repaid plus interest.

Commercial Paper. - Notes are unsecured promissory notes of industrial corporations, utilities and bank holding companies. State law limits a city to investments in United States corporations having



City of Campbell, California

Investment Policy

Date: June 21, 2016~~May 19,~~

2015

assets in excess of five hundred million dollars with an "A" or higher rating. Per State law, cities may not invest more than 25% of idle cash in commercial paper.

Medium Term Notes. - are corporate or depository institution debt securities meeting certain minimum quality standards (as specified in the California Government Code) with a remaining maturity of five years or less.

Money Market Mutual Fund. - Mutual funds that invest solely in money market instruments (short-term debt instruments, such as Treasury bills, commercial paper, bankers' acceptances, repos and federal funds).

Mutual Fund. - An investment company that pools money and can invest in a variety of securities, including fixed-income securities and money market instruments. Mutual funds are regulated by the Investment Company Act of 1940 and must abide by strict Securities and Exchange Commission (SEC) disclosure guidelines.

MEMORANDUM



CITY OF CAMPBELL

To: Finance Sub-Committee

Date: June 1, 2016

From: Sharif Etman, Finance Manager *SE*
Jesse Takahashi, Finance Director *JT*

Subject: Investment Strategy for FY2016-17

BACKGROUND

The investment policy establishes procedures and guidelines by which the City's surplus funds can be managed in a prudent and fiscally sound manner. The policy encompasses those funds over which the City exercises fiscal control and prioritizes the objectives of public funds management as safety, liquidity and yield. It also stipulates allowable and unallowable investment alternatives as well as establishes parameters for selecting broker/dealers and institutions with which the City may do business.

California Government Code Section 53646 (a) (2) requires that on an annual basis, the City Investment Policy be submitted to its legislative body and any oversight committee for consideration at a public meeting. The Finance sub-Committee is the oversight committee responsible for review of the Investment Policy. In addition to review of any proposed revisions to the Investment Policy, staff has prepared a report summarizing the past year's economic conditions and the recommended strategy for managing the City's available invested funds.

SUMMARY OF CURRENT STRATEGY AND RECOMMENDATIONS

It is recommended that the City maintain sufficient liquidity to cover daily operating cash flows for a minimum of 3 months that will provide a reasonable cushion for fluctuations in the portfolio balance and for unforeseen emergencies. Average monthly disbursements during the past several years have approximated \$3.5 million. Therefore, we would retain a minimum of \$10.5 million in the Local Agency Investment Fund (LAIF) and use the remainder to invest in a portfolio of fixed income securities with individual maturities up to 5 years while not exceeding a weighted average maturity of 3 years.

Interest rates continue to remain at historically low levels as the Federal Reserve has maintained a policy of keeping rates low. However, it is expected that rates will begin to rise over the course of the upcoming year based on Fed comments. Consequently, staff will continue to achieve a prudent balance between investing the portfolio in investments that will provide a reasonable return for a duration that will not severely penalize us should interest rates rise significantly.

With short-term interest rates that are currently below the rate of inflation, there is some loss in purchasing power that results from such low earnings; however, investing in higher yielding investments could increase the City's risk as well. Consequently, this remains an issue until the Federal Reserve begins to raise interest rates without taking on a significant amount of additional risk for the City. The City is currently in the process of refinancing its outstanding debt and expects this to be completed by August, 2016. This will potentially impact our strategy during the upcoming year with respect to the type of investments that are made.

INVESTMENT OBJECTIVES AND OVERVIEW

The City's policy is to invest public funds in a prudent manner, provide for maximum security while meeting daily cash flow needs and comply with applicable statutes. Chief among the objectives outlined in the policy are safety, liquidity and yield, in that specific order. Within this framework a number of investment choices are provided to allow flexibility in meeting these objectives. The City continues to take a conservative approach with its investments that is reflected in the current investment policy.

As a means to implement the policy, it is important to develop a strategy for achieving the stated objectives. Likewise, the strategy should be reviewed periodically to determine whether it needs to be modified in light of changing economic and financial conditions. This document will serve as the City's investment strategy for the next year and will be reviewed annually in conjunction with the review of the City's investment policy or sooner if conditions warrant.

REVIEW OF PAST YEAR

Real gross domestic product (GDP) growth remained modest at the annual rate of 2.4% in 2015, the same as in 2014. Corporations generally reported basically flat during the year and the stock market (DJIA) has reflected this, 17,840 in April 2015 to a current level of 17,773 on April 30, 2016. The economy's rapid growth has slowed but still remains strong. The housing market continues to do well amid low interest rates and continued job growth in the region, resulting in low inventory in and around Silicon Valley which has led to yet higher prices.

Unemployment has continued trending downward. In California, the unemployment rate dropped from 6.7% in February, 2015 to 5.3% in February, 2016. Locally, the County unemployment rate has dropped from 4.3% in February, 2015 to 3.7% in February, 2016. The City of Campbell unemployment rate also declined from 3.1% in February, 2015 to 2.7% by February, 2016. Job creation around Silicon Valley has grown during the past couple of years, led by a combination of large technology organizations such as Apple, Google, Facebook, smaller startups, and everything in between.

For the fiscal year ended June 30, 2015, the City's average portfolio balance was approximately \$40.9 million and the average yield for this same period was 1% compared to \$41.2 million and 1.1%, respectively, for fiscal year ended June 30, 2014. The average yield was essentially flat for the year.

CURRENT MARKET CONDITIONS AND PORTFOLIO BALANCE

The national and state economies have been in a steady expansion mode from the last recession. Inflation in the San Francisco Bay Area is currently running at an annual rate (Feb 2015 to Feb 2016) of about 3.0% and is expected to remain low for the balance of 2016, however slowly increasing in the last two years.

As of April, 2016, the City's investment portfolio was valued at approximately \$40.3 million. This was comprised of approximately \$34.7 million (86%) in LAIF and \$3.5 million (9%) in US Government Agency securities, and \$2.0 million (5%) in corporate bonds and money market accounts. Of the total portfolio, approximately \$36.8 million can be considered "discretionary" investments meaning that the City can invest this amount as it sees fit within the guidelines of the investment policy. With a holdback of approximately \$10.5 million for cash flow, that leaves up to \$26.3 million that can be invested in Agency and other securities (limitation of 75% of portfolio per investment policy) of which \$5.5 million is currently invested outside of LAIF. We will be looking to increase the portfolio of Agency securities for the remainder of FY 2016 and into FY 2017 in order to increase aggregate interest income while maintaining sufficient liquidity for unforeseen occurrences.

DISCUSSION OF ALLOWABLE INVESTMENTS

The City's investment policy contains a listing of allowable investment instruments along with specified limits and maturities. These include:

- State of California Local Agency Investment Fund (LAIF)
- US Treasury Bills, Notes & Bonds
- US Government Agency Issues (e.g., FNMA & GNMA)
- Corporate Medium Term Notes
- Banker's Acceptances
- Certificates of Deposit with banks or savings & loan associations
- Repurchase Agreements
- Commercial Paper
- Mutual Funds (allowed by Calif. Gov't Code Sec. 53601(a)-(m))

It is the City's experience that LAIF provides a safe short-term investment vehicle, and the City has utilized it for its primary source of investment earnings for many years. This fund is generally viewed as a conservative and safe investment choice. In fact, the City is not aware of any municipality that has ever experienced a loss of principal in LAIF. One characteristic of LAIF is that, due to its size (combined State Investment Pool assets valued at over \$63.2 billion) the rate of return will typically lag the current market. Thus, in periods of rising interest rates, LAIF may have a lower return. Conversely, in a declining market, LAIF will provide investors with an above-market return. The current daily yield as of April 30, 2016, is approximately .53% compared to .28% one year ago. A benefit of using LAIF is that it offers a high liquidity whereby funds can generally be requested and received in the same day. Another benefit is that a minimum of staff administrative effort is required, enabling the time to be spent on other departmental priorities.

US Treasuries are considered to be one of the safest investment choices available to municipalities due to their being backed by the full faith and credit of the United States Government. However, because of their popularity and under current market conditions, the rate of return tends to be lower than other types of securities. Currently, the 6-month and 2-year term Treasuries are yielding 0.47% and 0.9%, respectively. The 5 year Treasury has a yield of 1.39%. These rates have increased (except for the 5 year which decreased) compared to the same period last year. A year ago, the 5-year Treasury was slightly higher at 1.49%.

US Agency issues provide a slightly better rate of return and, are still considered a safe investment choice (AAA rated). During the past year, this is where most of the new investments have been made. Agencies can be "callable" meaning they can be redeemed by the issuer prior to maturity or "non-callable (bullet)" meaning they cannot be redeemed prior to maturity. Agencies also issue "discount notes" which have are shorter term issues, generally less than 18 months, in which the note is bought at a deep discount and redeemed for face value at maturity. The City has been purchasing primarily callable structured rate agencies during the past year to maximize its yields and minimize interest rate risk in the future. Currently, the rates on 2-year and 5-year callable Agencies with a 3 month call protection are available at 0.55% and 1.1%, respectively.

With respect to the upcoming year, it is anticipated that investments outside of LAIF will be made primarily in callable agency securities with some rate protection and a short term of two to three years. "Step" issues which generally have a five-year maturity but start at short term market rates of interest (0.90% to 1.45%) then automatically "step up" to rates as high as 2.8% in the fifth year are also contemplated. Much of the turnover in the portfolio this past year was in this type of "structured rate" bond which provides significantly higher rates of return in the short run when compared to LAIF. Most of these bonds were five year terms with interest rate protection in the later years, but the expectation when they are purchased is that they will be called early. Many of these bonds have a five-year yield to maturity now in the 2.00-2.50% range. Staff will also evaluate other types of investments allowed by policy that may have yields in excess of LAIF and agency issues, such as short term commercial paper and corporate notes rated AA or higher.

RECOMMENDATION

It is recommended that the Finance sub-Committee approve the proposed strategy.

Distribution:

Liz Gibbons, Council Member
Paul Resnikoff, Council Member
Mark Linder, City Manager



City Council Report

Item: 15.
Category: Consent
Date: June 21, 2016

TITLE: FISCAL YEAR 2016-17 COUNCIL STRATEGIC PRIORITIES AND CITY COUNCIL RESERVE FUND PROJECTS

RECOMMENDATION

It is recommended that the City Council approve the Fiscal Year 2016-17 Council Strategic Priorities and City Council Reserve Fund Projects.

BACKGROUND AND DISCUSSION

Each year, the City Council holds an annual Council Priorities workshop for the purpose of identifying projects of strategic importance to the City Council. The setting of these annual priorities allows the organization to plan for any related work load, timeline and budget impacts associated with the City Council priorities.

On January 29, 2016, the City Council held the FY 16-17 Priority Setting Session. At this meeting, Council and City staff also discussed current departmental projects that require significant staffing and departmental resources. On March 15, the City Council affirmed the projects identified at the Priority Setting Session.

DISCUSSION

The attached document is a complete listing of the projects identified as Strategic Priorities or projects funded from the Fiscal Year (FY) 15-16 City Council Reserve fund. The table lists a total of 30 projects grouped in the following four groups:

(A) High Priority - 7 Projects

- i. Seven (7) projects were identified at the January 29, 2016 Priority Setting Session.
 - Four (4) of the projects (Potential Ballot Measure, General Plan Update, Campbell Village Area Plan, Use of Park Impact Fees) were continued from FY 15-16 and identified with an asterisk (*). They also have a *FY 16* notation.
 - Three (3) of the projects were new projects (Residential & Commercial Fees, Firearms Safety Ordinance, Traffic Calming Processes).
- ii. Six of the seven projects have been identified for review or completion during the first six months of the fiscal year, identified with a plus sign (+).

(B) Medium Priority – 9 Active Projects – 15 Total Projects

- i. Nine (9) projects continued from FY 15-16 and identified with an asterisk (*). They also have a *FY 16* notation.
- ii. Six (6) projects did not receive a majority of the Council's support at the Priority Setting Session and are therefore not active departmental projects.

(C) Low Priority – 3 Projects

- i. One (1) project continued from FY 15-16 and identified with an asterisk (*) and *FY 16* notation.
- ii. Two (2) projects did not receive a majority of the Council's support at the Priority Setting Session and are therefore not active departmental projects.

(D) FY 15-16 City Council Reserve Allocation – 5 Projects

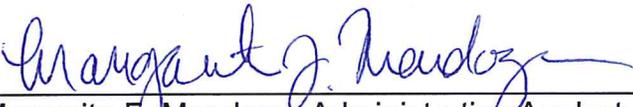
- i. In 2015, the City Council established a \$500,000 reserve in the General Fund to be used for specific Council projects.
- ii. Outstanding projects identified for funding from this reserve are listed. Completed projects are: CERT supplies, iPads for Planning Commissioners, and Super Bowl 50 marketing.

FISCAL IMPACT

There is no additional fiscal impact associated with the approval of the FY 2016-17 Council Strategic Priorities and City Council Reserve Fund Projects. Funding for these projects is included as part the proposed FY 2016-17 City budget.

ALTERNATIVES

- 1. Do not approve the Strategic Priorities and Reserve Fund Projects.
- 2. Provide other direction.

Prepared by: 
Margarita F. Mendoza, Administrative Analyst

Reviewed and approved by: 
Mark Linder, City Manager

Attachment:

- 1. Strategic Priorities Matrix (July 2016 – June 2017)

**City of Campbell
Strategic Priorities
July 1, 2016 – June 30, 2017**

Department	Project Name	Description	Status / Anticipated Timeline	Additional Resources Requested	
HIGH PRIORITY (A) – 7 Projects					
1	City Manager's Office	Potential Ballot Measure* (+) <i>FY 16</i>	Consideration of options and work plans based upon outcomes	<p>June 2016: Pollster to share results with City Council; kick-off meeting with new campaign strategist with staff and Council Subcommittee.</p> <p>July 2016: Council action to decide whether to put ballot measure on Nov. 2016.</p>	<p>\$49,000 to place ballot measure.</p> <p>\$18,000- consultant fees for June through August.</p> <p>\$27,000 – three informational mailers.</p>
2	Community Development	General Plan Update* (+) <i>FY 16</i>	Implementation of the general plan update	Work is already underway. Timeline for activities in this fiscal year will be driven by outcomes of work currently underway.	No additional funding. On April 19, Council approved total project funding in the amount of 1,054,642.
3	Community Development City Attorney	Residential and Commercial Impact Fees (+)	Review and modification consideration	<u>October 2016</u> : Council review of Nexus Study to determine if fees need to be created.	Funded \$25,000 in FY 16. Kaiser Marston Associates performing the study. Organized by Silicon Valley Community Foundation.
4	Police City Attorney	Firearms Safety Ordinance	Development of an ordinance patterned after City of Sunnyvale	<u>December 2016</u> : Council review of related legal matters and proposed Ordinance.	City Attorney will research several legal issues regarding this Ordinance simultaneous to his work on several other Ordinances in need of updates.

* FY 15-16 Strategic Priority Project not completed and will be continued to the following Fiscal Year
 (+) Project prioritized for completion or review during the first six months of the Fiscal Year
 FY 16: Project identified as an "A" Strategic Priority in Fiscal Year 2015-16

**City of Campbell
Strategic Priorities
July 1, 2016 – June 30, 2017**

Department		Project Name	Description	Status / Anticipated Timeline	Additional Resources Requested
5	Public Works	Campbell Village Area Plan* (+) FY 16	Development of potential action items	<u>November 2016</u> : Council review of draft Area Plan.	The FY 2016-17 proposed budget includes a request for \$20,000 in the Public Works operating budget to fund the time of an engineer dedicated to this project.
	Community Development				
6	Public Works	Use of Park Impact Fees* (+) FY 16	Consideration of implementation options	<u>No later than September 2016</u> : Present draft policy for use of Park Impact fees; identify potential areas for improvement or acquisition.	The FY 2016-17 proposed budget includes a request for \$20,000 in the Public Works Administration budget to fund dedicated staff support to complete the policy related work.
	Recreation & Community Services				
	City Manager's Office				
7	Public Works	Traffic Calming Processes (+)	Review of current status, focus on Circulation Element and Neighborhood barriers policy	<u>November 2016</u> : Develop a draft traffic calming policy for Council consideration.	The FY 2016-17 proposed budget includes a request for \$20,000 in the Public Works operating budget to fund the time of an engineer dedicated to this project.
MEDIUM PRIORITY (B) - 9 Active Projects - 15 Total Projects					
8	City Manager's Office	Community Choice Energy* FY 16	Consideration of options	June 2016: Approve FY 2017 Authority budget; approve Energy Services RFP; approve initial power supply goals; and approve phasing plan July 2016: Approve staffing plan; authority to execute PG&E Service Agreement;	No additional staff or fiscal resources requested.

* FY 15-16 Strategic Priority Project not completed and will be continued to the following Fiscal Year

(+) Project prioritized for completion or review during the first six months of the Fiscal Year

FY 16: Project identified as an "A" Strategic Priority in Fiscal Year 2015-16

**City of Campbell
Strategic Priorities
July 1, 2016 – June 30, 2017**

Department		Project Name	Description	Status / Anticipated Timeline	Additional Resources Requested
				approve implementation plan.	
9	City Manager's Office	Public Art Expansion* FY 16	Consideration and implementation of options	May 2016: CIC action on new Public Art policy; PRC review of proposed public art policy; Council approval of public art policy. June 2016: City Council review of proposed policy.	No additional resources requested.
10	Community Development	Density Bonus Ordinance* FY 16	Provide an analysis of discreet components and options		Further direction requested. Minor revisions to Ordinance could be completed by hiring a consultant firm. Funds exist within current budget. Staff estimates that the cost to prepare a comprehensive update to the Density Bonus Ordinance is approximately \$15,000.
	City Attorney				

* FY 15-16 Strategic Priority Project not completed and will be continued to the following Fiscal Year
 (+) Project prioritized for completion or review during the first six months of the Fiscal Year
 FY 16: Project identified as an "A" Strategic Priority in Fiscal Year 2015-16

**City of Campbell
Strategic Priorities
July 1, 2016 – June 30, 2017**

Department		Project Name	Description	Status / Anticipated Timeline	Additional Resources Requested
11	Community Development	Sign Ordinance Update* <i>FY 16</i>	Review and modification of current sign ordinance	Focusing on revisions to two sections of the Sign Ordinance relating to freeway-oriented and roof-top signage.	In-house staff will prepare revisions to the two sections. A comprehensive update to the Sign Ordinance is not possible with existing staffing. If a comprehensive update is desired, the City should prepare a formal RFP and hire a consultant. Staff estimates a \$100,000 budget. The RFP, with approved Scope of Work, will help refine the actual amount.
	City Attorney				
12	Public Works	Envision SV* <i>FY 16</i>	Council consideration of options	Project scoping and evaluation work underway. <u>August 2016</u> : VTA Board will consider ballot measure and corresponding list of project	
	City Manager's Office				
13	Public Works	LED Streetlights Upgrade* <i>FY 16</i>	Phase II conversions-targeting over 500 streetlights utilizing PG&E Financing	<u>June 2016</u> : Retrofit work on identified streetlights anticipated by the end of the fiscal year.	If direction is provided to expand retrofits Citywide – funds need to be identified. Citywide conversions are currently listed on the CIP Unfunded List.

* FY 15-16 Strategic Priority Project not completed and will be continued to the following Fiscal Year
 (+) Project prioritized for completion or review during the first six months of the Fiscal Year
 FY 16: Project identified as an "A" Strategic Priority in Fiscal Year 2015-16

**City of Campbell
Strategic Priorities
July 1, 2016 – June 30, 2017**

Department		Project Name	Description	Status / Anticipated Timeline	Additional Resources Requested
14	Public Works	San Tomas Aquino Creek Trail Development* <i>FY 16</i>	Exploration of funding and coordination options	Consultant hired by May 2016 and project carried over as an active Capital Improvement Project. Resources needed to budget this project were included in the CIP project proposal.	No additional request. The FY 15-16 CIP budget for this project totaled \$520,000. Of that amount, up to \$50,000 was allocated to fund staff time spent on this project.
	Recreation & Community Services				
15	Public Works	Signal at Gilman & Page* <i>FY 16</i>	Feasibility Memo on Status	<u>May 2016</u> : Memo to Council regarding feasibility of constructing additional signal at Page/Gilman/Campbell Avenue to be provided with the May 2 Budget Study Session Materials.	Feasibility/status report will be prepared by in-house staff with some support from consultant services. Design resources will be required.
16	Recreation & Community Services	Youth Engagement* <i>FY 16</i>	Continued implementation of coordination efforts	<ul style="list-style-type: none"> • The Youth Commission continues the implementation of its adopted Work Plan. • Work Experience program continues. <u>June 2016</u> : Youth Commission presentation summarizing Year 1 efforts, experience and work plan.	No additional funding in FY 17. Funding to continue the Limited Term Recreation Specialist position will be reviewed during FY 18 budget process.

* FY 15-16 Strategic Priority Project not completed and will be continued to the following Fiscal Year
 (+) Project prioritized for completion or review during the first six months of the Fiscal Year
 FY 16: Project identified as an "A" Strategic Priority in Fiscal Year 2015-16

**City of Campbell
Strategic Priorities
July 1, 2016 – June 30, 2017**

Department		Project Name	Description	Status / Anticipated Timeline	Additional Resources Requested
17	City Manager's Office	Supporting Homeless Services	Participation in regional efforts	Projects did not receive a majority of the Council's Support at the Priority Setting Session and are therefore not active departmental projects.	
18	City Manager's Office City Attorney	Minimum Wage Policy	Policy in alignment with regional actions		
19	Community Development	Planning & Building Permit Process Survey	Provision of status and feedback information relative to permitting process		
20	Public Works City Attorney	Traffic Impact Fees	Review and modification consideration		
21	Public Works	Street Maintenance & Sidewalks Community Survey	Provision of status and feedback information relative to streets maintenance & sidewalks		
22	Recreation & Community Services	Enhancing Service Options for Target Groups	Focus on veterans and disabled populations		
LOW PRIORITY (C) - 1 Active Project - 3 Total Projects					
23	Public Works City Manager's Office	Civic Center Master Plan* <i>FY 16</i>	Consideration of options and recommendations	<u>March 2016</u> : Study Session. Topics to include design scenarios, cost, and project scale. Additional financial analysis and polling underway.	Requires additional in-house project management services.

* FY 15-16 Strategic Priority Project not completed and will be continued to the following Fiscal Year
 (+) Project prioritized for completion or review during the first six months of the Fiscal Year
 FY 16: Project identified as an "A" Strategic Priority in Fiscal Year 2015-16

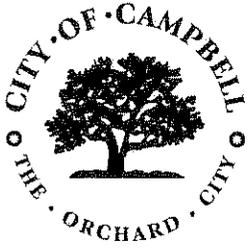
**City of Campbell
Strategic Priorities
July 1, 2016 – June 30, 2017**

	Department	Project Name	Description	Status / Anticipated Timeline	Additional Resources Requested
24	City Manager's Office	Update Admin. Policies & Procedures	Review of all City policies & procedures	Projects did not receive a majority of the Council's support at the Priority Setting Session and are therefore not active departmental projects.	
25	Recreation & Community Services	Enhancing Involvement Options for Senior Adults	Consideration of opportunities within programs and services		
FY 15-16 CITY COUNCIL RESERVE ALLOCATION – 5 Projects					
26	City Manager's Office	Community Beautification	Development of a "Community Beautification Grant Program"	A program proposal supported by CIC will be presented to Council in July 2016.	
27	City Manager's Office	Public Art	Public Art Policy	The CIC will be recommending a draft Public Art Policy or next steps update in June 2016.	
28	City Manager's Office	Volunteer Appreciation	Enhancing the event and gift provided to individuals who volunteer for the City in various capacities.	Volunteers luncheon held on April 21. Boards and Commission appreciation event to be held in October/November, 2016.	\$10,000 to fund appreciation gift for both events.
29	Community Development	Economic Development Activities	Enhancements to the City's Economic Development efforts.	Various activities such as: commercial property inventory, concierge program, website updates, and a review of Downtown outdoor displays and signage.	
30	Public Works	Bicycle Transportation	Various efforts in support of bicycle transportation.	Grants to install Electronic Bike Lockers were recently awarded.	\$22,000 (City grant match)

* FY 15-16 Strategic Priority Project not completed and will be continued to the following Fiscal Year

(+) Project prioritized for completion or review during the first six months of the Fiscal Year

FY 16: Project identified as an "A" Strategic Priority in Fiscal Year 2015-16



City Council Report

Item: 16.
Category: Public Hearing
Meeting Date: June 21, 2016

TITLE: Adoption of Fiscal Year 2016-17 (FY 17) Operating & Capital Budget and 2017-21 Five-Year Capital Improvement Plan (CIP) (Resolutions/Roll Call Vote)

RECOMMENDATION

That the City Council approves the attached resolutions thereby:

1. Adopting the FY 17 City operating and capital budgets, including transfers, in the amounts of \$62,014,859 and \$9,840,000, respectively, for a combined total budget of \$71,854,859; and,
2. Adopting findings that the proposed FY 2017-2021 Capital Improvement Plan projects are categorically exempt under the California Environmental Quality Act (CEQA) and are consistent with the City's General Plan; and, approving the five-year plan total of \$12,220,000 and adopting appropriations for FY 17 projects of \$4,920,000; and,
3. Directing staff to incorporate within the final adopted and published FY 17 budget document any changes or adjustments pursuant to this public hearing and any other minor corrections prior to the budget's final publication.

BACKGROUND AND DISCUSSION

The FY 17 operating and capital budgets were developed over the past six months and included two City Council study sessions. The proposed budget was presented at a City Council meeting on June 7, 2016. At that meeting, Council had no changes to the operating or capital budgets as proposed.

Staff is recommending adoption of the budget as presented to the Council on June 7th. A copy of the June 7th staff report containing a summary of the proposed budget and attachments, along with the budget exhibits, have previously been distributed to Council and are also posted on the City's website for public viewing at <http://www.cityofcampbell.com/AgendaCenter/ViewFile/Agenda/06072016-1341>, item 15 on the Agenda. They are also available from the City's Finance Department during business hours.

Attachment 3 is a listing of the final proposed work plan items for FY 17, which was previously presented and discussed with Council at its April 4th study session. There were no significant changes to the work plans as previously submitted.

Adoption of FY 17 Operating & Capital Budget and Capital Improvement Plan (CIP)
June 21, 2016
Page 2 of 2

Staff at all levels of the organization contributed their knowledge and expertise to the development of the proposed budget. I wish to express my appreciation and thanks to everyone who participated in the budget process this year, including members of the Finance Department and the City Manager's Office for their dedication and hard work in coordinating, developing, and publishing the FY 17 budget.

Prepared by: 
Jesse Takahashi, Finance Director

Approved by: 
Mark Linder, City Manager

Attachments:

1. Resolution to Adopt City Operating & Capital Budget
2. Resolution to Adopt CIP Findings and Projects
3. Proposed Major Work Plan Items – FY 17

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
ADOPTING THE CITY'S OPERATING AND CAPITAL BUDGET
FOR FISCAL YEAR 2016-17 (FY 17)**

WHEREAS, there has been submitted to the City Council a proposed budget for the operation of all departments and facilities of the City of Campbell for FY 17, and there has been submitted to the City Council a proposed budget for the capital expenditures related to City projects, and

WHEREAS, the City Council held meetings to review the proposed operating and capital budget; and the City Council took action to adopt the proposed budget;

NOW, THEREFORE, BE IT RESOLVED by the City Council that as of July 1, 2016 the amount of \$62,014,859 be fixed as the amount necessary to meet all municipal operating requirements (excluding any further changes resulting from this public hearing and/or any miscellaneous corrections), and that the amount of \$9,840,000 be fixed as the amount necessary to meet the capital requirements of the City and that the same is hereby approved, confirmed and adopted at the combined total of \$71,854,859; and,

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to make any changes resulting from the public hearing to adopt the FY 17 operating and capital budget or any miscellaneous corrections due to more refined estimates and incorporate these changes into the final published FY 17 operating and capital budget document; and,

PASSED AND ADOPTED the 21st day of June, 2016, by the following roll call vote:

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

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk

RESOLUTION NO. _____

A Resolution of the Campbell City Council Approving the Proposed Fiscal Years 2017-2021 5-Year Capital Improvement Plan (CIP) and Finding the CIP to be Consistent with the City's General Plan Pursuant to § 65401 of the State of California Government Code and the Projects to be Categorically Exempt Under the California Environmental Quality Act

WHEREAS, after due consideration of all evidence presented, the City Council does find as follows with respect to the FY 2017-2021 CIP:

1. The proposed CIP is consistent with the City's General Plan, pursuant to §65401 of the State of California Government Code;
2. That the City Council finds the capital projects to be Categorically Exempt under CEQA and that these projects will not have a significant effect on the environment due to their location, cumulative impact or unusual circumstances; and

WHEREAS, based upon the foregoing findings of fact, the City Council further finds and concludes that:

1. The CIP is consistent with the General Plan; and
2. No substantial evidence has been presented from which a reasonable argument could be made that the CIP projects would have a significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds the proposed CIP to be consistent with the City's General Plan pursuant to §65401 of the State of California Government Code and finds the capital projects to be Categorically Exempt; and,

BE IT FURTHER RESOLVED that the City Council approves the Fiscal Year 2017-2021 Capital Improvement Plan with projects totaling \$12,220,000, including first year appropriations of \$4,920,000 for FY 17.

PASSED AND ADOPTED this 21st day of June, 2016, by the following roll call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk

Major Work Plan Items - FY 2017

City Manager's Department:

510 - Administration

- Provide overall coordination with potential revenue ballot measure *
- Assist with considerations for implementation options of park impact fees *
- Coordinate, plan and staff for the 2016 State of the City event

511 - City Clerk

- Conduct November 8, 2016 General Municipal Election
- Coordinate potential revenue and initiative ballot measures
- Coordinate biennial review and update of Statement of Values
- Evaluate Options for Automated Agenda Packet Creation and Distribution – Including Workflow

515 - Human Resources

- Meet and confer with CPOA, CMEA, CPCEA
- Conduct classification audits/analysis for requested positions.
- Establish new Resolutions for Mid-Managers and Confidential Employee Groups
- Assist with implementation of Sungard Pentamation Financial System applications for: Employee Action Center

547 - Information Technology

- Replace City's Storage Area Network (SAN)
- Replace City's Core Network Switch
- Replace City's Department Network Switches
- Build technology infrastructure for CAD/RMS replacement and work with Police Department on implementation
- Replace Network Copiers (Service Center / City Manager's Office)
- Replace RainMaster Irrigation Controller System
- Implement Remote Backup / Replication for City's Data Store at Community Center
- Implement Web-based Building Inspections (carry over from FY16)
- Work with City Attorney to implement Email Retention
- Evaluate Options for Automated Agenda Packet Creation and Distribution – Including Workflow

Recreation & Community Services:

524 - Administrative Services

- Implement Community Center facility improvements as directed by City Council
- Youth Engagement Initiative review and ongoing sustainability
- Use of Park Impact fees *

526 - Adult Services

- Automate the membership renewal and purchase for adult center customers

528 - Museum

- Further develop the Museum's long-term goals as directed by City Council

Finance Department:

535 – Accounting Services

- Implement Sungard Pentamotion Financial System applications for: Electronic Timesheets, Employee Action Center, Workflow and Online Business License Renewals and provide user training. (Carryover from FY 2015-16)
- Provide staff training to enable City departments to access and run their own monthly financial reports electronically
- Coordinate a Citywide inventory of capital assets including equipment
- Coordinate an analysis and update of the City's cost allocation plan and user fees

Community Development:

550 - Administration

- Continue to Provide Training Opportunities to the Planning Commission*

551 - Current Planning

- Work with Historic Preservation Board to develop an App
- Work with Historic Preservation Board to update the Historic Preservation Ordinance

Community Development (Continued):

552 - Policy Development

- Envision Campbell (General Plan Update) *
- Partner with Public Works on the Campbell Village Area Plan *

554 - Building

- Refine the City's Street Naming Program
- Increased Sign Enforcement

556 - Economic Development

- Convert Economic Development Strategy into an Economic Development Plan

557 - Housing Assistance

- Hire an Affordable Housing Consulting Firm
- Residential and Commercial Impact Fee Nexus Study completion *

Unknown Tasks Still Unresolved

- Updating Density Bonus Ordinance – Would need to obtain proposal from Goldfarb and Lipman
- Comprehensive Update to the Sign Ordinance – Simple revisions performed by staff this fiscal year. A consultant needed for comprehensive update

Legal Services:

560 - Legal Services

- Prepare or assist with revisions to at least four Chapters of the Campbell Municipal Code, including revisions to the Subdivision Ordinance and the addition of a Firearms Safety Ordinance *
- Assist with potential ballot measures
- Assist with potential development impact fees *
- Assist IT with implementation of email retention procedures
- Assist Community Development with General Plan update *
- Work with Public Works on update of Standard Specifications and contract documents

Police Department:

602 /603 - Police Communications/Police Records

- Purchase and replace Police Computer Aided Dispatch, Records Management System, and Mobile Data Computer System Replacements (On-Going, Multi-year Project)

605 - Police Field Services

- Firearms Safety Ordinance. Propose a new ordinance to further regulate firearms and ammunition in the City of Campbell *

Public Works Department:

701 - Administration

- Continue Civic Center Master Plan process (and subsequent related work)
- Complete Area Plan for Campbell Village Neighborhood (Cambrian 36 area)*
- Perform analysis related to the use of Park Impact Fees *
- Participate in Regional Transportation planning efforts - Envision Silicon Valley

720 - Transportation Engineering

- Harriet Avenue/McCoy Avenue/San Tomas Aquino Road Signalization Project – design and construction
- Great Streets (Bascom Avenue) – joint project with VTA
- Transportation Improvement Plan for Campbell PDA
- Develop Traffic Calming Policy *
- Campbell and Page Signal Analysis
- Bicycle Transportation Improvements

730 - Engineering

- East Campbell Avenue Portals Project – complete construction and final reporting
- Pavement Management Program – update street condition survey
- Annual Street Maintenance Project – design and construction
- Virginia Avenue Sidewalk Project – complete construction and final reporting
- San Tomas Aquino Creek Trail – complete feasibility study and environmental review

Public Works Department (Continued):

730 - Engineering

- Miscellaneous Storm Drain Improvement Project – design
- Accessibility Ramp Project – design and construction
- Develop Park Improvement Plan
- Park System Improvement Projects – design and construction following completion of Park Improvement Master Plan

740 - Land Development / Environmental Program

- Provide assistance to Public Works Maintenance regarding the implementation of Community Facilities District No. 2
- Assist in the implementation of updated Vehicle Impact Fee associated with new Solid Waste collection vehicles
- Complete GIS updates for the City's storm drain facilities
- Develop new procedures as necessary for compliance with the storm water Municipal Regional Permit
- Coordinate an update of the City's Standard Specifications and Details for Public Works Construction

745 - Administration

- Evaluate the feasibility and benefits of hiring an energy consultant to develop energy saving projects
- Update all of the Maintenance Section's Performance Measures and Outcomes
- Support the completion of the new fleet maintenance software project

750 - Vehicle & Equipment Maintenance

- Oversee the installation of new gas pumps and the implementation of the new Fleet Management Software
- Procure all approved vehicle & equipment acquisitions

760 - Street Maintenance

- Complete the data collection for the City's sign inventory and complete a replacement schedule for sign replacement
- Create Standard Operating Procedure for all of the Streets Section core services
- Complete the revamping of space at Service Yard due to the sale of a section of service yard property to an adjacent developer

Public Works Department (Continued):

770 - Signals and Lighting Maintenance

- Assist with the conversion of street lights to LED fixtures
- Provide construction assistance in the installation of a new traffic signal at Harriet Avenue/McCoy Avenue/and San Tomas Aquino Road
- Support the Traffic Signal Cabinet Replacement Project

775 - Parks Maintenance

- Establish priorities for the Park Improvement Master Plan (Park Impact Fees) *
- Expand the Park Asset Inventory and establish a repair/replacement criteria for park infrastructure
- Create an Urban Forest Management Plan
- Complete the transfer of tree data to a new management database
- Monitor drought conditions and restrictions and adjust citywide watering schedules as required

780 - Building Maintenance

- Deliver refresh projects for City Hall
- Complete all special projects approved in the FY17 budget
- Complete the revamping of space at the Service Yard due to the sale of a section of the service yard property to an adjacent development



City Council Report

Item: 17.
Category: Public Hearing
Meeting Date: June 21, 2016

TITLE: Public Hearing to clarify a condition of approval regarding the removal of a gate and replacement of a wall for a modified Planned Development Permit and Site and Architectural Review Permit (PLN2015-107) on properties located at 3175 S. Winchester and 471/485 Chapman Drive. (Resolution / Roll Call Vote)

RECOMMENDATION

That the City Council take the following action:

1. **Adopt a Resolution**, clarifying the conditions of approval for the modification of a Planned Development Permit for properties located at 3175 S. Winchester, 471 Chapman Drive, and 485 Chapman Drive.

ENVIRONMENTAL DETERMINATION

The project is Categorically Exempt under Section 15321 (Class 21) of the California Environmental Quality Act (CEQA). The clarification and enforcement of the condition of approval is exempt under Class 21 pertaining to regulatory agency actions to enforce an adopted standard or objective of an administrative decision for a permit or entitlement.

BACKGROUND

On August 28, 2015, the Planning Commission held a Public Hearing to review the Barracuda parking lot expansion plans, with several community members in opposition. After deliberating the issues, the Commission recommended approval of the plans on a 4 to 3 vote (Chair Finch, Reynolds, Rich, dissenting) with two conditions: 1) limit the hours of operation of the key coded pedestrian access gate (adjacent to Walnut Drive) from 11am to 2pm weekdays and as needed for emergency only; and 2) install signage at the exit onto Chapman Drive, alerting drivers to “watch for pedestrians/children” (Reference **Attachment 4**).

On September 15, 2015 the City Council, the approving body, held a Public Hearing to consider the Planning Commission’s recommendation. Several community members spoke in opposition to the plans with many of the public comments related to the Chapman Drive vehicle access and the Walnut Drive pedestrian access. Following public testimony, the City Council had a lengthy discussion regarding the project and the Walnut Drive gate in particular. Two motions failed to get a majority vote and a discussion ensued concerning employees creating a public nuisance when accessing the commercial property from the residential neighborhood through the Walnut Drive pedestrian access gate. As part of the discussion of the third and final motion to

approve the project, Council Member Gibbons (now Vice Mayor) made the following statement: *"I'm saying completely remove the gate and replace the wall"* (reference 9-15-15 meeting video time-stamped 2:08:53).

The City Council then approved the project on a 4 to 1 vote (Kotowski dissenting) with a modified Condition of Approval specifying *"the removal of the gate after trimming and/or removal of the hedges"* at the North/West corner of Chapman Drive and Winchester Boulevard (Reference **Attachment 3**). While the motion did not include explicit language that the wall was to be replaced following removal of the gate, the motion was made for the purpose of ensuring that employee parking and pedestrian access would discontinue on Walnut Drive. In this regard, the wall was to be restored. Unfortunately, the condition did not specifically state the obvious. Because the condition does not specifically state that the wall should be restored, the applicant has refused to restore the wall. Given this impasse and the need to clarify the condition of approval, staff has brought this issue to the City Council for a determination on the intent of the condition of approval.

Following City Council approval, the applicant submitted plans to the Building Department and Public Works Department. These plans were routed to Planning at which time staff requested the plans be corrected to reflect the condition of approval that the gate be removed following trimming of the hedge at the corner of Winchester Boulevard and Chapman Drive. Additionally, while the Condition of Approval was not explicit, it was clear to staff (given the statement by Council Member Gibbons) that once the gate was removed the wall would be restored to its previous configuration. The applicant disagreed with this interpretation and a discussion ensued between staff and the applicant regarding the condition of approval (reference **Attachment 2**). Regardless of the disagreement, the plans were revised to state that the gate would be removed.

In April 2016, the applicant contacted staff requesting use of the new parking lot. Staff informed the applicant that all conditions of approval that related to the new parking lot would need to be completed prior to Planning, Building, and Public Works sign-off. Upon inspection, it was determined that the security lighting had not yet been installed and the gate had not yet been removed. The applicant was informed that the parking lot could not be used until these conditions were met and the improvements were consistent with the approved plans.

DISCUSSION

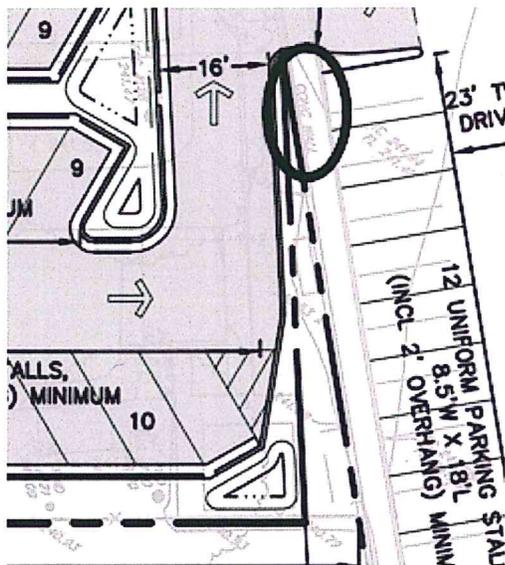
Prior to staff issuance of a final inspection approval, staff ensures that the improvements are consistent with the approved plans. However, the applicant chose to remove a wall segment that was intended to be retained, replace the gate with wood that was intended to be masonry, and landscape an area that was supposed to remain fallow because the area is not owned by the applicant or part of the project.

On June 10, 2016, staff re-inspected the property and found that the lighting had been installed and the gate had been removed and replaced by 4"x4" wood planks that are

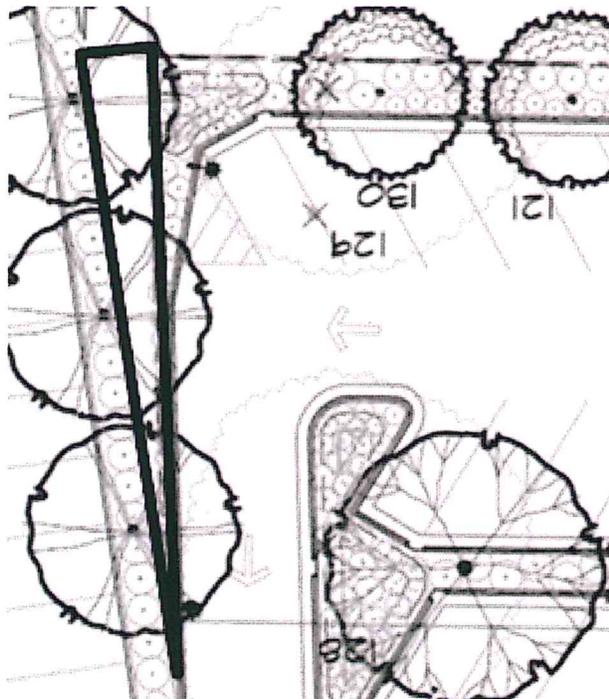
currently bolted to the masonry wall (see images next page). While the bolted wood planks currently prevent employees from accessing the commercial property from the residential neighborhood, it is not clear if the full intent of the condition of approval has been met. As previously discussed, staff believes the intent of the condition of approval is that once the gate was removed, the wall would be restored to its previous configuration with masonry material that matches the design, height, and color of the existing wall.



Additionally, a portion of the masonry wall between the two parking lots has been removed (see images below) where it was originally shown to remain on the 9/15/16 approved site plan (Attachment 5). The masonry wall was also part of the approved fencing plan for the original 1984 Planned Development application (ZC-84-02), (reference Attachment 5). There are two notes on the 1984 approved plans: a note that corresponds with the wall that runs between the lot and the residential homes on Walnut Drive and a note that corresponds with the "picnic area" (redwood grove) adjacent to Walnut Drive. In both cases, the wall is described as a 7' tall precast masonry wall.



Furthermore, landscaping has been installed within the sliver of land (not owned by Barracuda) that separates a portion of the Winchester parcel from the two Chapman Drive parcels (see images below). The owner of the sliver of land has contacted staff regarding the new landscaping that was installed without her permission. While the City does not get involved with civil disputes, the 9/15/16 approved landscape plan (Attachment 5) shows the sliver to remain unimproved. Unfortunately, the City cannot permit landscaping on a parcel that is not owned by the applicant. Thus, the sliver of land should remain fallow unless the applicant and property owner come to a private agreement regarding the landscaping. The applicant should also restore the wall that was removed, as discussed on the previous page.



Given the need for explicit direction, staff is recommending the following revision to the Condition of Approval regarding the entry gate (COA #2 of **Attachment 1**) as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

2. Entry Gate/Wall: The pedestrian entry gate located on the subject property adjacent to Walnut Drive and approximately located between 509 Chapman Drive and 1312 Walnut Drive shall be permanently removed and the wall shall be permanently restored with the same materials, design, height, and color of the existing wall, no later than July 11, 2016 to the satisfaction of the Community Development Director. As a result, the improvement will restore the wall back to its previous configuration, as if the wall was never altered. Failure to restore the wall in accordance with this condition of approval shall be declared to be unlawful, and shall be subject to the remedies and penalties identified in Chapter 21.70 and the revocation procedures initiated in compliance with Chapter 21.68 of the Campbell Municipal Code, subject to the trimming and or removal of the landscaping within the right of way on the North/West corner of the intersection of Chapman Drive and Winchester Boulevard.

PUBLIC OUTREACH

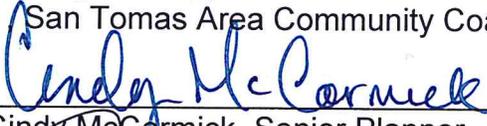
A notice has been sent to each property owner within a 300-foot radius of this property. A notice was also placed in the Campbell Express newspaper more than 10 days prior to this hearing. Correspondence was received from the neighborhood association, San Tomas Area Community Coalition (reference **Attachment 7**).

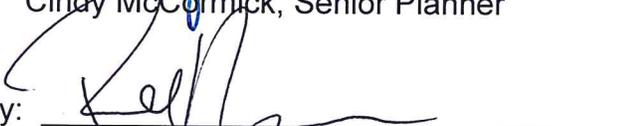
ALTERNATIVES

1. Modify the condition of approval.
2. Allow the wall's removal next to the parking lot (Reference page 4 above).

Attachments:

1. Resolution clarifying a condition of approval for the project (PLN2015-107)
2. 9/30/15 Email communication between City staff and the applicant
3. City Council Minutes and Resolution as amended
4. Planning Commission Resolution recommending approval
5. 09/15/16 Approved Landscape Plan and Site Plan
6. 01/30/85 Fencing Plan approval
7. Letter from San Tomas Area Community Coalition

Prepared by: 
Cindy McCormick, Senior Planner

Reviewed by: 
Paul Kernoyan, Community Development Director

Approved by: 
Mark Linder, City Manager

RESOLUTION NO. _____

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL CLARIFYING AND AMENDING A CONDITION OF APPROVAL FOR A MODIFICATION OF AN EXISTING PLANNED DEVELOPMENT PERMIT AND A NEW SITE AND ARCHITECTURAL REVIEW PERMIT (PLN2015-107) FOR PROPERTIES LOCATED AT 3175 S. WINCHESTER BOULEVARD, 471 CHAPMAN DRIVE, AND 485 CHAPMAN DRIVE.

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

The City Council finds as follows with regard to File No. PLN2015-107:

Environmental Finding

1. The Project is Categorically Exempt under Section 15321 (Class 21) of the California Environmental Quality Act (CEQA). The clarification and enforcement of the condition of approval is exempt under Class 21 pertaining to regulatory agency actions to enforce an adopted standard or objective of an administrative decision for a permit or entitlement.

Evidentiary Findings

1. The Project consists of merging 3 lots and adding 41 new parking spaces (295 total spaces) on properties located at 3175 S. Winchester Boulevard, 471 Chapman Drive, and 485 Chapman Drive.
2. On September 15, 2016 the City Council held a Public Hearing, discussing various elements of the Project including public concern over employees parking in the residential neighborhood and creating a public nuisance when accessing the commercial property through a pedestrian access gate on Walnut Drive in the residential neighborhood. As part of the discussion, Council Member Gibbons made the following statement prior to making the motion to approve the project: "I'm saying completely remove the gate and replace the wall".
3. The City Council adopted Resolution #11811 approving the application for a new Site and Architectural Review Permit and to modify the existing Planned Development Permit (PLN2015-107) for properties located at 3175 S. Winchester Boulevard, 471 Chapman Drive, and 485 Chapman Drive, subject to Conditions of Approval per the Director of Community Development, City Engineer, Public Works Director, City Attorney and/or Fire Department as required.
4. Community Development Department Condition of Approval #2 (Entry Gate) required that "the pedestrian entry gate located on the subject property adjacent to Walnut Drive shall be removed subject to the trimming and or removal of the landscaping

within the right-of-way on the North/West corner of the intersection of Chapman Drive and Winchester Boulevard”.

5. While not explicit in the motion for approval, the maker of the motion made the statement prior to making the motion “I’m saying completely remove the gate and replace the wall”. Thus, staff determined that the intent of the Condition of Approval was to remove the gate and restore the wall to its original approved configuration.
6. The masonry wall was part of the approved fencing plan for the original Planned Development application (ZC-84-02) whereby the wall is described as a 7’ tall precast masonry wall.
7. The applicant disagreed with staff’s interpretation of the condition of approval and a Public Hearing was scheduled with the City Council to clarify the Council’s intent.

Based upon the foregoing findings of fact and pursuant to Campbell Municipal Code Section 21.12.030(H6), the City Council further finds and concludes that:

1. The intent of the Condition of Approval was to remove the gate and restore the wall.
2. There is a reasonable relationship and a rough proportionality between the Condition of Approval and the impacts of the project.
3. No substantial evidence has been presented from which a reasonable argument could be made that shows that the amended condition of approval will have a significant adverse impact on the environment.

THEREFORE, BE IT RESOLVED that the City Council approves the amendment to the condition of approval, clarifying the intent of the condition of approval (attached **Exhibit A**) for Modification of an approved Planned Development Permit (PLN2015-107).

PASSED AND ADOPTED this 21st day of June 2016, by the following roll call vote:

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

APPROVED: _____
Jason T. Baker, Mayor

ATTEST: _____
Wendy Wood, City Clerk

**AMENDED CONDITION OF APPROVAL
Planned Development Permit Modification and
Site and Architectural Review Permit (PLN2015-107)**

Where approval by the Director of Community Development, City Engineer, Public Works Director, City Attorney or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations and accepted engineering practices for the item under review. Additionally, the applicant is hereby notified that he/she is required to comply with all applicable Codes or Ordinances of the City of Campbell and the State of California that pertain to this development and are not herein specified.

COMMUNITY DEVELOPMENT DEPARTMENT

1. Approved Project: Approval is granted for modification of an existing Planned Development Permit and Site and Architectural Review Permit (PLN2015-107) at **3175 S. Winchester, 471 Chapman Drive, 485 Chapman Drive**. The project shall substantially conform to the approved plans; except as may be modified by the Conditions of Approval contained herein.
2. Entry Gate/Wall: The pedestrian entry gate located on the subject property adjacent to Walnut Drive and approximately located between 509 Chapman Drive and 1312 Walnut Drive shall be permanently removed and the wall shall be permanently restored with the same materials, design, height, and color of the existing wall, no later than July 11, 2016 to the satisfaction of the Community Development Director. As a result, the improvement will restore the wall back to its previous configuration, as if the wall was never altered. Failure to restore the wall in accordance with this condition of approval shall be declared to be unlawful, and shall be subject to the remedies and penalties identified in Chapter 21.70 and the revocation procedures initiated in compliance with Chapter 21.68 of the Campbell Municipal Code.

Cindy McCormick

From: Paul Kermoyan
Sent: Wednesday, September 30, 2015 11:01 AM
To: 'Diane Honda'; Cindy McCormick
Cc: 'Patrick Chan'; William Seligmann
Subject: RE: Gate Issue Comment

Hi Diane – I completely understand and we will request that Cindy forward you the conditions of approval, if she hasn't already done so. Out of curiosity, I just reviewed the video of the meeting (which I hope you do as well) and it completely confirms staff's understanding. As you recall, Council Member Gibbons made a motion involving "Removal of the gate subject to the removal and/or trimming of the hedges that are there." What remains unclear is the timing or sequencing of that act and the ability to demo the existing homes and pull permits on the parking lots. This will involve internal discussion on staff's part.

Immediately after the motion, there was a discussion prompted by Council Member Resnikoff. He was trying to understand the relevance of the gate removal and the problem such condition was attempting to resolve. Council Member Gibbons clarified that "It will help the parking problem when there is no gate when the parking lot goes in." She later stated that "I'm saying completely remove the gate and replace the wall." Following that statement, the vote was called.

I hope you can now understand staff's position on the requirement to remove the gate and replace the wall. At no time did the Council approve that the gate's use be discontinued and simply locked. After you've had the opportunity to view the video, please confirm your agreement with the motion. Thanks.

Paul Kermoyan, AICP, CGBP | Director
 Community Development Department
paulk@cityofcampbell.com
 ☎ 408.866.2141 | 📠 408.871.5140
 📍 70 N. First Street, Campbell, CA 95008

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From: Diane Honda [mailto:dhonda@barracuda.com]
Sent: Wednesday, September 30, 2015 9:50 AM
To: Paul Kermoyan; Cindy McCormick
Cc: Patrick Chan; William Seligmann; Diane Honda
Subject: Re: Gate Issue Comment

Paul,
 Respectfully, we do not agree. Please send the specific document of conditions and we will review against the transcript.

Regards,

Diane Honda

Vice President, General Counsel & Secretary

3175 S. Winchester Blvd • Campbell, CA 95008

o: 408-342-6379 | m: 408-391-5451 | EMAIL: dhonda@barracuda.com

Connect with us: barracuda.com/connect



From: Paul Kermoyan <paulk@cityofcampbell.com>
Date: Wednesday, September 30, 2015 at 9:45 AM
To: Diane Honda <dhonda@barracuda.com>, Cindy McCormick <cindym@cityofcampbell.com>
Cc: Patrick Chan <pchan@bkf.com>, William Seligmann <WilliamS@cityofcampbell.com>
Subject: RE: Gate Issue Comment

Hi Diane – There is no disconnect in terms of the gate’s removal. It will need to be removed and the wall restored. The benefit is that you will have the ability to construct your parking lot. In terms of when the gate will be removed, that is what we need to discuss internally. We’ll be in touch. Thanks.

Paul Kermoyan, AICP, CGBP | Director
Community Development Department
paulk@cityofcampbell.com
☎ 408.866.2141 | 📠 408.871.5140
✉ 70 N. First Street, Campbell, CA 95008

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From: Diane Honda [<mailto:dhonda@barracuda.com>]
Sent: Wednesday, September 30, 2015 9:22 AM
To: Paul Kermoyan; Cindy McCormick
Cc: Patrick Chan; William Seligmann; Diane Honda
Subject: Re: Gate Issue Comment

Paul,

There seem to be two disconnects that need to be resolved.

1. The gate will be permanently closed, not removed. We will not rebuild the entire wall which would be needed to remove the gate due to the additional cost for no additional benefit. The gate will not be used after the project is completed.
2. The gate should remain open until the project is completed. The criteria of “trimming/removal of the landscaping” is vague and fails to meet the intent ensuring a safe passage for our employees along Winchester. They could trim the bushes, and it could still not be safe for walking. The discussion was about closing the gate once it was no longer needed because the project was complete. In addition if we close the gate prior to completion, employees will have to walk by an active construction site for the two Chapman houses, forcing them into the street and off the sidewalk. Again, this creates an unnecessary safety risk to our employees.

We hope that this can be resolved amicably and we do not need to go to court over such a simple, logical solution to the concern regarding the gate.

Thanks very much.

Regards,

Diane Honda

Vice President, General Counsel & Secretary

3175 S. Winchester Blvd • Campbell, CA 95008

o: 408-342-6379 | m: 408-391-5451 | EMAIL: dhonda@barracuda.com

Connect with us: barracuda.com/connect



From: Paul Kermoyan <paulk@cityofcampbell.com>
Date: Wednesday, September 30, 2015 at 8:10 AM
To: Diane Honda <dhonda@barracuda.com>, Cindy McCormick <cindym@cityofcampbell.com>
Cc: Patrick Chan <pchan@bkf.com>, William Seligmann <WilliamS@cityofcampbell.com>
Subject: RE: Gate Issue Comment

Hi Diane – Thanks for your email and staff intends to speak internally to determine sequence of conditions. In terms of your request to appeal, there is no appeal authority above the City Council other than the judicial system. What you would need to do is to request a modification of the conditions of approval which will subject the entire project up for reconsideration. There are risks to that approach, however, because the City Council could reject the project altogether. We'll contact you later today.

While we are talking about this project, what progress did you make coordinating with Cindy to view the main building's interior? It is important to determine if interior improvements were made without the benefit of securing a building permit. Of course, you would know if such improvements were made and Cindy's role is to view the first floor and compare it to the plans that we have. If improvements were made and you are unable to demonstrate that they received City approval, you will need to obtain an after-the-fact building permit. Please let me know. Thanks.

Paul Kermoyan, AICP, CGBP | Director
Community Development Department
paulk@cityofcampbell.com
☎ 408.866.2141 | 📞 408.871.5140
✉ 70 N. First Street, Campbell, CA 95008

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From: Diane Honda [<mailto:dhonda@barracuda.com>]
Sent: Tuesday, September 29, 2015 4:26 PM
To: Cindy McCormick; Paul Kermoyan
Cc: Diane Honda; Patrick Chan
Subject: FW: Gate Issue Comment

Paul,

I was surprised by this message. We understood the requirement to be that Barracuda will close the gate after completion of the project. We are willing to comply with this. However, what Cindy states below different and if this is the city's position, then we will need to appeal the conditions of approval because we do not agree with what is being requested below.

Regards,

Diane Honda

Vice President, General Counsel & Secretary

3175 S. Winchester Blvd • Campbell, CA 95008

o: 408-342-6379 | m: 408-391-5451 | EMAIL: dhonda@barracuda.com

Connect with us: barracuda.com/connect



From: Patrick Chan <pchan@bkf.com>
Date: Tuesday, September 29, 2015 at 3:58 PM
To: Diane Honda <dhonda@barracuda.com>
Cc: Lauri Avila <lavila@barracuda.com>
Subject: Gate Issue Comment

Diane,

I had to copy this email over since it hit your spam filter, see below from Cindy.

Dear Patrick –

Please correct all pages that reference the walnut drive gate, as follows:

The pedestrian entry gate will be removed following the trimming/removal of the landscaping at the Northwest corner of Chapman Drive and Winchester Boulevard.



PATRICK CHAN, PE, LEED AP | Project Manager

BKF Engineers

1650 Technology Drive, Suite 650

San Jose, CA 95110

d 408.467.9188

m 408.609.8819

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www.bkf.com

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CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, September 15, 2015 – 7:30 p.m.
Council Chamber – 70 N. First Street

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

CALL TO ORDER/ROLL CALL

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: Gibbons, Resnikoff, Kotowski, Baker, Cristina

Absent: Councilmembers: None

Pledge: Andrea Sanders, Deputy City Clerk

The pledge was led by Andrea Sanders, Deputy City Clerk. Mayor Cristina thanked her for leading the pledge and presented her with a certificate of appreciation.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. **Proclamation of September 23, 2015 as “Fall Prevention Awareness Day” in the City of Campbell**

Mayor Cristina presented the proclamation to Jennifer Schachner from the Santa Clara County Falls Prevention Task Force.

COMMUNICATIONS AND PETITIONS

There were no Communication and Petitions.

ORAL REQUESTS

Julia Dederer, Campbell resident, spoke about concerns with the political process.

Maggie Desmond, Campbell resident, spoke about concerns with the Dell Avenue properties.

Lisa Harmer, Campbell resident, stated concerns with actions of Council, Planning Commission and the City Manager in regards to parking issues and GPAC selection.

COUNCIL ANNOUNCEMENTS

On Saturday, September 19th, the Campbell Police Foundation will host a fundraising buffet breakfast at the Home Church located at 1711 Winchester Boulevard. Ticket cost is \$20.00 per person. Tickets can be purchased at www.campbellpolicefoundation.org.

The Heritage Theatre season opened to strong sales with 42% of the season's tickets already sold! If you are interested in attending one or more of six shows offered this season contact the Heritage Theater Box Office at 408-866-2700 or online at [Heritage Theatre.org](http://HeritageTheatre.org).

Oktoberfest is just around the corner, register now for the **5K and 10K Fun Run** which will take place at 9:00 a.m. on Saturday, October 17th at Campbell Park. The cost is \$32 for adults and \$16 for youth. The deadline to register for this event is September 18th, online at www.cityofcampbell.com/recreation or in person at the Campbell Community Center.

The City's Annual Community Garage Sale will take place on Saturday, October 10th. Registration closes on September 16th, for additional information or to register contact the Public Works Department at 408-866-2145.

Project Sentinel is hosting a "free" Tenant's Workshop on Wednesday, September 16th from 6:00 to 7:30 pm at the Campbell Library's Community Room. For additional information or to RSVP for the event, contact Christina Nguyen at 408-370-3745.

The next regularly scheduled meeting of the City Council will take place on Tuesday, October 6th.

For more information about happenings around the City, please visit our website at www.CityofCampbell.com.

CONSENT CALENDAR

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

Councilmember Gibbons asked to remove items three, eight, and nine.

The Consent Calendar was considered as follows:

2. Minutes of Study Session of September 1, 2015

This action approves the Minutes of the Study Session of September 1, 2015.

4. Approving Bills and Claims

This action approves the Bills and Claims in the amount of \$1,993,410.04 as follows: Bills and Claims checks dated August 24, 2015 in the amount of

\$711,321.52; Payroll checks dated August 27, 2015 in the amount of \$320,090.64; and Bills and Claims checks dated August 31, 2015 in the amount of \$961,997.88.

5. **Monthly Investment Report – July 2015**

This action is to note and file the Monthly Investment Report for July, 2015.

6. **Carnival Permit and Waiver of Fees for St. Lucy Parish School (Resolution/Roll Call Vote)**

Resolution 11879 approves the issuance of a Carnival Permit for the St. Lucy Parish School on October 9-11, 2015 subject to restrictions and conditions; and waives 50% of the permit fee.

7. **Dispense with the Formal Bidding Process and Authorize the Recreation and Community Services Director to Purchase Bleachers for the Main Gym at the Community Center through the National Joint Powers Alliance (Resolution/Roll Call Vote)**

Resolution 11880 approves dispensing with the formal bidding process and authorizes the Recreation and Community Services Director to purchase bleachers for the Main Gym at the Community Center through the National Joint Powers Alliance.

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

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

NOES: Councilmembers: None

ITEMS CONSIDERED SEPARATE FROM THE CONSENT CALENDAR

3. **Minutes of Regular Meeting of September 1, 2015**

Councilmember Gibbons stated that she would like to clarify the wording in the minutes in regards to item nine to note that research about the technology, as it becomes available, should be made part of the presentation prior to future authorization.

M/S: Gibbons/Resnikoff – that the City Council approve the Minutes of the Regular meeting of September 1, 2015. Motion was adopted unanimously.

8. **Accept Donation to Campbell Recreation Programs**

Mayor Cristina and Councilmember Gibbons thanked the owner of Brown Chicken Brown Cow for his generous donation.

M/S: Gibbons/Kotowski – that the City Council accept the donation of \$1,500 from Brown Chicken Brown Cow Restaurant in Campbell to support recreation programming. Motion was adopted unanimously.

9. **Ordinance 2191 Approving a Major Modification (PLN2015-158) to the Previously Approved Planned Development Permit (PLN2013-238) to Modify the Project's Construction Phasing Schedule to Allow the Office Building and Parking garage to be Built Concurrently (with Temporary Offsite Valet Parking During Construction), and Allow the Multi-Story Parking Garage to be Redesigned with All Stories Above ground Parking Levels of the Office Building to Be Removed on Property Located at 675 Creekside Way (Second Reading/Roll Call Vote)**

Councilmember Gibbons stated that she pulled this item to maintain her no vote.

M/S: Baker/Resnikoff – that the City Council approve second reading of Ordinance 2191 approving a Major Modification (PLN2015-158) to the previously approved Planned Development Permit (PLN2013-238) to modify the project's Construction Phasing Schedule to allow the office building and parking garage to be built concurrently (with temporary offsite valet parking during construction), and allow the multi-story parking garage to be redesigned with all stories above ground parking levels of the office building to be removed on property located at 675 Creekside Way. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Resnikoff, Kotowski, Baker, Cristina

NOES: Councilmembers: Gibbons

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

10. **Public Hearing to Consider the Application for Modification of an Existing Planned Development Permit, a New Site and Architectural Review Permit (PLN2015-107), and a Tree Removal Permit (PLN2015-215) for Properties Located at 3175 S. Winchester, 471 Chapman Drive, and 485 Chapman Drive (Resolutions/Roll Call Vote)**

This is the time and place for a public hearing to consider the application for a modification of an existing Planned Development Permit, a New Site and Architectural Review Permit (PLN2015-107), and a Tree Removal Permit (PLN2015-215) for Properties Located at 3175 S. Winchester, 471 Chapman Drive, and 485 Chapman Drive.

Senior Planner McCormick – presented staff report dated September 15, 2015.

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

Jodi Cee, Campbell resident, stated concerns with the exit near the daycare.

Mitchell Stermer, Campbell resident, stated concerns with the access gate.

Audrey Kiehtreiber, Campbell resident, spoke about traffic and presented an alternate option for the parking lot configuration.

Peter Kiehtreiber, Campbell resident, spoke about the application and concerns with the traffic flow and safety.

Joanne Carroll, Campbell resident, spoke about parking issues, traffic, and pedestrian safety.

Susan Landry, Campbell resident, spoke about dying trees in the public right away and provided an alternate option for the parking lot configuration.

Diane Honda, representative from Barracuda, gave a brief presentation and spoke in support of approving the application.

Jhaine Goesling, Campbell resident, spoke about the access gate and concerned about the impact this project has on the value of her home.

David Kison, Campbell resident, stated concerns with the driveways on Chapman Drive and parking issues.

Von Gosling, Campbell resident, stated concerns with the access gate.

Rebecca Campos, Campbell resident, stated she and her mother are opposed to the driveways on Chapman Drive, concerned with traffic, and would like the access gate removed.

Jill Brophy, Campbell resident, stated problems with the access gate and parking issues.

Renee Pagano, Campbell resident, spoke about parking issues and safety concerns.

David Bradley, Campbell resident, made alternative parking suggestions and does not want Barracuda to have access to Walnut Drive.

Vince Stryker, Campbell resident, stated concerns with cars speeding, opposed to driveways on Chapman Drive, and would like the access gate removed.

Jennifer Moore, Campbell resident, opposed to the driveways on Chapman Drive, spoke about parking issues, would like the access gate removed, and would like trees to be saved.

Tim Janke, Campbell resident, spoke about safety issues, alternate option for the parking lot configuration, and urged Council to deny the application.

Diane Honda, representative from Barracuda, spoke about alternate option for the parking lot configuration the public proposed.

Civil Engineer representing Barracuda stated that the alternate option for the parking lot configuration presented by the public, does not allow for enough drive isle space, car radii, storm water treatment area, and protected redwood trees area.

After discussion, **M/S: Baker/Resnikoff** – that the City Council adopt a **Resolution, incorporating findings approving the modification of an existing Planned Development Permit and a new Site and Architectural Review Permit for properties located at 3175 S. Winchester, 471 Chapman Drive, and 485 Chapman Drive, subject to Conditions of Approval; and adopt Resolution, incorporating findings approving the Tree Removal Permit for properties located at 3175 S. Winchester, 471 Chapman Drive, and 485 Chapman Drive, subject to the Conditions of Approval with an amendment to the conditions of approval to have valet parking at all, all hands meetings. Motion failed by the following roll call vote:**

AYES: Councilmembers: Resnikoff, Baker

NOES: Councilmembers: Gibbons, Kotowski, Cristina

After discussion, **M/S: Gibbons/Kotowski** – to return the application to a date uncertain for further consideration by Public Works and have the applicant see if the alternative configured parking lot has any ability to work. Motion failed by the following roll call vote:

AYES: Councilmembers: Gibbons, Kotowski

NOES: Councilmembers: Resnikoff, Baker, Cristina

After discussion, **M/S: Gibbons/Baker** - that the City Council adopt **Resolution 11881 incorporating findings approving the modification of an existing Planned Development Permit and a new Site and Architectural Review Permit for properties located at 3175 S. Winchester, 471 Chapman Drive, and 485 Chapman Drive, subject to Conditions of Approval modified with the removal of the gate subject to the trimming and or removal of the hedge on property on the North/West corner of the intersection of Chapman Drive and Winchester Boulevard; and adopt Resolution 11882, incorporating findings approving the Tree Removal Permit for properties located at 3175 S. Winchester, 471 Chapman Drive, and 485 Chapman Drive, subject to the Conditions of Approval. Motion was adopted by the following roll call vote:**

AYES: Councilmembers: Gibbons, Resnikoff, Baker, Cristina

NOES: Councilmembers: Kotowski

11. **Public Hearing to Consider the Application of Ardie Zahedani, on behalf of St. Anton Communities, for a Planned Development Permit with a density bonus (PLN2014-323), a Vesting Tentative Subdivision Map (PLN2014-324), CEQA Review (PLN2014-235), Tree Removal Permit (PLN2014-329), Sign Exception (PLN2015-053), and Variance (PLN2015-167) to Allow Construction of a Residential Infill Development Project Consisting of 157 Units, Comprised of 119 Apartments, 32 Townhomes, and Six (6) Duet Units on Properties Located at 208 & 226-328 Railway Avenue, and a Portion of 290 Dillon Avenue (City Corporation Yard), in the P-D (Planned Development) Zoning District (First Reading of Ordinance/Resolutions/Roll Call Vote)**

This is the time and place for a public hearing to consider the application of Ardie Zahedani, on behalf of St. Anton Communities, for a Planned Development Permit with a density bonus (PLN2014-323), a Vesting Tentative Subdivision Map (PLN2014-324), CEQA Review (PLN2014-235), Tree Removal Permit (PLN2014-329), Sign Exception (PLN2015-053), and Variance (PLN2015-167) to allow construction of a residential infill development project consisting of 157 Units, comprised of 119 apartments, 32 townhomes, and six (6) duet units on properties located at 208 & 226-328 Railway Avenue, and a portion of 290 Dillon Avenue (City Corporation Yard), in the P-D (Planned Development) Zoning District.

Associate Planner Rose – presented staff report dated September 15, 2015.

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

Ardie Zahedani, applicant, gave a brief presentation about the project.

Lary Oreglia, Campbell resident, stated support for the development.

Jim Goudreau, Campbell resident, stated support for the development.

Catherine Hickenbotham, Campbell resident, stated she would not like the height to exceed 50 feet; a comprehensive traffic survey should be done; and does not want to see parking decreased.

Mark Brading, Campbell resident, stated support for the development.

Carl San Miguel, representative for the Campbell Chamber of Commerce, stated support for the project.

Barry Shilman, Campbell resident, stated concerns with the requested height.

Kelly Reinhard, Campbell resident, requested that Council deny the application and stated concerns with the density and height of the project.

After discussion, **M/S: Baker/Kotowski** – that the City Council adopt Resolution 11883, incorporating findings, approving a Mitigated Negative Declaration (PLN2014-325); Resolution 11884 incorporating findings, approving a Vesting Tentative Subdivision Map (PLN2014-324) to create individual townhome, duplex and commonly owned lots, subject to Conditions of Approval; Resolution 11885 incorporating findings, approving a Tree Removal Permit (PLN2014-329) to allow for the removal of protected trees, subject to the Conditions of Approval; Resolution 11886 incorporating findings approving a Variance (PLN2015-167) to allow the placement of a new service pole in association with the project's undergrounding of overhead utilities, subject to the Conditions of approval; Resolution 11887 incorporating findings, denying a sign Exception (PLN2015-053) without prejudice; and take first reading of Ordinance 2192 incorporating findings, approving a Planned Development Permit with a density bonus (PLN2014-323) for site configuration and architectural design, subject to Conditions of Approval; with an amendment to include mid-block crossing, green bike lanes, and add bike lanes and sidewalk to the extent possible, so long as it does not result in the removal of more than four street parking spaces. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Resnikoff, Kotowski, Baker, Cristina

NOES: Councilmembers: Gibbons

City Clerk Wood read title of Ordinance 2192.

M/S: Baker/Kotowski – that the City Council waive further reading of Ordinance 2192. Motion was adopted by a 4-1 vote. (Councilmember Gibbons voted no)

NEW BUSINESS

13. **Approval of a Purchase and Sale Agreement for the Sale of City Property between the City of Campbell and ALHAMBRA APARTMENTS L.P., and Approval of a Budget Adjustment (Resolution/Roll Call Vote)**

Mayor Cristina asked that this item be taken out of order.

Public Works Director Capurso – presented staff report dated September 15, 2015.

M/S: Baker/Kotowski – that the City Council adopt Resolution 11889 authorizing the City Manager to execute a Purchase and Sale Agreement for the sale of a portion of the City's Corporation Yard property at 290 Dillon Avenue; and approve a budget adjustment to recognize funds received by the sale of the property and reserving those funds for future

improvements to the Corporation Yard. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Resnikoff, Kotowski, Baker, Cristina

NOES: Councilmembers: Gibbons

12. **Authorize the City Manager to Distribute a Request for Proposal (RFP) to qualified Consultants to Prepare the Envision Campbell Plan, Select a City Council Subcommittee to Review the Submitted Proposals and Conduct Interviews with Selected Consulting Firms, Approve a Purpose Statement for the Envision Campbell Plan, and Clarify the Need to Conduct General Plan Advisory Committee (GPAC) Meeting as Public Meeting (PLN2012-207)**

Community Development Director Kermoyan – presented staff report dated September 15, 2015.

Jennifer Moore, Campbell resident, stated that alternates should be allowed to attend the GPAC meetings and concerned with the underrepresentation from the STAMP area.

Jo-Anne Fairbanks, Campbell resident, stated that she is not in favor of public meeting requirement for the GPAC and spoke about the importance of the purpose statement.

Susan Landry, Campbell resident, asked for clarification about the role of an alternate, spoke about the RFP, vision statement, and subcommittee for the RFP selection.

Maggie Desmond, Campbell resident, stated that she would like to know where the members of the GPAC live in relation to the City of Campbell and would like to be able to listen to the meetings.

Lisa Harmer, Campbell resident, stated concerns with the GPAC selection process, the diversity of the committee, and would like it re-evaluated.

After discussion, **M/S: Baker/Kotowski - that the City Council adopt Resolution 11888 authorizing the City Manager to distribute a Request for Proposal (RFP) to qualified consultants necessary to prepare the Envision Campbell Plan, and EIR and an optional Zoning Ordinance update; Select Mayor Cristina and Councilmember Gibbons as the subcommittee members who will be responsible for reviewing the submitted proposals and conduct interviews of the selected consulting firms prior to forwarding a recommendation to the City Council of the most qualified firm; and continue recommendations one and four to the October 6, 2015 Council meeting. Motion was adopted by the following roll call vote:**

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

NOES: Councilmembers: None

COUNCIL COMMITTEE REPORTS

14. City Councilmember Reports/Updates on Committee Assignments

Mayor Cristina stated that the Council Committee reports will be continued to the October 6, 2015 Council meeting.

ADJOURN

Mayor Cristina adjourned the meeting at 12:22 a.m.

APPROVED:

Jeffrey R. Cristina, Mayor

ATTEST:

Wendy Wood, City Clerk

RESOLUTION NO. 11881

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL APPROVING A MODIFICATION OF AN EXISTING PLANNED DEVELOPMENT PERMIT AND A NEW SITE AND ARCHITECTURAL REVIEW PERMIT (PLN2015-107) FOR PROPERTIES LOCATED AT **3175 S. WINCHESTER, 471 CHAPMAN DRIVE, AND 485 CHAPMAN DRIVE.**

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

The City Council finds as follows with regard to File No. PLN2015-107:

Environmental Finding

1. The project is Categorically Exempt under Section 15301 (Class 1) and Section 15311 (Class 11) of the California Environmental Quality Act (CEQA). The modification of the parking lot on the Winchester property is exempt under Class 1 which pertains to the minor alteration of existing facilities involving negligible expansion of use beyond that currently existing. The new Chapman property parking lot is exempt under Class 11 which pertains to construction of minor structures (e.g., small parking lots) accessory to existing commercial facilities.

Evidentiary Findings

1. The project site encompasses three properties; 3175 S. Winchester, 471 Chapman Drive, and 485 Chapman Drive, located on the north side of Winchester Boulevard between Hacienda Avenue to the east and Chapman Drive to the west.
2. The proposal requires approval of a Lot Line Adjustment to merge the three properties. The applicant will be required to complete this Lot Line Adjustment process prior to issuance of any Grading or Building Permits for the site.
3. The project site comprises 3.64 acres (three properties combined).
4. The 3175 S. Winchester property is zoned P-D (Planned Development).
5. The 471 Chapman Drive and 485 Chapman Drive properties are zoned C2 (General Commercial).
6. All three properties on the project site have a General Plan designation of *General Commercial*.
7. The project site is located within the San Tomas Area Neighborhood Plan.

8. The project site is bordered by single-family residential properties to the west, a townhouse complex to the northwest, a commercial daycare business to the south of the two Chapman Drive properties, the Santa Clara Valley Water District property (recharge pond) to the north, and Kaiser Permanente to the east.
9. The office use requires a minimum of 273 parking spaces (one per 225 square feet of the 61,400 square foot building). The proposal includes a total of 295 parking spaces.
10. The 295 space parking lot requires a minimum of 37 trees. The proposal includes a total of 115 new and existing trees on the property.
11. The 295 space parking lot requires a minimum of 5,960 square feet of landscape area. The proposal includes 29,725 square feet of landscaping on the property.
12. The proposal will require the removal and replacement of 19 protected trees. The proposal will provide 41 new trees.
13. The proposed project will be compatible with the underlying Central Commercial General Plan land use designation, as conditioned.
14. The Conditions of Approval are attached.

Based upon the foregoing findings of fact and pursuant to Campbell Municipal Code Section 21.12.030(H6), the City Council further finds and concludes that:

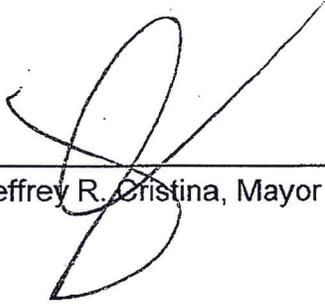
1. The proposed development will clearly result in a more desirable environment and use of the land than would be possible under any other zoning district classification.
2. The proposed development will be compatible with the General Plan of the City and will aid in the harmonious development of the immediate area.
3. The proposed development will not result in allowing more residential units than would be allowed by other residential zoning districts, which are consistent with the General Plan designation of the property.
4. The proposed development will not be detrimental to the health, safety or welfare of the neighborhood or the City as a whole.
5. There is a reasonable relationship and a rough proportionality between the Conditions of Approval and the impacts of the project.
6. There is a reasonable relationship between the use of the fees imposed upon the project and the type of development project.
7. No substantial evidence has been presented from which a reasonable argument could be made that shows that the project, as currently presented and subject to the

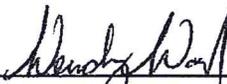
required conditions of approval, will have a significant adverse impact on the environment.

THEREFORE, BE IT RESOLVED that the City Council approves a Modification (PLN2015-107) of the previously approved Planned Development Permit (ZC84-02) to allow the construction of 40 surface level parking spaces on two commercially zoned lots; parking configuration improvements on the existing planned development lot; and the removal of 19 protected trees, subject to the attached Conditions of Approval (attached **Exhibit A**).

PASSED AND ADOPTED this 15th day of September 2015, by the following roll call vote:

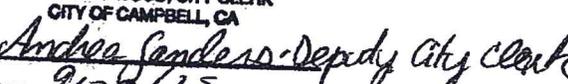
AYES: Councilmembers: Gibbons, Resnikoff, Baker, Cristina
NOES: Councilmembers: Kotowski
ABSENT: Councilmembers: None
ABSTAIN: Councilmembers: None

APPROVED: 
Jeffrey R. Cristina, Mayor

ATTEST: 
Wendy Wood, City Clerk

THE FOREGOING INSTRUMENT IS A TRUE
AND CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

ATTEST: WENDY WOOD, CITY CLERK
CITY OF CAMPBELL, CA

BY  Deputy City Clerk

DATED 9/22/15

CONDITIONS OF APPROVAL
Planned Development Permit Modification and
Site and Architectural Review Permit (PLN2015-107)

Where approval by the Director of Community Development, City Engineer, Public Works Director, City Attorney or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations and accepted engineering practices for the item under review. Additionally, the applicant is hereby notified that he/she is required to comply with all applicable Codes or Ordinances of the City of Campbell and the State of California that pertain to this development and are not herein specified.

COMMUNITY DEVELOPMENT DEPARTMENT

1. Approved Project: Approval is granted for modification of an existing Planned Development Permit and Site and Architectural Review Permit (PLN2015-107) at **3175 S. Winchester, 471 Chapman Drive, 485 Chapman Drive**. The project shall substantially conform to the approved plans; except as may be modified by the Conditions of Approval contained herein.
2. Entry Gate: The pedestrian entry gate located on the subject property adjacent to Walnut Drive shall be removed subject to the trimming and or removal of the landscaping within the right-of-way on the North/West corner of the intersection of Chapman Drive and Winchester Boulevard..
3. Parking Lot Signage: A sign shall be installed at the Chapman parking lot exit driveway prior to issuance of a final building permit, alerting drivers to watch for children and pedestrians. The sign shall be maintained in good condition and replaced as necessary to comply with this condition.
4. Lot Line Adjustment: The proposal requires approval by the City Engineer for a Lot Line Adjustment to merge the three properties. The applicant will be required to complete this Lot Line Adjustment process prior to issuance of any Grading or Building Permits for the site.
5. Approval Expiration: The Planned Development Permit and Site and Architectural Review Permit approval shall be valid for one year from the date of final approval. If within this one-year period, the applicant fails to obtain a building permit and complete construction, the approval will be void.
6. Landscaping: All landscaping shall be maintained in good health. Additionally,
 - a. All landscaping shall be installed per the approved landscape plan.
 - b. All new street trees shall be a minimum 24-inch box size and all shrubs shall be a minimum of 5-gallon size. All new on-site trees shall be provided as approved by the City Council.
 - c. All landscape areas shall be protected by 6-inch high poured in place concrete curbs.

Conditions of Approval

PD Modification & Site and Architectural Review Permit

PLN2015-107: 3175 S. Winchester, 471 Chapman Drive, 485 Chapman Drive

- d. All landscaping shall be installed prior to final building permit issuance.
 - e. All trees shall be installed prior to final building permit issuance, unless accepted arboricultural practices dictate a preferential planting period for the species chosen as the replacement tree. The Community Development Director may require a cash deposit to secure the planting of a replacement tree(s).
7. Landscape Maintenance: The owner/operator of the property shall provide on-going maintenance of the required landscaping for the project.
 8. Parking, Driveways, and Maintenance: All parking and driveway areas shall be developed in compliance with the approved plans and Chapter 21.30 (Parking and Loading) of the Campbell Municipal Code, subject to review by the Community Development Director.
 9. Parking Stall Markings: The applicant shall indicate on the building plans that all compact parking stalls are painted to identify them as compact spaces prior to the issuance of a building permit.
 10. Fences/Walls: Any newly proposed fencing and/or wall shall comply with Section 21.18.060 of the Campbell Municipal Code and shall be submitted for review and approval by the Community Development Department.
 11. Contractor Contact Information Posting: Prior to the issuance of building permits, the project site shall be posted with the name and contact number of the lead contractor in a location visible from the public street.
 12. On-Site Lighting: Any proposed on-site lighting shall be shielded away from adjacent properties and directed on site. The design and type of lighting fixtures and lighting intensity of any exterior lighting shall be per the approved plans or reviewed and approved by the Community Development Director, prior to issuance of a building permit. Lighting fixtures shall be of a decorative design to be compatible with the development and shall incorporate energy saving features.
 13. Construction Mitigation Measures: The applicant shall implement the following construction mitigation measures:
 - a. Construction activities will be limited to daytime hours of 8:00 am to 5:00 p.m. weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. Construction is prohibited on Sundays and Holidays unless an exception is granted by the Building Official.
 - b. No pile driving is allowed for construction of the project.
 - c. All internal combustion engines for construction equipment used on the site will be properly muffled and maintained.
 - d. All stationary noise generating construction equipment, such as air compressors and portable power generator, will be located as far as practical from the existing residences and businesses.
 - e. All active construction areas shall be watered at least twice daily.

- f. Cover all trucks hauling soil and other loose materials stationed or prior to leaving the site.
 - g. Pave, apply water, or apply non-toxic soil stabilizers on all unpaved surfaces, and staging areas at the construction site.
 - h. Sweep daily all paved access roads, parking areas, staging areas, and adjacent public streets as directed by the City Engineer.
 - i. Enclose, cover, water or apply soil binders to exposed stockpiles.
 - j. Install sandbags or other erosion control measures to prevent runoff to all roadways, waterways or public walkways accessed by the public.
14. The building permit and grading permit will not be issued until all Public Works Conditions of Approval have been satisfied.

PUBLIC WORKS DEPARTMENT CONDITIONS OF APPROVAL

1. Response Letter: Upon submittal of the Lot Line Adjustment, the Street Improvement Plans and the Grading and Drainage Plans, the applicant shall provide an itemized response letter verifying that all the Public Works Conditions of Approval have been met or addressed.
2. Lot Line Adjustment: Prior to issuance of any Grading or Building Permits for the site, the applicant shall fully complete the lot line adjustment process for merging the two single family home lots with the main campus parcel. The applicant shall submit an application for approval by the City Engineer, pay the current application processing fees, process the application with City staff's comments and fully complete the lot line adjustment.
3. Demolition: Prior to recording of the Lot Line Adjustment the applicant shall obtain demolition permits to remove any nonconforming structures.
4. Grading and Drainage Plan: Prior to issuance of any grading or building permits for the site, the applicant shall conduct hydrology studies based on a ten-year storm frequency, prepare an engineered grading and drainage plan, and pay fees required to obtain necessary grading permits. Prior to occupancy, the design engineer shall provide written certification that the development has been built per the engineered grading and drainage plans.
In addition, a plan review letter will be required of the Geotechnical engineer for the entire grading and drainage system which should include but is not limited to a review of the subsurface of the non-compacted biotreatment material that may have potential for subsurface failure and surface failure due to vehicle loads.
5. Drainage System: Prior to occupancy clearance, the applicant shall refurbish, remodel, and reconstruct the on-site drainage system, as necessary, to demonstrate that the facilities are functioning normally in accordance with the requirements of the City.

Conditions of Approval

PD Modification & Site and Architectural Review Permit

PLN2015-107: 3175 S. Winchester, 471 Chapman Drive, 485 Chapman Drive

6. Storm Drain Area Fee: Prior to issuance of any grading or building permits for the site, the applicant shall pay the required Storm Drain Area fee, currently set at \$2,650.00 per net acre, for the lots at 471 & 485 Chapman Drive.
7. Stormwater Pollution Prevention Measures: Prior to issuance of any grading or building permits, the applicant shall comply with the National Pollution Discharge Elimination System (NPDES) permit requirements, Santa Clara Valley Water District requirements, and the Campbell Municipal Code regarding stormwater pollution prevention. Specifically the project must include source control, site design and treatment measures to achieve compliance with Provision C.3. of the NPDES Permit. Measures may include, but are not limited to, minimization of impervious surface area, vegetated swales, infiltration areas, and treatment devices. The primary objectives are to improve the quality and reduce the quantity of stormwater runoff to the bay.

Resources to achieve these objectives include *Stormwater Best Management Practices Handbook for New Development and Redevelopment* ("CA BMP Handbook") by the California Stormwater Quality Association (CASQA), 2003; *Start at the Source: A Design Guidance Manual for Stormwater Quality Protection* ("Start at the Source") by the Bay Area Stormwater Management Agencies Association (BASMAA), 1999; and *Using Site Design Techniques to Meet Development Standards for Stormwater Quality: A Companion Document to Start at the Source* ("Using Site Design Techniques") by BASMAA, 2003.

Upon submission of the preliminary site/grading plans, the applicant shall calculate and submit to the City the amount of impervious surface created by the development including the types of stormwater controls to be used. The applicant shall submit preliminary sizing and design showing stormwater controls meet the City's requirements.

Prior to issuance of any grading or building permits:

- a. The applicant's designer or engineer shall submit the required certification indicating that sizing, selection, and design of treatment BMP's for the project site has been completed to meet the requirements of the City of Campbell's NPDES permit, No. 01-119, Provision C.3.
- b. The applicant shall sign the "Covenants for the Operation and Maintenance of Stormwater Facilities" and submit a Stormwater Management Plan.

Prior to occupancy:

- a. A qualified BMP certifier is required to inspect the stormwater management facilities, submit a complete set of as-built drawings to Public Works Engineering, and certify on these drawings that:

1. The stormwater management facilities were constructed in compliance with the approved plans.
 2. The as-built drawings show all pertinent constructed dimensions, elevations, shapes, and materials.
 3. All variations in construction from the approved design plan have been identified, including omissions to and additions from the approved plan.
 4. Any changes are in conformance with local, state, or federal regulations.
- b. The applicant shall provide security for the operation and maintenance of stormwater pollution prevention measures installed or provided as a part of this project.
8. Utility Coordination Plan: Prior to issuance of building permits for the site, the applicant shall submit a utility coordination plan and schedule for approval by the City Engineer for installation and/or abandonment of all utilities. The plan shall clearly show the location and size of all existing utilities and the associated main lines; indicate which utilities and services are to remain; which utilities and services are to be abandoned, and where new utilities and services will be installed. Joint trenches for new utilities shall be used whenever possible.
9. Pavement Restoration: Based on the utility coordination plan, the applicant shall prepare a pavement restoration plan for approval by the City Engineer prior to any utility installation or abandonment. The pavement restoration plan shall indicate how the street pavement shall be restored following the installation or abandonment of all utilities necessary for the project.
10. Street Improvement Agreements / Plans / Encroachment Permit / Fees / Deposits: Prior to issuance of any grading or building permits, the applicant shall execute a street improvement agreement, cause plans for public street improvements to be prepared by a registered civil engineer, pay various fees and deposits, post security and provide insurance necessary to obtain an encroachment permit for construction of the standard public street improvements, as required by the City Engineer. The plans shall include the following, unless otherwise approved by the City Engineer:
- a. Show location of all existing utilities within the new and existing public right of way.
 - b. Removal of existing driveway approaches and necessary sidewalk, curb and gutter.
 - c. Installation of ADA compliant driveway approaches on Winchester Boulevard and necessary sidewalk, curb and gutter.
 - d. Construction of conforms to existing public and private improvements, as necessary.
 - e. Submit final plans in a digital format acceptable to the City.

11. Street Improvements Completed for Occupancy and Building Permit Final: Prior to allowing occupancy and/or final building permit signoff for any and/or all buildings, the applicant shall have the required street improvements installed and accepted by the City, and the design engineer shall submit as-built drawings to the City.
12. Maintenance of Landscaping: Owner(s), current and future, are required to maintain the landscaped park strip and tree wells in the public right of way. This includes, but is not limited to: trees, lawn, plantings, irrigation, etc. Trees shall not be pruned in a manner that would not allow the tree to grow to a mature height.
13. Utility Encroachment Permit: Separate encroachment permits for the installation of utilities to serve the development will be required (including water, sewer, gas, electric, etc.). Applicant shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric and all other utility work.
14. Additional Street Improvements: Should it be discovered after the approval process that new utility main lines, extra utility work or other work is required to service the development, and should those facilities or other work affect any public improvements, the City may add conditions to the development/project/permit, at the discretion of the City Engineer, to restore pavement or other public improvements to the satisfaction of the City.

BUILDING DEPARTMENT CONDITIONS OF APPROVAL

All building code issues will be reviewed in the Building Permit process. Please be aware that building codes are changing constantly; plans submitted for building permit shall comply with the code in effect at that time. Submit permit application together with required documents to the Building Inspection Division to obtain a building permit. No construction can be commenced without an appropriate building permit. To the satisfaction of the building division manager/building official:

1. **PERMITS REQUIRED:** A building permit application shall be required for the proposed new commercial parking lot(s). The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit. The building shall be made to comply with all the requirements necessary to the new buildings proposed occupancy.
2. **CONSTRUCTION PLANS:** The conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
3. **SIZE OF PLANS:** The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.

4. **PLAN PREPARATION:** This project requires plans prepared under the direction and oversight of a California licensed Engineer or Architect. Plans submitted for building permits shall be "wet stamped" and signed by the qualifying professional person.
5. **SITE PLAN:** Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as appropriate. Site plan shall also include site drainage details. Site address and parcel numbers shall also be clearly called out. Site parking and path of travel to public sidewalks shall be detailed.
6. **SPECIAL INSPECTIONS:** When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permits, in accordance with C.B.C Chapter 1, Section 106. Please obtain City of Campbell, Special Inspection forms from the Building Inspection Division Counter.
7. The City of Campbell, standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet (size 24" X 36") is available at the Building Division service counter.
8. **TITLE 24 ACCESSIBILITY – COMMERCIAL:** On site general path of travel shall comply with the latest California Title 24 Accessibility Standards. Work shall include but not be limited to accessibility to building entrances from parking facilities and sidewalks.
9. **TITLE 24 ACCESSIBILITY – COMMERCIAL:** this project shall comply fully with the provisions of Chapter 11B of the California Building Code 2013 ed.
10. **APPROVALS REQUIRED:** The project requires the following agency approval prior to issuance of the building permit: Santa Clara County Fire Department.
11. **P.G.& E.:** Applicant is advised to contact Pacific Gas and Electric Company as early as possible in the approval process. Service installations, changes and/or relocations may require substantial scheduling time and can cause significant delays in the approval process. Applicant should also consult with P.G. and E. concerning utility easements, distribution pole locations and required conductor clearances.
12. **LEED FOR NEW CONSTRUCTION:** Applicant shall complete and return Leed Project Checklist prior to issuance of permit.
13. **STORM WATER REQUIREMENTS:** Storm water run-off from impervious surface created by this permitted project shall be directed to vegetated areas on the project parcel. Storm water shall not drain onto neighboring parcels.

RESOLUTION NO. 11882

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL APPROVING A TREE REMOVAL PERMIT (PLN2015-215) FOR PROPERTIES LOCATED AT 3175 S. WINCHESTER, 471 CHAPMAN DRIVE, AND 485 CHAPMAN DRIVE.

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

The City Council finds as follows with regard to File No. PLN2015-215:

Environmental Finding

1. This project is Categorically Exempt under Section 15304 (class 4) of the California Environmental Quality Act (CEQA) pertaining to minor alterations in landscaping.

Evidentiary Findings

1. The 3175 S. Winchester property is zoned P-D (Planned Development).
2. The 471 Chapman Drive and 485 Chapman Drive properties are zoned C2 (General Commercial).
3. One-hundred thirty-one (131) trees of 24 various species are located on the three properties including 107 trees on the Winchester Boulevard property, 11 trees at 471 Chapman Drive, eight (8) trees at 485 Chapman Drive, and five (5) trees at 1252 Walnut Drive. One street tree is located behind the property on Walnut Drive within the public right-of-way. An additional 13 street trees are located in front of the property within the public right-of-way.
4. A protected tree includes any tree or multi-trunk tree on a commercial property, with at least one trunk measuring twelve inches or greater in diameter, measured four feet above the adjacent grade.
5. Nineteen protected trees, located on the subject property, are being requested for removal and require a tree removal permit. All but one of the nineteen trees has been designated by the Arborist as having a 'low' probability of surviving. The Arborist has described the other tree (tree #128) as having "dead and dying branches" at the top of the tree.
6. Removal of the 19 protected trees (one of which is greater than 24-inches in diameter) will not substantially diminish the aesthetic, environmental or economic importance of the neighborhood tree population because the applicant will replace the 19 trees with 41 trees for a total of 115 trees on the property, contributing to Campbell's small town quality and character.

Tree Removal Permit

PLN2015-215: 3175 S. Winchester, 471 Chapman Drive, and 485 Chapman Drive

Based upon the foregoing findings of fact and pursuant to Campbell Municipal Code Sec. 21.12.030(H6), the City Council further finds and concludes that:

1. Approved Project: Approval is granted for a Tree Removal Permit (PLN2015-215) to remove 19 protected trees located on the subject property.
2. Tree Replacement: The applicant shall plant a minimum of forty-one (41) new 15-gallon sized trees or in the size and quantity approved by the City Council. The replacement trees shall be planted prior to final building permit issuance, unless accepted arboricultural practices dictate a preferential planting period for the species chosen as the replacement tree.
3. Final decision/timing of tree removal: The trees shall not be removed until all conditions of the permit have been satisfied and the decision has become final.
4. Street trees. No City street tree(s) may be removed without a hearing of the Parks and Recreation Commission and approval by the City Council.

THEREFORE, BE IT RESOLVED that the City Council approves a Tree removal permit (PLN2015-215) to remove 19 protected trees at **3175 S. Winchester, 471 Chapman Drive, and 485 Chapman Drive**, subject to the attached Conditions of Approval (attached **Exhibit A**).

PASSED AND ADOPTED this 15th day of September, 2015, by the following roll call vote:

AYES: Councilmembers: Gibbons, Resnikoff, Baker, Cristina
 NOES: Councilmembers: Kotowski
 ABSENT: Councilmembers: None
 ABSTAIN: Councilmembers: None

APPROVED: _____
 Jeffrey R. Cristina, Mayor

ATTEST: _____
 Wendy Wood, City Clerk

THE FOREGOING INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

ATTEST: WENDY WOOD, CITY CLERK
CITY OF CAMPBELL, CA

BY Ancha Sanders Deputy City Clerk

DATED 9/29/15

RESOLUTION NO. 4236

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL RECOMMENDING THAT THE CITY COUNCIL APPROVE MODIFICATIONS TO A PLANNED DEVELOPMENT PERMIT AND SITE AND ARCHITECTURAL REVIEW PERMIT (PLN2015-107) ON PROPERTIES LOCATED AT **3175 S. WINCHESTER BOULEVARD AND 471/485 CHAPMAN DRIVE**. FILE NO: PLN2015-107

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

The Planning Commission finds as follows with regard to file number PLN2015-107:

Environmental Finding

1. The project is Categorically Exempt under Section 15301 (Class 1) and Section 15311 (Class 11) of the California Environmental Quality Act (CEQA). The modification of the parking lot on the Winchester property is exempt under Class 1 which pertains to the minor alteration of existing facilities involving negligible expansion of use beyond that currently existing. The new parking lot on the two Chapman properties is exempt under Class 11 which pertains to construction of minor structures (e.g., small parking lots) accessory to existing commercial facilities.

Evidentiary Findings

1. The project site encompasses three properties; 3175 S. Winchester, 471 Chapman Drive, and 485 Chapman Drive, located on the north side of Winchester Boulevard between Hacienda Avenue to the east and Chapman Drive to the west.
2. The proposal requires approval of a Lot Line Adjustment to merge the three properties. The applicant will be required to complete this Lot Line Adjustment process prior to issuance of any Grading or Building Permits for the site.
3. The project site comprises 3.64 acres (three properties combined).
4. The 3175 S. Winchester property is zoned P-D (Planned Development).
5. The 471 Chapman Drive and 485 Chapman Drive properties are zoned C2 (General Commercial).
6. All three properties on the project site have a General Plan designation of *General Commercial*.
7. The project site is located within the San Tomas Area Neighborhood Plan.
8. The project site is bordered by single-family residential properties to the west, a townhouse complex to the northwest, a commercial daycare business to the south of

the two Chapman Drive properties, the Santa Clara Valley Water District property (recharge pond) to the north, and Kaiser Permanente to the east.

9. The office use requires a minimum of 273 parking spaces (one per 225 square feet of the 61,400 square foot building). The proposal includes a total of 295 parking spaces.
10. The 295 space parking lot requires a minimum of 37 trees. The proposal includes a total of 115 new and existing trees on the property.
11. The 295 space parking lot requires a minimum of 5,960 square feet of landscape area. The proposal includes 29,725 square feet of landscaping on the property.
12. The proposal will require the removal and replacement of 19 protected trees. The proposal will provide 41 new trees.
13. The proposed project will be compatible with the underlying Central Commercial General Plan land use designation, as conditioned.
14. The Conditions of Approval are attached.

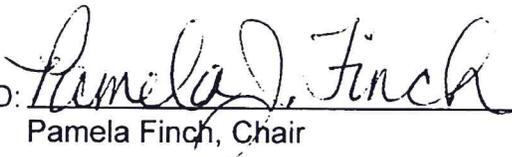
Based upon the foregoing findings of fact and pursuant to Campbell Municipal Code Section 21.12.030(H6), the Planning Commission further finds and concludes that:

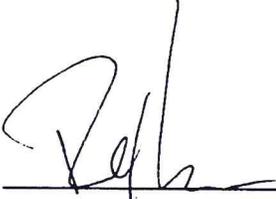
1. The proposed development will clearly result in a more desirable environment and use of the land than would be possible under any other zoning district classification.
2. The proposed development will be compatible with the General Plan of the City and will aid in the harmonious development of the immediate area.
3. The proposed development will not result in allowing more residential units than would be allowed by other residential zoning districts, which are consistent with the General Plan designation of the property.
4. The proposed development will not be detrimental to the health, safety or welfare of the neighborhood or the City as a whole.
5. There is a reasonable relationship and a rough proportionality between the Conditions of Approval and the impacts of the project.
6. There is a reasonable relationship between the use of the fees imposed upon the project and the type of development project.
7. No substantial evidence has been presented from which a reasonable argument could be made that shows that the project, as currently presented and subject to the required conditions of approval, will have a significant adverse impact on the environment.

THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council approve Modifications (PLN2015-107) to a Planned Development Permit and Site and Architectural Review Permit (PLN2015-107) on properties located at **3175 S. Winchester Boulevard and 471/485 Chapman Drive** subject to the attached Recommended Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 25th day of August, 2015, by the following roll call vote:

AYES:	Commissioners:	Bonhagen, Dodd, Kendall and Young
NOES:	Commissioners:	Finch, Reynolds & Rich
ABSENT:	Commissioners:	None
ABSTAIN:	Commissioners:	None

APPROVED: 
Pamela Finch, Chair

ATTEST: 
Paul Kermoyan, Secretary

**RECOMMENDED CONDITIONS OF APPROVAL
Planned Development Permit Modification and
Site and Architectural Review Permit (PLN2015-107)**

Where approval by the Director of Community Development, City Engineer, Public Works Director, City Attorney or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations and accepted engineering practices for the item under review. Additionally, the applicant is hereby notified that he/she is required to comply with all applicable Codes or Ordinances of the City of Campbell and the State of California that pertain to this development and are not herein specified.

PLANNING DEPARTMENT CONDITIONS OF APPROVAL

1. Approved Project: The Planning Commission recommends approval of Application **PLN2015-107** to allow modification of an existing Planned Development Permit and Site and Architectural Review Permit at 3175 S. Winchester, 471 Chapman Drive, 485 Chapman Drive. The project shall substantially conform to the approved plans; except as may be modified by the Conditions of Approval contained herein.
2. Entry Gate: The pedestrian entry gate located on the subject property adjacent to Walnut Drive may only be accessible between the hours of 11:00am and 2:00pm weekdays, while maintaining the ability to freely exit the gate at all times so as not to preclude emergency egress.
3. Parking Lot Signage: A sign shall be installed at the Chapman parking lot exit driveway prior to issuance of a final building permit, alerting drivers to watch for children and pedestrians. The sign shall be maintained in good condition and replaced as necessary to comply with this condition.
4. Lot Line Adjustment: The proposal requires approval by the City Engineer for a Lot Line Adjustment to merge the three properties. The applicant will be required to complete this Lot Line Adjustment process prior to issuance of any Grading or Building Permits for the site.
5. Approval Expiration: The Planned Development Permit and Site and Architectural Review Permit approval shall be valid for one year from the date of final approval. If within this one-year period, the applicant fails to obtain a building permit and complete construction, the approval will be void.
6. Landscaping: All landscaping shall be maintained in good health. Additionally,
 - a. All landscaping shall be installed per the approved landscape plan.
 - b. All new street trees shall be a minimum 24-inch box size and all shrubs shall be a minimum of 5-gallon size. All new on-site trees shall be provided as approved by the City Council.
 - c. All landscape areas shall be protected by 6-inch high poured in place concrete curbs.
 - d. All landscaping shall be installed prior to final building permit issuance.

- e. All trees shall be installed prior to final building permit issuance, unless accepted arboricultural practices dictate a preferential planting period for the species chosen as the replacement tree. The community development director may require a cash deposit to secure the planting of a replacement tree(s).
7. Landscape Maintenance: The owner/operator of the property shall provide on-going maintenance of the required landscaping for the project.
8. Parking, Driveways, and Maintenance: All parking and driveway areas shall be developed in compliance with the approved plans and Chapter 21.30 (Parking and Loading) of the Campbell Municipal Code, subject to review by the Community Development Director.
9. Parking Stall Markings: The applicant shall indicate on the building plans that all compact parking stalls are painted to identify them as compact spaces prior to the issuance of a building permit.
10. Fences/Walls: Any newly proposed fencing and/or wall shall comply with Section 21.18.060 of the Campbell Municipal Code and shall be submitted for review and approval by the Community Development Department.
11. Contractor Contact Information Posting: Prior to the issuance of building permits, the project site shall be posted with the name and contact number of the lead contractor in a location visible from the public street.
12. On-Site Lighting: Any proposed on-site lighting shall be shielded away from adjacent properties and directed on site. The design and type of lighting fixtures and lighting intensity of any exterior lighting shall be per the approved plans or reviewed and approved by the Community Development Director, prior to issuance of a building permit. Lighting fixtures shall be of a decorative design to be compatible with the development and shall incorporate energy saving features.
13. Construction Mitigation Measures: The applicant shall implement the following construction mitigation measures:
 - a. Construction activities will be limited to daytime hours of 8:00 am to 5:00 p.m. weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. Construction is prohibited on Sundays and Holidays unless an exception is granted by the Building Official.
 - b. No pile driving is allowed for construction of the project.
 - c. All internal combustion engines for construction equipment used on the site will be properly muffled and maintained.
 - d. All stationary noise generating construction equipment, such as air compressors and portable power generator, will be located as far as practical from the existing residences and businesses.
 - e. All active construction areas shall be watered at least twice daily.

- f. Cover all trucks hauling soil and other loose materials stationed or prior to leaving the site.
 - g. Pave, apply water, or apply non-toxic soil stabilizers on all unpaved surfaces, and staging areas at the construction site.
 - h. Sweep daily all paved access roads, parking areas, staging areas, and adjacent public streets as directed by the City Engineer.
 - i. Enclose, cover, water or apply soil binders to exposed stockpiles.
 - j. Install sandbags or other erosion control measures to prevent runoff to all roadways, waterways or public walkways accessed by the public.
14. The building permit and grading permit will not be issued until all Public Works Conditions of Approval have been satisfied.

PUBLIC WORKS DEPARTMENT CONDITIONS OF APPROVAL

1. Response Letter: Upon submittal of the Lot Line Adjustment, the Street Improvement Plans and the Grading and Drainage Plans, the applicant shall provide an itemized response letter verifying that all the Public Works Conditions of Approval have been met or addressed.
2. Lot Line Adjustment: Prior to issuance of any Grading or Building Permits for the site, the applicant shall fully complete the lot line adjustment process for merging the two single family home lots with the main campus parcel. The applicant shall submit an application for approval by the City Engineer, pay the current application processing fees, process the application with City staff's comments and fully complete the lot line adjustment.
3. Demolition: Prior to recording of the Lot Line Adjustment the applicant shall obtain demolition permits to remove any nonconforming structures.
4. Grading and Drainage Plan: Prior to issuance of any grading or building permits for the site, the applicant shall conduct hydrology studies based on a ten-year storm frequency, prepare an engineered grading and drainage plan, and pay fees required to obtain necessary grading permits. Prior to occupancy, the design engineer shall provide written certification that the development has been built per the engineered grading and drainage plans.

In addition, a plan review letter will be required of the Geotechnical engineer for the entire grading and drainage system which should include but is not limited to a review of the subsurface of the non-compacted biotreatment material that may have potential for subsurface failure and surface failure due to vehicle loads.

5. Drainage System: Prior to occupancy clearance, the applicant shall refurbish, remodel, and reconstruct the on-site drainage system, as necessary, to demonstrate

that the facilities are functioning normally in accordance with the requirements of the City.

6. Storm Drain Area Fee: Prior to issuance of any grading or building permits for the site, the applicant shall pay the required Storm Drain Area fee, currently set at \$2,650.00 per net acre, for the lots at 471 & 485 Chapman Drive.
7. Stormwater Pollution Prevention Measures: Prior to issuance of any grading or building permits, the applicant shall comply with the National Pollution Discharge Elimination System (NPDES) permit requirements, Santa Clara Valley Water District requirements, and the Campbell Municipal Code regarding stormwater pollution prevention. Specifically the project must include source control, site design and treatment measures to achieve compliance with Provision C.3. of the NPDES Permit. Measures may include, but are not limited to, minimization of impervious surface area, vegetated swales, infiltration areas, and treatment devices. The primary objectives are to improve the quality and reduce the quantity of stormwater runoff to the bay.

Resources to achieve these objectives include *Stormwater Best Management Practices Handbook for New Development and Redevelopment* ("CA BMP Handbook") by the California Stormwater Quality Association (CASQA), 2003; *Start at the Source: A Design Guidance Manual for Stormwater Quality Protection* ("Start at the Source") by the Bay Area Stormwater Management Agencies Association (BASMAA), 1999; and *Using Site Design Techniques to Meet Development Standards for Stormwater Quality: A Companion Document to Start at the Source* ("Using Site Design Techniques") by BASMAA, 2003.

Upon submission of the preliminary site/grading plans, the applicant shall calculate and submit to the City the amount of impervious surface created by the development including the types of stormwater controls to be used. The applicant shall submit preliminary sizing and design showing stormwater controls meet the City's requirements.

Prior to issuance of any grading or building permits:

- a. The applicant's designer or engineer shall submit the required certification indicating that sizing, selection, and design of treatment BMP's for the project site has been completed to meet the requirements of the City of Campbell's NPDES permit, No. 01-119, Provision C.3.
- b. The applicant shall sign the "Covenants for the Operation and Maintenance of Stormwater Facilities" and submit a Stormwater Management Plan.

Prior to occupancy:

- a. A qualified BMP certifier is required to inspect the stormwater management facilities, submit a complete set of as-built drawings to Public Works Engineering, and certify on these drawings that:

-
1. The stormwater management facilities were constructed in compliance with the approved plans.
 2. The as-built drawings show all pertinent constructed dimensions, elevations, shapes, and materials.
 3. All variations in construction from the approved design plan have been identified, including omissions to and additions from the approved plan.
 4. Any changes are in conformance with local, state, or federal regulations.
- b. The applicant shall provide security for the operation and maintenance of stormwater pollution prevention measures installed or provided as a part of this project.
8. Utility Coordination Plan: Prior to issuance of building permits for the site, the applicant shall submit a utility coordination plan and schedule for approval by the City Engineer for installation and/or abandonment of all utilities. The plan shall clearly show the location and size of all existing utilities and the associated main lines; indicate which utilities and services are to remain; which utilities and services are to be abandoned, and where new utilities and services will be installed. Joint trenches for new utilities shall be used whenever possible.
 9. Pavement Restoration: Based on the utility coordination plan, the applicant shall prepare a pavement restoration plan for approval by the City Engineer prior to any utility installation or abandonment. The pavement restoration plan shall indicate how the street pavement shall be restored following the installation or abandonment of all utilities necessary for the project.
 10. Street Improvement Agreements / Plans / Encroachment Permit / Fees / Deposits: Prior to issuance of any grading or building permits, the applicant shall execute a street improvement agreement, cause plans for public street improvements to be prepared by a registered civil engineer, pay various fees and deposits, post security and provide insurance necessary to obtain an encroachment permit for construction of the standard public street improvements, as required by the City Engineer. The plans shall include the following, unless otherwise approved by the City Engineer:
 - a. Show location of all existing utilities within the new and existing public right of way.
 - b. Removal of existing driveway approaches and necessary sidewalk, curb and gutter.
 - c. Installation of ADA compliant driveway approaches on Winchester Boulevard and necessary sidewalk, curb and gutter.
 - d. Construction of conforms to existing public and private improvements, as necessary.
 - e. Submit final plans in a digital format acceptable to the City.
 11. Street Improvements Completed for Occupancy and Building Permit Final: Prior to allowing occupancy and/or final building permit signoff for any and/or all buildings, the applicant shall have the required street improvements installed and accepted by the City, and the design engineer shall submit as-built drawings to the City.

12. Maintenance of Landscaping: Owner(s), current and future, are required to maintain the landscaped park strip and tree wells in the public right of way. This includes, but is not limited to: trees, lawn, plantings, irrigation, etc. Trees shall not be pruned in a manner that would not allow the tree to grow to a mature height.
13. Utility Encroachment Permit: Separate encroachment permits for the installation of utilities to serve the development will be required (including water, sewer, gas, electric, etc.). Applicant shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric and all other utility work.
14. Additional Street Improvements: Should it be discovered after the approval process that new utility main lines, extra utility work or other work is required to service the development, and should those facilities or other work affect any public improvements, the City may add conditions to the development/project/permit, at the discretion of the City Engineer, to restore pavement or other public improvements to the satisfaction of the City.

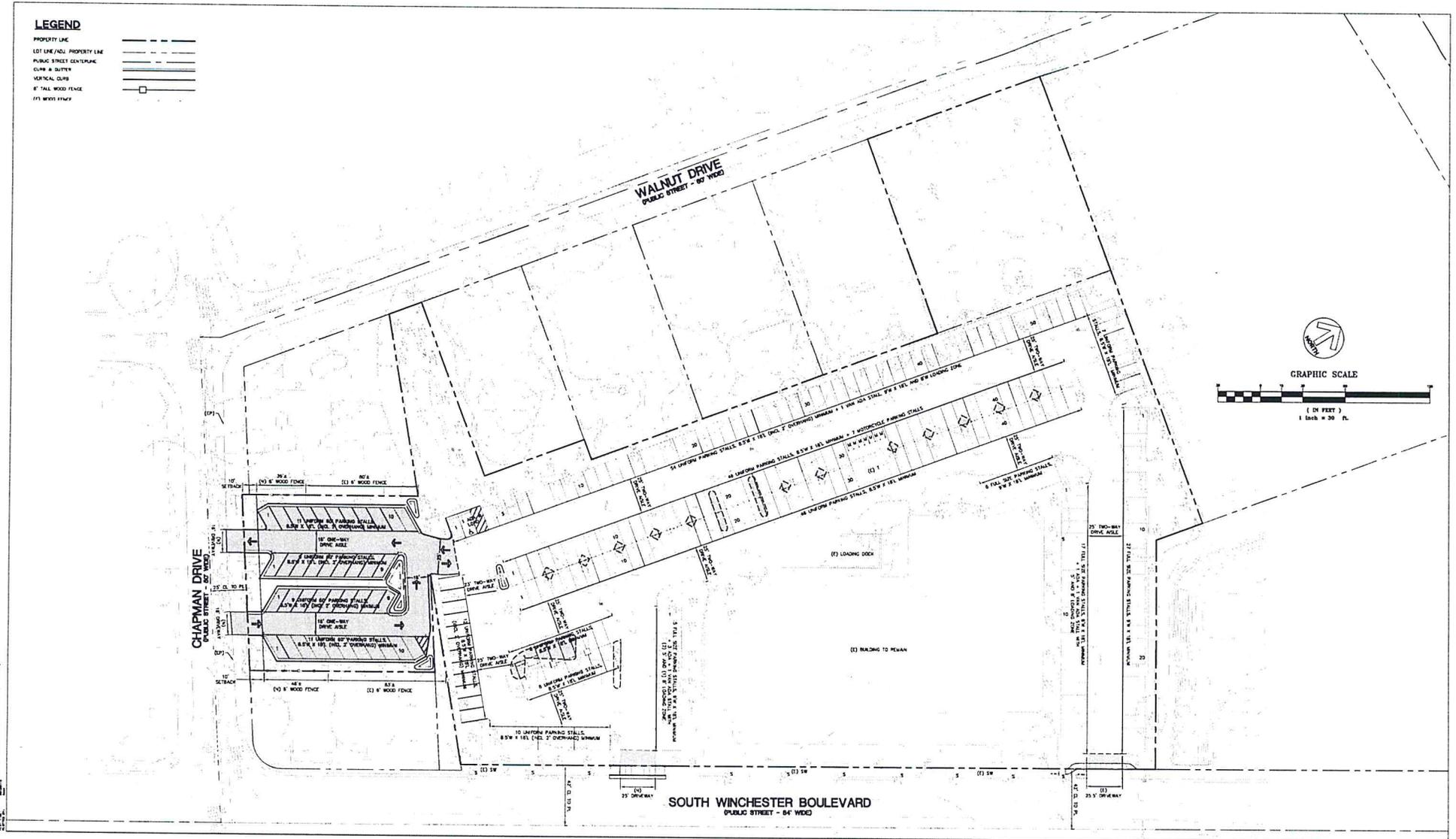
BUILDING DEPARTMENT CONDITIONS OF APPROVAL

All building code issues will be reviewed in the Building Permit process. Please be aware that building codes are changing constantly; plans submitted for building permit shall comply with the code in effect at that time. Submit permit application together with required documents to the Building Inspection Division to obtain a building permit. No construction can be commenced without an appropriate building permit. To the satisfaction of the building division manager/building official:

1. **PERMITS REQUIRED**: A building permit application shall be required for the proposed new commercial parking lot(s). The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit. The building shall be made to comply with all the requirements necessary to the new buildings proposed occupancy.
2. **CONSTRUCTION PLANS**: The conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
3. **SIZE OF PLANS**: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.
4. **PLAN PREPARATION**: This project requires plans prepared under the direction and oversight of a California licensed Engineer or Architect. Plans submitted for building permits shall be "wet stamped" and signed by the qualifying professional person.
5. **SITE PLAN**: Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as

appropriate. Site plan shall also include site drainage details. Site address and parcel numbers shall also be clearly called out. Site parking and path of travel to public sidewalks shall be detailed.

6. **SPECIAL INSPECTIONS:** When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permits, in accordance with C.B.C Chapter 1, Section 106. Please obtain City of Campbell, Special Inspection forms from the Building Inspection Division Counter.
7. The City of Campbell, standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet (size 24" X 36") is available at the Building Division service counter.
8. **TITLE 24 ACCESSIBILITY – COMMERCIAL:** On site general path of travel shall comply with the latest California Title 24 Accessibility Standards. Work shall include but not be limited to accessibility to building entrances from parking facilities and sidewalks.
9. **TITLE 24 ACCESSIBILITY – COMMERCIAL:** this project shall comply fully with the provisions of Chapter 11B of the California Building Code 2013 ed.
10. **APPROVALS REQUIRED:** The project requires the following agency approval prior to issuance of the building permit: Santa Clara County Fire Department
11. **P.G.& E.:** Applicant is advised to contact Pacific Gas and Electric Company as early as possible in the approval process. Service installations, changes and/or relocations may require substantial scheduling time and can cause significant delays in the approval process. Applicant should also consult with P.G. and E. concerning utility easements, distribution pole locations and required conductor clearances.
12. **LEED FOR NEW CONSTRUCTION:** Applicant shall complete and return Leed Project Checklist prior to issuance of permit.
13. **STORM WATER REQUIREMENTS:** Storm water run-off from impervious surface created by this permitted project shall be directed to vegetated areas on the project parcel. Storm water shall not drain onto neighboring parcels



PRELIMINARY SITE PLAN

BARRACUDA NETWORKS IN CAMPBELL



JUNE 30, 2015

BKF Project No.: 20146174-10

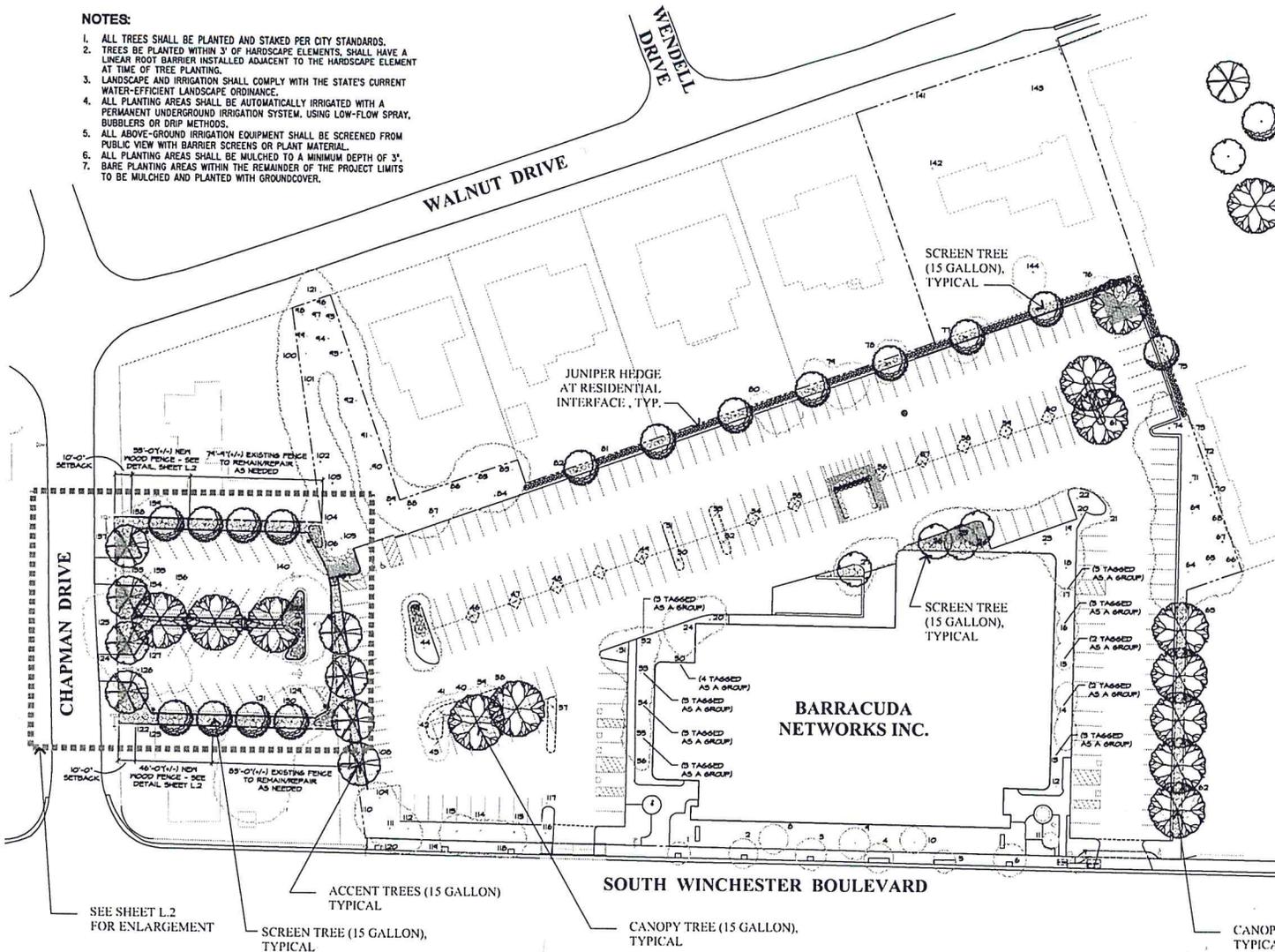


1850 Technology Drive, Ste. 650
San Jose, CA 95110
408.467.9100 408.467.9199

C3.0

NOTES:

1. ALL TREES SHALL BE PLANTED AND STAKED PER CITY STANDARDS.
2. TREES BE PLANTED WITHIN 3' OF HARDSCAPE ELEMENTS, SHALL HAVE A LINEAR ROOT BARRIER INSTALLED ADJACENT TO THE HARDSCAPE ELEMENT AT TIME OF TREE PLANTING.
3. LANDSCAPE AND IRRIGATION SHALL COMPLY WITH THE STATE'S CURRENT WATER-EFFICIENT LANDSCAPE ORDINANCE.
4. ALL PLANTING AREAS SHALL BE AUTOMATICALLY IRRIGATED WITH A PERMANENT UNDERGROUND IRRIGATION SYSTEM, USING LOW-FLOW SPRAY, BUBBLERS OR DRIP METHODS.
5. ALL ABOVE-GROUND IRRIGATION EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW WITH BARRIER SCREENS OR PLANT MATERIAL.
6. ALL PLANTING AREAS SHALL BE MULCHED TO A MINIMUM DEPTH OF 3".
7. BARE PLANTING AREAS WITHIN THE REMAINDER OF THE PROJECT LIMITS TO BE MULCHED AND PLANTED WITH GROUNDCOVER.

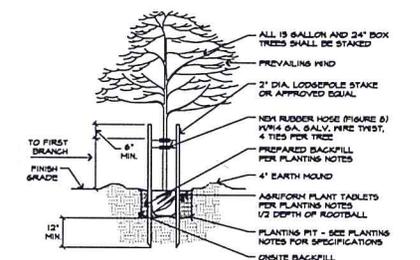


PRELIMINARY PROPOSED TREE PALETTE

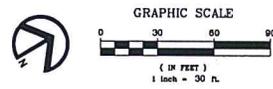
BOTANICAL NAME	COMMON NAME	SIZE	WATER USE	QTY
ACCENT TREES				
ACER RUBRUM 'OCTOBER GLORY'	RED MAPLE	15 GALLON	MEDIUM	8
SCREEN TREES				
TRESTANIA LAURINA	WATER GUM	15 GALLON	LOW	16
TRESTANIA LAURINA	WATER GUM	15 GALLON	LOW	4
CANOPY TREES				
ULMUS PARVIFLORA 'DYNASTY'	EVERGREEN ELM	15 GALLON	MEDIUM	13
	TOTAL:			41

TREE REPLACEMENT TABLE

THINK SIZE OF REMOVED TREE	# OF TREES REMOVED	# OF PROTECTED TREES	REPLACEMENT TREE SIZE	# OF TREES PROPOSED
DBH OF LESS THAN 18"	14	0	N/A	0
DBH OF 18"-24"	42	16	15 GALLON	23
DBH OF GREATER THAN 24"	1	1	15 GALLON	16
HERITAGE TREES	0	0	48" BOX	0



A TREE PLANTING AND STAKING DETAIL SCALE: 1/2" = 1'-0"



RIPLEY DESIGN
 LANDSCAPE ARCHITECTURE
 LAND PLANNING
 1615 BONANZA STREET
 SUITE 314
 WALNUT CREEK, CA 94596
 TEL: 925.938.7377
 FAX: 925.938.7436

BARRACUDA
Preliminary Landscape Plan

Barracuda Networks
 Campbell, California

AUGUST 18, 2015

L1

CITY OF CAMPBELL

70 NORTH FIRST STREET
CAMPBELL, CALIFORNIA 95008
(408) 866-2100

Department: Planning

January 30, 1985

Mr. Bob Fabish
Southbay Construction & Development
511 Division St.
Campbell, CA 95008

RE: Fencing Plan (ZC 84-02)
3175 S. Winchester Blvd.

Dear Mr. Fabish:

Please be advised that the Planning Director has approved the fencing plan submitted January 28, 1985. A copy of the approved plan is enclosed. Two concerns are raised regarding this proposal which should be addressed prior to construction of this fence.

1. Provision of a color sample for outside of fencing paint color, and
2. Permission of townhome owners to remove existing wood fence along the northern property line.

If you have any questions regarding this approval, please contact the Planning Department at 866-2140.

Sincerely,

ARTHUR A. KEE
PLANNING DIRECTOR

Tim J. Haley
TIM J. HALEY
PLANNER II

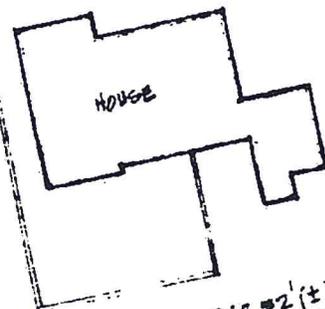
1d

cc: Sandra Scott, March Development Co.
Dennis Kobza, Architects

CHATEAU

WALNUT DR.

CONC. FENCE TYPE
8' HIGH PRESENT WALL FIN. PAINTED
TO HIGH PRESENT WALL FIN. PAINTED
RESIDENTIAL
PASSIVE EMPLOYEE
TRUCK AREA



RESIDENTIAL

TO HIGH PRESENT WALL FIN. PAINTED
RESIDENTIAL
UT LINES
N 11° 11' 00" E 75.00'

N 11° 11' 00" E 300.92 (±)

S 67° 52' 50" E 323.74

CONC. PLANTER BOX
N 17° 00' 00" E 178.00'
N 16° 00' 00" E 178.00'
N 16° 00' 00" E 178.00'

RESIDENTIAL

TRASH ENCLOSURE
15'0" X 15'0" X 4" CONC SLAB
C/O HIGH CHAINLINK FENCE W/
RODND. SLATS & PR. 60 X 60
C.L. GATE W/ DROP BAR & P/LOCK



DOTTER LINE NECESSARY
CAR OVERHANG - 2'-0"

3

Jim / Full
TJH

April 18, 1985

Mr. Tim Haley
City of Campbell
Planning Department
70 North 1st Street
Campbell, CA 95008

Re: Masonry Wall
Winchester Business Center
3165-3175 So. Winchester Blvd.
Campbell, CA

Dear Mr. Haley:

This letter will confirm that we will install a wall that has a smooth surface appearance (as previously approved) facing Winchester, and a slumpstone pattern facing the neighboring residences.

Our contractor has advised that this change will speed installation of the wall due to current availability of materials.

Thank you for your cooperation in this matter.

Yours very truly,

MARCH DEVELOPMENT COMPANY

Bruce C Edwards
Bruce C. Edwards

SCE/sms

RECEIVED
APR 19 1985

CITY OF CAMPBELL
PLANNING DEPARTMENT



San Tomas Area Community Coalition

P.O. Box 320663
Los Gatos CA 95032

408.410.6528 phone
info@staccna.org
<http://staccna.org>

City of Campbell
70 N. First Street
Campbell CA 95008

May 16, 2016

Attn: Cindy McCormick, Senior Planner
Paul Kermoyan, Director Community Development Department
Mark Linder, City Manager

Subj: Barracuda Satellite Parking Temporary Parking Permit

Dear Cindy, Paul and Mark:

Representatives from Barracuda (Attorney Diane Honda and a woman named Laurie) have canvassed our area, asking how the neighborhood feels about the current state of the parking lot expansion. I have heard from the neighbors directly affected by the parking lots, and have listed the names and addresses of those with whom I have spoken and who have directed me to write this letter on their behalf and on behalf of the STACC membership at large.

Barracuda Networks contends that the City of Campbell is refusing to give them a temporary permit for occupancy until the entire parking restructure is complete. This is not correct. Based on discussions I've had with both Cindy McCormick and Paul Kermoyan all that Barracuda Networks needs to do to receive a temporary occupancy permit is:

- Remove the Walnut Drive gate and replace that section of the wall
- Install the lighting in the Chapman Drive Parking lot

We are **adamant** that these conditions **must** be met prior to granting a temporary occupancy permit. In fact, while material options for replacing the gate were discussed, the consensus of opinion is that the material used in the original wall is what should be used to restore the wall. The original concrete brick is desirable for both its durability over wood, and its sound dampening characteristics.

Over and over the residents I spoke with believe that granting Barracuda Networks permission to park without requiring that they fulfill the terms of the permit is sending a clear and undesirable message that corporations are above the rules here in Campbell. We have put up with the parking problems, the noise and constant traffic, and we are willing to hold out for a few more weeks to make sure that Barracuda Networks is held to the terms of the permitted project.

By all means, once they have met those requirements, grant them a temporary occupancy permit so they can use the satellite parking lot while the remaining work in the main lot is being completed.

We appreciate the fact that Barracuda Networks is adding fencing to the front of the lot, and additional landscaping to improve the visual appearance. These gestures allow us to hope that the situation with the removal of the gate, restoration of the wall, and completion of the lighting can be quickly resolved so as to allow Barracuda Networks to use their satellite parking.

Dave Brady
1360 Walnut Drive
Campbell CA 95008-6838

Gus Elfar
1264 Walnut Drive
Campbell CA 95008

Laura Galvan
480 Chapman
Campbell CA 95008

Hal & Joanne Carroll
1395 Walnut Drive
Campbell CA 95008-6850

Mitchel & Julie Stermer
1312 Walnut Drive
Campbell CA 95008-6838

Perry & Audrey Kiehtreiber
1509 Walnut Drive
Campbell CA 95008-6883

Michael & Nahid Tehranian
509 Chapman Drive
Campbell CA 95008

Ellen Dorsa
1573 Walnut Drive
Campbell CA 95008-6838

Jill Brophy, Reneé Pagano
1331 Walnut Drive
Campbell CA 95008-6838

Bruce & Hsiu-Ling Peat
1263 Walnut Drive
Campbell CA 95008-6505

Best regards,



Audrey Kiehtreiber, President

Attachment: email from Diane Honda dated May 13, 2016

From: **Diane Honda** dhonda@barracuda.com 
Subject: **FW: Parking on street**
Date: **May 13, 2016 at 10:47 AM**
To: info@staccna.org
Cc: **Diane Honda** dhonda@barracuda.com



Audrey,

Thanks for your time this morning. Attached are the letters we provided to the neighbors. Please let me know if you have any questions.

Regards.

Diane Honda
Vice President, General Counsel & Secretary

3175 S. Winchester Blvd • Campbell, CA 95008
o: 408-342-6379 | m: 408-391-5451 | EMAIL: dhonda@barracuda.com
Connect with us: barracuda.com/connect



From: Diane Honda <dhonda@barracuda.com>
Date: Friday, May 13, 2016 at 6:21 AM
To: "DBPromo1@aol.com" <DBPromo1@aol.com>, "ghenley@nixonpeabody.com" <ghenley@nixonpeabody.com>, "mestermer@comcast.net" <mestermer@comcast.net>, "Dguniaschool@aol.com" <Dguniaschool@aol.com>, "Michael M. Tehranian" <michael.m.tehranian@gmail.com>, Nahid Tehranian <nahid.tehranian@gmail.com>
Cc: Lauri Avila <lavila@barracuda.com>, Diane Honda <dhonda@barracuda.com>, "markl@cityofcampbell.com" <markl@cityofcampbell.com>
Subject: Parking on street

Barracuda Neighbors,

I wanted to update you on the use of the extension parking lot. The City has informed Barracuda that they will fine us \$1,000 per day if we use the Chapman lot before the entire project is completed which is still 1-2 months away assuming we can resolve some changed requirements from the City in a timely manner. To avoid the fine, we need to stop using the lot temporarily and resume parking on the streets in front of your homes.

We regret this situation and had hoped the City would work with Barracuda so as not to further inconvenience you. This unfortunate decision is solely that of the City and seems illogical to Barracuda. However, to date, the City has been unwilling to discuss any alternatives with Barracuda.

We continue to work to finish the extension parking lot. Lights and security cameras will be installed shortly. In addition, as some of you have requested, we will add some fencing in front of the lot to better match the neighborhood feel. We will also address some of the landscaping concerns and the gravel in the front of the lot.

Please forward this message to any other adjoining neighbors if you have their email address. If you have any questions or any concerns arise, please let me know.

Regards,

Diane Honda
Vice President, General Counsel & Secretary

3175 S. Winchester Blvd • Campbell, CA 95008
o: 408-342-6379 | m: 408-391-5451 | EMAIL: dhonda@barracuda.com
Connect with us: barracuda.com/connect



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Considering Office 365? Barracuda security and storage solutions can help. Learn more about Barracuda solutions for Office 365 at <http://barracuda.com/office365>.

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Neighbor Notice re
Closing Second Lot.doc

MEMORANDUM



City of Campbell
City Clerk's Office

To: Honorable Mayor and City Council **Date:** June 21, 2016
From: Cindy McCormick, Senior Planner *CCM*
Via: Mark Linder, City Manager *ML*
Subject: **Desk Item #17 – Public Hearing to clarify a condition of approval regarding the removal of a gate and replacement of a wall for a modified Planned Development Permit and Site and Architectural Review Permit (PLN2015-107) on properties located at 3175 S. Winchester and 471/485 Chapman Drive.**

The resolution has been corrected to make clear that the City Council is clarifying the intent of the Condition of Approval, not amending the Condition of Approval. Therefore, there is no need to include Exhibit A, as the original Conditions of Approval will not be amended.

RESOLUTION NO. ____

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL CLARIFYING A CONDITION OF APPROVAL FOR A MODIFICATION OF AN EXISTING PLANNED DEVELOPMENT PERMIT AND A NEW SITE AND ARCHITECTURAL REVIEW PERMIT (PLN2015-107) FOR PROPERTIES LOCATED AT **3175 S. WINCHESTER BOULEVARD, 471 CHAPMAN DRIVE, AND 485 CHAPMAN DRIVE.**

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

The City Council finds as follows with regard to File No. PLN2015-107:

Environmental Finding

1. The Project is Categorically Exempt under Section 15321 (Class 21) of the California Environmental Quality Act (CEQA). The clarification and enforcement of the condition of approval is exempt under Class 21 pertaining to regulatory agency actions to enforce an adopted standard or objective of an administrative decision for a permit or entitlement.

Evidentiary Findings

1. The Project consists of merging 3 lots and adding 41 new parking spaces (295 total spaces) on properties located at 3175 S. Winchester Boulevard, 471 Chapman Drive, and 485 Chapman Drive.
2. On September 15, 2016 the City Council held a Public Hearing, discussing various elements of the Project including public concern over employees parking in the residential neighborhood and creating a public nuisance when accessing the commercial property through a pedestrian access gate on Walnut Drive in the residential neighborhood. As part of the discussion, Council Member Gibbons made the following statement prior to making the motion to approve the project: "I'm saying completely remove the gate and replace the wall".
3. The City Council adopted Resolution #11811 approving the application for a new Site and Architectural Review Permit and to modify the existing Planned Development Permit (PLN2015-107) for properties located at 3175 S. Winchester Boulevard, 471 Chapman Drive, and 485 Chapman Drive, subject to Conditions of Approval per the Director of Community Development, City Engineer, Public Works Director, City Attorney and/or Fire Department as required.
4. Community Development Department Condition of Approval #2 (Entry Gate) required that "the pedestrian entry gate located on the subject property adjacent to Walnut Drive shall be removed subject to the trimming and or removal of the landscaping within the

right-of-way on the North/West corner of the intersection of Chapman Drive and Winchester Boulevard”.

5. While not explicit in the motion for approval, the maker of the motion made the statement prior to making the motion “I’m saying completely remove the gate and replace the wall”. Thus, staff determined that the intent of the Condition of Approval was to remove the gate and restore the wall to its original approved configuration.
6. The masonry wall was part of the approved fencing plan for the original Planned Development application (ZC-84-02) whereby the wall is described as a 7’ tall precast masonry wall.
7. The applicant disagreed with staff’s interpretation of the condition of approval and a Public Hearing was scheduled with the City Council to clarify the Council’s intent.

Based upon the foregoing findings of fact and pursuant to Campbell Municipal Code Section 21.12.030(H6), the City Council further finds and concludes that:

1. The intent of the Condition of Approval was to permanently remove the gate and permanently restore the wall with the same materials, design, height, and color of the existing wall. As a result, the improvement will restore the wall back to its previous configuration, as if the wall was never altered
2. There is a reasonable relationship and a rough proportionality between the Condition of Approval and the impacts of the project.
3. No substantial evidence has been presented from which a reasonable argument could be made that shows that the clarified condition of approval will have a significant adverse impact on the environment.

THEREFORE, BE IT RESOLVED that the City Council clarifies the intent of the condition of approval for Modification of an approved Planned Development Permit (PLN2015-107).

PASSED AND ADOPTED this 21st day of June 2016, by the following roll call vote:

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

APPROVED: _____
Jason T. Baker, Mayor

ATTEST: _____
Wendy Wood, City Clerk

MEMORANDUM



City of Campbell
City Clerk's Office

To: Honorable Mayor and City Council **Date:** June 21, 2016

From: Cindy McCormick, Senior Planner *CCM*

Via: Mark Linder, City Manager *ML*

Subject: **Desk Item #17 – Public Hearing to clarify a condition of approval regarding the removal of a gate and replacement of a wall for a modified Planned Development Permit and Site and Architectural Review Permit (PLN2015-107) on properties located at 3175 S. Winchester and 471/485 Chapman Drive.**

The attached letter was received on June 21, 2016 from Diane Honda, Senior Vice President, General Counsel & Secretary for Barracuda Networks.



June 21, 2016

Subject: Approval of Satisfaction of Condition in Permit (PLN2015-107) ("Permit")

Dear Council Members:

Barracuda Networks respectfully requests that the City Council not further delay Barracuda's multi-million dollar improvement project over the removal of a gate that no longer exists.

In order for a business or property owner to have any confidence working with the City of Campbell, the City must act with integrity, and respect the outcome of its permit process. After hours of public hearings, at the City Council Meeting on September 15, 2015, a motion was made by a Council member, seconded, passed on a proper vote, and a condition in the motion was accurately documented in the Permit and fulfilled at the expense of the property owner. Businesses and property owners must be able to operate with certainty, knowing that the City will not after-the-fact alter an owner's obligations without cause or justification.

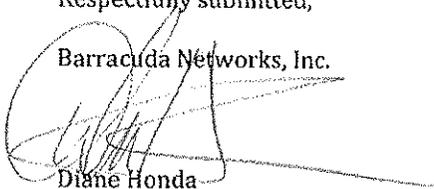
The concern being addressed by the condition in question was always direct access from Barracuda's residential property to Walnut Drive, and was not a gate per se. This specific concern was discussed at length at both the Planning Commission and City Council meetings. The Planning Commission's recommendations limited the times at which Barracuda employees could directly access Walnut Drive in order to thoughtfully balance the safety needs and property rights of Barracuda, with the neighbors' desire for limited access. With less deliberation, the City Council took the Planning Commission's recommendations further and required all direct access be limited through a condition in the motion that "the pedestrian entry gate ... shall be removed".

On April 29, 2016, Barracuda disabled access through the gate to Walnut Drive. This action should have been sufficient to fully meet the approved condition as all access was removed. After weeks of inaction by the City Staff, Barracuda escalated the matter to no avail. Barracuda then decided to take further action to remove the gate and block access to Walnut Drive by constructing a permanent, heavy wooden closure. This action fulfills the condition given that there is no pedestrian access and the gate is removed.

Barracuda looks forward to the Council directing the City Staff to accept this condition as complete. Barracuda is working diligently to complete the remainder of its project to voluntarily remove cars from the streets and place them in the neighborhood-friendly parking lot.

Respectfully submitted,

Barracuda Networks, Inc.



Diane Honda

Vice President, General Counsel and Secretary

cc: Cindy McCormick, Senior Planner
Paul Kermoyan, Director Community Development
Mark Linder, City Manager



City Council Report

Item: 18.
Category: New Business
Meeting Date: June 21, 2016

TITLE: Conceptual Approval of Harriet Avenue/McCoy Avenue/San Tomas Aquino Road Signalization Project (Resolution/Roll Call Vote)

RECOMMENDATION

That the City Council conceptually approve the signalization of the Harriet Avenue/McCoy Avenue/San Tomas Aquino Road intersection.

BACKGROUND

In January, 2001, Caltrans awarded a federal Hazard Elimination Safety (HES) grant to the City of Campbell for the Harriet Avenue/McCoy Avenue Signalization Project. On May 13, 2002, staff held a neighborhood meeting where the vast majority of those in attendance rejected the concept of a Harriet/McCoy traffic signal.

On September 2, 2002, the City Council adopted Resolution No. 10059 approving a revised project scope for the Harriet/McCoy intersection. The revised project scope was 1) to include the installation of median improvements; 2) install other roadway enhancements such as bike lanes on Harriet Avenue; and, 3) eliminate the installation of a traffic signal from consideration at that time.

In the ensuing years, staff designed and constructed the Harriet Avenue Bike Lane Project and installed at the Harriet/McCoy intersection various enhancements such as fluorescent yellow-green school warning signs, a ladder-type crosswalk, and a six-foot-wide striped median. Staff had also considered installing a spot median island on Harriet Avenue at McCoy Avenue as part of the Westmont Avenue Improvement Project and the San Tomas Aquino Creek Trail Project, but those plans were dropped due to a shortage of funds.

On April 7, 2009, the City Council adopted Resolution No. 11017 authorizing staff to submit a State Safe Routes to School (SR2S) grant application for the Harriet Avenue/McCoy Avenue Bicycle and Pedestrian Safety Project that would have installed radar speed feedback signs and in-pavement lights at Harriet/McCoy. In August, 2009, staff learned that Caltrans had not awarded an SR2S grant to Campbell.

On October 27, 2009, two pedestrians were struck by a vehicle in the Harriet/McCoy school crosswalk. At the City Council meeting on November 3, 2009, Mayor Kennedy stated that the City Manager had directed staff to bring a report back to the City Council

Conceptual Approval of Harriet/McCoy/San Tomas Aquino Signalization Page 2 June 21, 2016

in early 2010 for possible safety enhancements to the intersection. Several members of the public appeared before the City Council during oral requests to express their safety concerns for the Harriet/McCoy intersection. Several residents referred to an online petition, and one member of the public submitted a signed petition (Attachment 2) asking for stop signs or a traffic signal at this intersection.

On November 9, 2009, the Public Works Director and Police Chief met with the school principal of nearby Forest Hill Elementary School to discuss options for addressing issues and community concerns at the Harriet/McCoy intersection. The principal at that time had explored establishing a program where parent volunteers would serve as adult crossing guards. The Police Chief at that time would have assigned an officer to conduct training. The City would have provided vests, rain gear, and stop sign paddles as needed for the volunteers. At that time, the school had little success in getting parents to volunteer.

The Chief also contacted San Jose Police Department staff regarding potential re-deployment of one of the two San Jose crossing guards currently working the all-way stop-controlled McCoy Avenue/Meta Drive intersection to the Harriet/McCoy intersection. However, San Jose Police indicated that their policy is not to deploy crossing guards in other jurisdictions.

Based on staff research, the meeting with the school principal, and San Jose Police's response, staff's recommendations in 2009 included the following.

1. Parent Volunteer Crossing Assistants. Staff was to monitor the school's adult volunteer crossing guard program to determine whether there was a need for crossing guards and whether more children are using the Harriet/McCoy crosswalk. If the need for a city-furnished school crossing guard is demonstrated, Campbell Police would consider placing a crossing guard at this location.
2. Near-term: Enhanced Pedestrian Crossing. Campbell Public Works Department investigated options for installing an enhanced pedestrian crossing at this location. Table 1 summarizes various crossing treatments, the approximate level at which motorists yield to pedestrians, estimated capital cost, and advantages and disadvantages. Based on this investigation, staff recommended for the near term a combination of pedestrian-activated flashing beacons and LED street signs. In addition, a spot median island on the south leg of Harriet Avenue was recommended to provide additional refuge for pedestrians and protection for future median-mounted beacons. The flashing beacon system and spot median island were installed with Transportation Development Act (TDA) grant funds and continue to exist at Harriet/McCoy.

Conceptual Approval of Harriet/McCoy/San Tomas Aquino Signalization Page 3
June 21, 2016

Table 1
Comparison of Crossing Treatments at Uncontrolled Crossings

Crossing Treatment	Approximate Compliance Level*	Estimated Capital Cost	Advantages	Disadvantages
Red signals or beacons (e.g., half-signal**, High-intensity Activated Crosswalks (HAWK) signal beacon**)	97-99%	\$75,000 to \$140,000	<ul style="list-style-type: none"> • High compliance 	<ul style="list-style-type: none"> • High cost • Not as much protection as a traffic signal • Some are experimental devices** • May confuse motorists
Rectangular rapid-flashing beacons	88-93%	\$10,000 to \$20,000	<ul style="list-style-type: none"> • High compliance • Low cost 	<ul style="list-style-type: none"> • Experimental device** • May confuse motorists
In-street signs (paddles)	87-90%	< \$500	<ul style="list-style-type: none"> • High compliance • Very low cost 	<ul style="list-style-type: none"> • May be high-maintenance
Pedestrian crossing flags	65-74%	< \$500	<ul style="list-style-type: none"> • Medium compliance • Low cost 	<ul style="list-style-type: none"> • Significant flag theft • Not useful for sight-impaired
In-roadway lights	66%	\$50,000 to \$75,000	<ul style="list-style-type: none"> • Medium compliance 	<ul style="list-style-type: none"> • High cost • May be high-maintenance • Low daytime visibility
Active overhead flashing beacons	47-49%	\$10,000 to \$20,000	<ul style="list-style-type: none"> • Low cost 	<ul style="list-style-type: none"> • Low compliance
Median refuge islands	29-34%	\$10,000 to \$20,000	<ul style="list-style-type: none"> • Provides physical refuge • Pedestrian can focus on one direction of traffic at a time 	<ul style="list-style-type: none"> • Low compliance • Low cost
High-visibility signs and markings	17-20%	< \$2,000 to \$3,000	<ul style="list-style-type: none"> • Very low cost 	<ul style="list-style-type: none"> • Low compliance

*Source: *Transportation Research Record: Journal of the Transportation Research Board, No. 1982*, Transportation Research Board of the National Academies, Washington, D.C., 2006, pp. 1-12.

**In 2009 these devices were considered experimental devices that required authorization from California Traffic Control Devices Committee (CTCDC) to install such devices and commit to preparing before/after studies on the experiment. These devices are no longer experimental.

**Conceptual Approval of Harriet/McCoy/San Tomas Aquino Signalization Page 4
June 21, 2016**

3. Long Term: Continued Traffic Monitoring. Staff investigated two long-term traffic control solutions: Option #1 (All-Way Stop Control) and Option #2 (Traffic Signal).

Option #1 (All-Way Stop Control)

Staff determined that the Harriet/McCoy intersection would operate well as an all-way stop-controlled intersection in terms of intersection level of service (LOS) for the AM, after school, and PM peak hours. The intersection was evaluated to determine whether installing stop signs on Harriet Avenue was warranted. The analysis showed that stop signs facing Harriet Avenue were not warranted based on the *California Manual on Uniform Traffic Control Devices (MUTCD)*. Traffic volumes entering the intersection were not high enough throughout an average weekday to warrant stopping traffic on Harriet Avenue.

Option #2, Traffic Signal

Staff determined that the Harriet/McCoy intersection would operate well as a signalized intersection in terms of intersection level of service (LOS) and queuing for the AM, after school, and PM peak hours. The traffic signal warrant analysis based on the *California Manual on Uniform Traffic Control Devices (MUTCD)* indicated that a traffic signal was not warranted based on traffic volumes collected in November, 2009.

Long-Term Recommendations

The preferred long-term solution was the installation of a traffic signal to address pedestrian, bicycle and vehicular issues at this location. Installing stop signs on Harriet Avenue was not recommended since traffic volumes were not high enough throughout the day to warrant stopping traffic on Harriet Avenue. Also, if motorists do not obey the stop signs on Harriet Avenue, the intersection would be less safe for pedestrians to cross. Although all-way stop control may reduce existing eastbound queues on McCoy Avenue, queuing on Harriet Avenue would lead to more neighborhood cut-through traffic from southbound Harriet Avenue. In 2009 staff recommended that traffic volumes be monitored at Harriet/McCoy and that grant funding opportunities for a traffic signal at this location be pursued.

In 2013 a traffic signal warrant analysis was performed again and determined that a traffic signal would be warranted for the Harriet Avenue/McCoy Avenue intersection. At the same time a traffic signal would be warranted if San Tomas Aquino Road were included in the signalization (i.e., signalization of Harriet Avenue/McCoy Avenue/San Tomas Aquino Road intersection).

Conceptual Approval of Harriet/McCoy/San Tomas Aquino Signalization Page 5 June 21, 2016

On July 16, 2013, the City Council adopted Resolution No. 11566 authorizing the submittal of a Highway Safety Improvement Program (HSIP) grant application to Caltrans for the Harriet Avenue/McCoy Avenue/San Tomas Aquino Road Signalization Project. In December 2013, based on the merits of the project concept and its proposed use of a traffic signal as an effective countermeasure to the traffic collision history at these two intersections, Caltrans awarded an HSIP grant of \$516,900 to the City.

The Harriet Avenue/McCoy Avenue/San Tomas Aquino Road Signalization Project would remove and replace the Harriet/McCoy flashing beacon system with a traffic signal that would operate Harriet/McCoy and Harriet/San Tomas Aquino Road as one signalized intersection. The aim is to have the two intersections work in tandem to keep the area between McCoy Avenue and San Tomas Aquino Road clear of traffic queues, as much as possible, by allowing side-street traffic (e.g., from McCoy Avenue) to clear the downstream intersection (e.g., Harriet/San Tomas Aquino). The project would provide ADA accessibility ramps at both intersections and widen the sidewalk on the east side of Harriet Avenue over San Tomas Aquino Creek where the current width is only two feet.

DISCUSSION

Public Feedback

Forest Hill Parent Teacher Association (PTA) Meeting

On April 13, 2016, staff met with the Forest Hill Elementary School Parent Teacher Association (PTA) to present the Harriet/McCoy/San Tomas Aquino Signalization Project and to solicit public feedback. Approximately 27 school parents (including eight PTA board members) were in attendance with current Principal Denise Khalid. Public response was enthusiastically supportive of the traffic signal. In addition, there was support for other project components including the widening of the sidewalk on the east side of Harriet Avenue over San Tomas Aquino Creek and the installation of curb ramps at the two project intersections.

Following the PTA meeting, the school circulated a flyer soliciting public feedback from school parents. Staff continued to receive support for the project although some members of the public were also opposed to signalizing the two intersections.

Meeting at Residents' Homes

On the evening of April 28, 2016, staff met with about a half dozen residents at the corner of Harriet/McCoy to discuss how the traffic signal would operate and to answer questions. Some residents expressed concerns regarding driveway access and asked

Conceptual Approval of Harriet/McCoy/San Tomas Aquino Signalization Page 6 June 21, 2016

about different options that could be considered including signaling only one of the two project intersections, installing stop signs at one or both intersections, and relocating the school crosswalk from Harriet/McCoy to Harriet/Silacci Drive.

Oral Requests

On May 3, 2016, two residents appeared before the City Council during Oral Requests. The first resident (who lives at the northwest corner of Harriet/McCoy) objected to the concept of a traffic signal. He cited the past neighborhood objection to a Harriet/McCoy traffic signal and believes that traffic is only an issue during school admission and dismissal hours. The second resident lives on Hacienda Avenue. While he acknowledged that the failure of motorists to yield to pedestrians is an issue, he echoed the sentiment that the traffic issue lasts only two hours per day. He pointed to the width of Harriet Avenue as contributing to speeding and proposed raised crosswalks or speed humps as used on Cox Avenue in Saratoga, in-pavement lights as used in Los Gatos, or bulb-outs and narrowed streets like Hacienda Avenue in Campbell.

On May 17, 2016, a resident whose address was not disclosed appeared before the City Council during Oral Requests. This resident also acknowledged pedestrian safety as an issue and implied that the traffic safety issues at Harriet/McCoy could be attributed to the past relocation of the school crosswalk that had once been located at Harriet/Silacci Drive. The resident cited speeds on Harriet Avenue as a major concern and pointed to the street width as a contributing factor. He suggested Cox Avenue speed humps as a solution and cited a Department of Transportation website that stated that traffic signals may promote speeding.

Neighborhood Public Meeting

On May 16, 2016, staff held a public meeting at Forest Hill Elementary School. The meeting was announced through flyers to over 600 addresses in the neighborhood, the City's website, and through social media (e.g., Nextdoor and Facebook). About 25 members of the public attended the meeting. The residents asked questions on how the traffic signal would operate and expressed concerns about driveway access or potential traffic diversion. Two of the five people who expressed opposition to the traffic signal concept appeared before the City Council during Oral Requests.

Phone Calls and E-mails

In April and May staff received approximately 25 correspondences from the public regarding the traffic signal concept. Overall, approximately two-thirds of public comments expressed support for the project. A sampling of the comments and concerns is provided below.

**Conceptual Approval of Harriet/McCoy/San Tomas Aquino Signalization Page 7
June 21, 2016**

- Appreciate the City's taking initiative to address safety issue
- Concern about potential diversion of traffic to other streets like Keith Drive
- Cars do not stop for the flashing beacons
- Traffic signal is a fabulous idea
- Traffic signal will destroy the community and is a terrible idea
- Do not install signal; force people to walk to Westmont Avenue
- Signal is long overdue; there is no reasonable opposition particularly when funding is available
- Totally support a traffic signal and looking forward to seeing this proposal becoming a reality that will improve safety
- Speed humps are a bad idea on Harriet or McCoy; residents' solutions are too simple for such a complicated problem
- Strongly support this project in the interest of public safety
- From a parent whose children attend school near the intersection, it is imperative that a traffic signal be installed due to the amount of traffic
- A traffic signal and widened sidewalk is a great idea
- Why not change the flashing beacons from yellow to red?

Traffic Collision History and Traffic Safety

The following summarizes the key traffic collision history at Harriet/McCoy and Harriet/San Tomas Aquino between 2009 and 2014. **It is worth noting that at least three of the four crashes do not appear to have occurred during school admission or dismissal hours.**

Harriet/McCoy

- 10/27/2009 at 1:55 p.m.: Two pedestrians (69-year-old grandfather and seven-year-old grandson) were struck in the marked crosswalk by vehicle. Both legs of the grandson were broken.
- 12/12/2012 at 5:10 p.m.: A 13-year-old bicyclist was struck in the marked crosswalk by vehicle; flashing beacon was activated. The bicyclist's leg was believed to be fractured.
- This intersection experienced a total of one pedestrian- and four bicycle-related collisions between 2009 and 2014.

Harriet/San Tomas Aquino

- 9/21/2010 at 11:47 a.m.: A 22-year-old pedestrian crossing San Tomas Aquino Road was struck in the unmarked crosswalk by a vehicle making a southbound left-turn.

Conceptual Approval of Harriet/McCoy/San Tomas Aquino Signalization Page 8 June 21, 2016

- 11/12/2012 at 11:45 a.m.: A 54-year-old pedestrian crossing San Tomas Aquino Road was struck in the unmarked crosswalk by hit-and-run vehicle making a southbound left-turn.
- This intersection experienced a total of two pedestrian- and five bicycle-related collisions between 2009 and 2014.

It is worth noting that these pedestrian- and bicyclist-related collisions would have been correctable with a traffic signal. **Also, speed was not a contributing factor in any of these incidents.** Motorists were not traveling above the speed limit or had actually stopped to yield for oncoming traffic. Between 2009 and 2014 the City experienced 104 pedestrian- and 153 bicycle-related collisions. **The Harriet/McCoy and Harriet/San Tomas Aquino intersections experienced 6.6 percent of the City's pedestrian- and bicycle-related collisions during this time period.**

Options That Were Considered

At the May 16 public meeting staff provided feedback to the public regarding options that were considered.

1. Do Nothing (i.e., keep the flashing beacon system). The recent crash history and public feedback have demonstrated that motorists fail to yield to pedestrians.
2. Stop Signs Facing Harriet Avenue Traffic. This option would require all vehicles on Harriet Avenue to stop even in the absence of conflicting traffic. Traffic operations would be inefficient and would contribute to noise and air pollution. Not all motorists come to a complete stop.
3. Traffic calming measures (e.g., islands, bulb-outs, raised crosswalks).
 - a. These measures may be effective in slowing speeds but do not necessarily stop motorists or assign right-of-way clearly to all parties.
 - b. These measures do not improve side-street access as much as a traffic signal.
 - c. More substantial measures like roundabouts may require additional right-of-way and could create a problem for motorists who wish to exit from residential driveways currently located at Harriet/McCoy.
 - d. Speed humps may compromise emergency response times for County Fire and Police. "Speed lumps" or "speed cushions" that provide openings for fire truck tires (see Figure 1 below) may still slow down fire trucks as not all fire trucks have the same tire spacing. County Fire is concerned about damage to truck axles.
 - e. Staff observed the raised crosswalk on Cox Avenue in Saratoga and noticed that motorists still do not necessarily yield to pedestrians.



Figure 1: "Speed Lump" or "Speed Cushion".

Based on public feedback following the May 16 public meeting, the following options were evaluated.

1. Signalize only Harriet/San Tomas Aquino. This option would not address pedestrian safety at Harriet/McCoy.
2. Change the color of the flashing beacons from yellow to red. The State law requires motorists only to yield to pedestrians. Red beacons would send the wrong message. Again, not all motorists would stop for pedestrians.
3. Narrow the street like Hacienda Avenue. Traffic calming options like narrowing Harriet Avenue would not address the failure of motorists to yield to pedestrians and would not provide positive guidance regarding who has the right-of-way.
4. Install a landscaped median island like on Westmont Avenue. A landscaped median island on Harriet Avenue would deprive Harriet Avenue residents of direct left-turn access into their driveways. It is unclear whether those who are

Conceptual Approval of Harriet/McCoy/San Tomas Aquino Signalization Page 10
June 21, 2016

requesting the landscaped median island actually live on Harriet Avenue near McCoy and San Tomas Aquino.

Other Questions or Concerns

The following provides answers to other questions or concerns raised by the public.

1. "Traffic is bad for only two hours of the day." Traffic volumes are highest at these two intersections during the school admission (8:00-9:00 a.m.) and school dismissal (2:00-3:00 p.m.) hours. However, while traffic volumes are highest during these two hours, the hours between 3:00-7:00 p.m. carry comparable traffic volumes. Therefore, there are six hours that have comparable traffic volumes at these two intersections.
2. "The problem is speeding." While traffic speeds are high on Harriet Avenue, traffic calming measures do not necessarily address the failure of motorists to yield to pedestrians in the crosswalk. Also, speed was not a contributing factor in the four traffic collisions cited earlier.
3. "Traffic signals will increase speeds." At the May 17 Council meeting, during Oral Requests, a member of the public cited a Department of Transportation website that said traffic signals promote speeding. Staff found a federal web page at http://mutcd.fhwa.dot.gov/knowledge/faqs/faq_part4.htm#tcsfq6 that included similar language, but **the context was specific to an experimental warning device that would flash prior to the signal's turning yellow.** The federal web page response reads, "Each time displays such as these have been tried, it was found that they lengthened the "dilemma zone" in which drivers are unsure whether to stop or proceed, they encouraged more drivers to unreasonably speed up to 'beat the light,' and the increased aggressive driving behavior caused more crashes to occur than was the case without the advance indication of the change to yellow." Staff has not found a study that shows conclusively that traffic signals increase traffic speeds. In contrast, Police have reported that after the traffic signal on Campbell Avenue at Victor Avenue was installed, traffic speeds on Campbell Avenue actually decreased.
4. "Why was the school crosswalk relocated to Harriet/McCoy? The safety issues have occurred because the crosswalk was moved to McCoy Avenue." The school crosswalk had been located on the north leg of Harriet at Silacci Drive. Moving the school crosswalk to Harriet/McCoy made sense since the crosswalk would serve students of Forest Hill Elementary School where the school is located on McCoy Avenue. Also, the crosswalk at Silacci conflicted with westbound left-turns coming out of Silacci Drive. It is safer to have crosswalks to the right of motorists than to the left since a car's windshield pillar can block a motorist's view of pedestrians to one's left. Additionally, the pedestrian and bicycle crashes at Harriet/McCoy involved southbound through vehicles. Having the school crosswalk at Silacci Drive instead of McCoy Avenue would not have

eliminated the conditions that led to these crashes (i.e., southbound through traffic failing to yield to pedestrians or bicyclists in a marked crosswalk).

5. "Prove to me that people are more likely to stop at a traffic signal than at a stop sign." Traffic signals provide an illuminated display that is visible from hundreds of feet in advance. Traffic signal heads can be positioned directly over travel lanes. Multiple signal heads are provided per intersection turning movement. Stop signs are subject to fading, rely on street lights and vehicle headlights for visibility at night, are placed laterally to the side of the intended audience, and must be supplemented with STOP legends painted on the roadway. Clearly, traffic signals command better attention than stop signs.

Project Design Components

To address some concerns raised by the public, staff is incorporating the following items into the project.

1. Spot Island bulb-out. A bulb-out in the form of a spot island would be installed on the southwest corner of Harriet/McCoy (west end of the marked crosswalk). This bulb-out would also address residents' request for a bulb-out to narrow the street and shorten the crossing distance on Harriet Avenue.
2. Buffered bike lane. In an effort to address concerns about traffic speeds on Harriet Avenue, staff is considering the narrowing of travel lanes on Harriet Avenue. At the same time, the extra roadway width would allow for a striped three-foot buffer in both directions of Harriet Avenue between the vehicular travel lane and bike lane, thereby creating a buffered bike lane. In the absence of bike traffic, the buffered bike lanes would allow more room for residents who are backing out of their driveways and onto Harriet Avenue. The result would be better driveway visibility and a shifting of street traffic further away from the face of curb. Buffered bike lanes are becoming more popular and are currently being used on South Fourth Street near San Jose State University in San Jose. The bike lanes on Harriet Avenue would be buffered between Inskip Drive and San Tomas Aquino Road in the northbound direction and between McCoy Avenue and Silacci Drive in the southbound direction.
3. Southbound right-turn lane. The resident at the northwest corner of Harriet/McCoy noted that southbound right-turns cut the corner at high speeds, thereby making it difficult for pedestrians to walk across McCoy Avenue. Staff will incorporate a right-turn lane in the design to force southbound motorists to use the southbound right-turn lane rather than "cut the corner." Motorists' speeds around the corner should decrease.
4. Green bike lane next to southbound right-turn lane. Along with the proposed southbound right-turn lane at Harriet/McCoy, staff would incorporate in the design a green bike lane on the southbound approach of Harriet/McCoy to

Conceptual Approval of Harriet/McCoy/San Tomas Aquino Signalization Page 12
June 21, 2016

emphasize the presence of bicyclists as motorists cross the existing bike lane to enter the proposed southbound right-turn lane.

5. Pedestrian barricade on northwest corner of Harriet/McCoy. The sidewalk on the west side of Harriet Avenue terminates at the north side of McCoy and does not continue west onto McCoy Avenue until west of San Tomas Aquino Creek. The resident on the northwest corner of Harriet/McCoy requested that the City address the pedestrian traffic that walks across her lawn. Staff will include a pedestrian barricade and sign to guide pedestrians on Harriet Avenue to cross to the south side of McCoy Avenue.

It should be noted that the traffic signal concept and widening the sidewalk on the east side of Harriet Avenue over San Tomas Aquino Creek are also the result of public feedback.

Recommendation

Staff recommends signalizing the Harriet/McCoy/San Tomas Aquino intersection for the following reasons. Based on traffic signal warrant analysis, this intersection satisfies Caltrans Signal Warrant 2 (Four Hour Volume) and Warrant 3 (Peak Hour Volume). Satisfaction of these warrants indicates that a traffic signal would be beneficial in assigning right-of-way and reducing excessive delay or hazard to McCoy Avenue and San Tomas Aquino Road traffic.

Entering onto Harriet Avenue from both side-streets is difficult. The posted speed limit is 30 miles per hour (mph) and the 85th percentile speed is 37-38 mph on Harriet Avenue. A traffic signal would improve access from side-streets.

Unlike stop signs and traffic calming measures, a traffic signal is more likely to stop motorists completely and stop them only when necessary (i.e., when conflicting traffic is present).

A traffic signal addresses the contributing factors to past pedestrian- and bicycle-related crashes cited in this report. Speed was not a contributing factor in these crashes. The issue is the failure of motorists to yield to pedestrians and bicyclists in crosswalks. A traffic signal would clearly assign right-of-way (i.e., who has the green signal).

A traffic signal provides margin for error for motorists and pedestrians. Traffic signals include safeguards like all-red time following the transition from green to yellow to red; yellow time based on travel speeds; clearance green time to allow side-street traffic to clear the downstream intersection; countdown pedestrian timers; and, leading pedestrian intervals that may be used to allow pedestrians to establish themselves in the crosswalk ahead of motorists.

Conceptual Approval of Harriet/McCoy/San Tomas Aquino Signalization Page 13 June 21, 2016

A traffic signal would make use of existing infrastructure. Unlike traffic calming measures like roundabouts, traffic signals can make use of existing infrastructure like curb, gutter, and sidewalk; intersection and driveway layouts; and, median, bike lane, and travel lane striping. Traffic signals typically do not require the acquisition of additional right-of-way.

In summary, the Harriet/McCoy/San Tomas Aquino Signalization would clearly assign right-of-way, protect pedestrians and bicyclists, and relieve motorists of decision-making in driving through these two intersections. The potential project benefits include making it easier to walk to neighborhood destinations (e.g., Forest Hill Elementary School, Westmont High School, San Tomas Park), improving McCoy and San Tomas Aquino side-street access onto Harriet Avenue, and clearly assigning right-of-way for all roadway users.

Schedule

Should the Council approve the project concept, the tentative project schedule would be as follows:

Prepare PS&E	June-August, 2016
Neighborhood Meeting #2	August 15, 2016
Council Approval of PS&E	September 20, 2016
Caltrans Review of PS&E	October, 2016
Caltrans Authorizes Construction	November, 2016
Bid Advertisement	November, 2016
Bid Opening	December, 2016
Award of Contract	January, 2017
Begin Construction	February, 2017
End of Construction	August, 2017

Staff will coordinate with City of San Jose staff since a short portion of the striping work on Harriet Avenue lies within San Jose city limits. Staff anticipates Neighborhood Meeting #2 will focus on the design components of the project.

FISCAL IMPACT

The preliminary project cost estimate is \$574,400. The federal Highway Safety Improvement Program (HSIP) grant is for 90% of the project cost or \$516,900. The City is responsible for a 10% local match or \$57,500. The Metropolitan Transportation Commission (MTC) has made a regional funding source called toll credits available for local agencies to use for local match funds if projects receive Caltrans approval by September, 2016.

ALTERNATIVES

1. Do not approve the conceptual project.

Prepared by: Matthew Jue
Matthew Jue, Traffic Engineer

Reviewed by: Todd Capurso
Todd Capurso, Public Works Director

Reviewed by: David Carmichael
David Carmichael, Police Chief

Approved by: Mark Linder
Mark Linder, City Manager

Attachments:

1. Resolution
2. 2009 Petition from Concerned Citizens
3. Letters received from the Community

RESOLUTION NO. _____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
AUTHORIZING THE CONCEPTUAL APPROVAL OF THE HARRIET
AVENUE/McCOY AVENUE/SAN TOMAS AQUINO ROAD
SIGNALIZATION PROJECT**

WHEREAS, the City of Campbell was awarded a \$516,900 grant from the Federal Highway Safety Improvement Program (HSIP) Cycle 6 in Fiscal Year (FY) 2013/14 for the Harriet Avenue/McCoy Avenue/San Tomas Aquino Road Signalization Project; and

WHEREAS, Caltrans has approved the use of the HSIP funds for the Harriet/McCoy/San Tomas Aquino Signalization Project; and

WHEREAS, the Public Works Department met with the Forest Hill Elementary School Parent Teacher Association (PTA) on April 13, 2016, and held a public meeting with neighborhood residents on May 16, 2016; and

WHEREAS, those parents who were present at the PTA meeting were overwhelmingly supportive of the project concept; and

WHEREAS, neighborhood residents are concerned with how the traffic signal would operate, driveway access, and potential cut-through traffic; and

WHEREAS, some residents have expressed opposition to the traffic signal and have suggested that speeding is the issue on Harriet Avenue and recommended that the City consider other measures like raised crosswalks, narrowing Harriet Avenue, speed humps, landscaped median islands; and

WHEREAS, approximately two-thirds of public feedback support the Harriet/McCoy/San Tomas Aquino Signalization Project concept; and

WHEREAS, the Harriet/McCoy/San Tomas Aquino signal would improve traffic safety and address the contributing factors to pedestrian- and bicycle-related crashes at the two project intersections; and

WHEREAS, speed was not a contributing factor in any of the pedestrian- and bicycle-related crashes at the two project intersections between 2009 and 2014; and

WHEREAS, staff believes that the main safety issue with the pedestrian- and bicycle-related crashes is the failure of motorists to yield the right-of-way; and

WHEREAS, the Harriet/McCoy/San Tomas Aquino Signalization Project would remove the flashing beacon system and replace it with traffic signals at both intersections;

widen the sidewalk on the east side of Harriet Avenue over San Tomas Creek; and, install a bulb-out on the southwest corner of Harriet/McCoy; and

WHEREAS, the Harriet/McCoy/San Tomas Aquino Signalization Project would address the issue of motorists' failing to yield the right-of-way, protect pedestrians and bicyclists, and relieve motorists of decision-making in driving through these two intersections; and

WHEREAS, the potential project benefits include making it easier to walk to neighborhood destinations (e.g., Forest Hill Elementary School, Westmont High School, San Tomas Park), improving McCoy and San Tomas Aquino side-street access onto Harriet Avenue, and clearly assigning right-of-way for all roadway users.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Campbell hereby approves the concept of the Harriet/McCoy/San Tomas Aquino Signalization Project.

PASSED AND ADOPTED this 21st day of June, 2016, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS:

APPROVED:

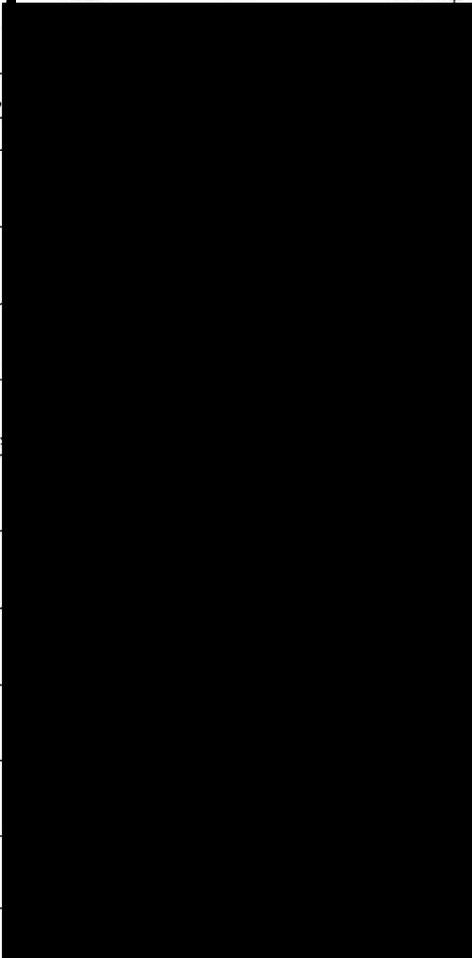
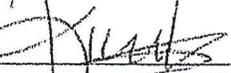
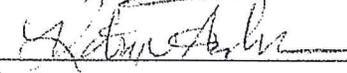
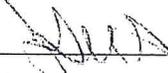
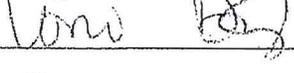
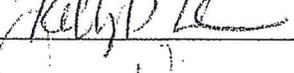
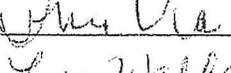
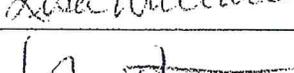
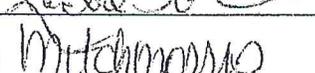
Attest:

Jason T. Baker, Mayor

Wendy Wood, City Clerk

Petition to Make Harriet/McCoy Intersection Safe

Petition summary and background	We would like the city of Campbell to look at the intersection and help keep our neighbor safe. We don't want any more innocent people getting hurt!
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to put stop signs or traffic lights at the intersection of Harriet and McCoy Avenues.

Printed Name	Signature	Address	Comment	Date	
Kris Anderson			Don't let anyone else get hurt!!	10/30/09	
John Richardson			Help!	10/30/09	
Kim Hoffmann			already fix this!	10/30/09	
Kelvin Anderson					10/30/09
Jennifer				Fix this	10/30/09
Lori Diez				It's past time!!	10/30/09
STERILIZEN					10/30/09
Kelly Dickson				Fix Now!	10/26/09
Anna Via				Please before anyone else gets hurt	10/30/09
Lisa Wallace					10/30/09
Robert Ortiz				fix this	10/30/09
Rebecka Schmeier				Help	10/30/09
mitch morris			Fix now!	10/30/09	

Light @ McCoy + San Tomas Aquino

Printed Name	Signature	Address	Comment	Date
Jude Anderson		[REDACTED]	Its Broken, Fix it	10/30/09
STEVE SALCIDO			NEED SIGNAL LIGHT	10/30/09
Monica Tilney			need stop light	10/30/09
Rocky Tilney			NEED STOP SIGN OR LIGHT	10/30/09
Mary McAllister			Need stop light	10/30/09
Shelly AITZA			!! stop light	10/30/09
Shawn Garcia			stop light	10/30/09
Sara Cillon			Stop light	10/30/09
Bong Cha			stop light	10/30/09
SHILPA TORVI			Need signal or Stop sign	10/30/09
Jennifer Conces			stop light	10/30/09
Cathie Kutlesa			stop light !!	10/30/09
Helga Kames			NOT SAFE AS IS	10/30/09
BRECK HEWDEK			HEAVY TRAFFIC AREA LOTS OF BIKES, NEED LIGHT	10/30/09
Lexha Dassig			need stop light	10/30/09
SALATA (Londapali)		Stop light	10/30/09	

Printed Name	Signature	Address	Comment	Date
LISA MURPHY	<i>Lisa Murphy</i>	[REDACTED]		10-30-09
Tracy Heck	<i>Tracy Heck</i>	[REDACTED]		10-30-09
Kelly Clegg	<i>Kelly Clegg</i>	[REDACTED]		10-30-09
Travis Hamner	<i>Travis Hamner</i>	[REDACTED]		10/30/09
Charles McKeithan	<i>Charles McKeithan</i>	[REDACTED]		10/30/09
S. Saram	<i>S. Saram</i>	[REDACTED]		10/30/09
David Hamilton	<i>David Hamilton</i>	[REDACTED]	It:	10/30/09
Diane H. Young	<i>Diane H. Young</i>	[REDACTED]		10/30/09
Cindy Hamilton	<i>Cindy Hamilton</i>	[REDACTED]		10/30/09
STACIE BEASLEY	<i>Stacie Beasley</i>	[REDACTED]		10/30/09
Andrea Terry	<i>Andrea Terry</i>	[REDACTED]	Light, please	10-30-09
Tim Brown	<i>Tim Brown</i>	[REDACTED]	//	10-30-09
Debbie Lane	<i>Debbie Lane</i>	[REDACTED]		10-30-09
David Bell	<i>David Bell</i>	[REDACTED]	Police aware of problem but ignore it. Told me off the record not to walk to school.	10/30/09
Monica Lafuze	<i>Monica Lafuze</i>	[REDACTED]		10/30

Printed Name	Signature	Address	Comment	Date
Ketrick Arensberg	[Signature]	[Redacted]	It is needed!	10/30
Sammali Morales	[Signature]	[Redacted]	Need it!	10/30
Angelica Jimenez	[Signature]	[Redacted]	WE NEED THIS for our kids and community!!!	10/30
MARISOL VARGAS	[Signature]	[Redacted]	needed very soon	10/30
Diana Valdez	[Signature]	[Redacted]	" " "	10/30
Josefina Valdez	[Signature]	[Redacted]	" " "	10/30
Karen Hedman	[Signature]	[Redacted]	Please we need it	10/30
Jeimy Lee	[Signature]	[Redacted]		10/30
Kathy Schliet	[Signature]	[Redacted]	ASAP!	10/30
David May	[Signature]	[Redacted]	No more tragedies!	10/30
Michelle Barber	[Signature]	[Redacted]	Yes ASAP	10/30
Celine Brochu	[Signature]	[Redacted]	Stop waiting!	10/30
ANN PHAM	[Signature]	[Redacted]	It a must: too dangerous!!!	10/30
Vince Fiorillo	[Signature]	[Redacted]	don't wait until someone really gets hurt or worse	10/30
PHILIP M. ALLISTER	[Signature]	[Redacted]	NEED STOP LIGHT!	10/30
Sherry Johnson	[Signature]	[Redacted]	Please!!!	10/30

Printed Name	Signature	Address	Comment	Date
Sharon Morris	Sharon Morris		1	10/30
Carolyn Moore	Carolyn Moore		it's about time!	10/30
Elizabeth Desobertis	Elizabeth Desobertis		it's about time	10/30
Erica Crome	Erica Crome		So it takes to injured people to finally make it	10/30
Berta Yee	Berta Yee		we need the "bater?" Flashlights!	10/30
Gracia	Gracia			10/30
Masahiko Nishimura	Masahiko Nishimura		1	10/30
Tessa Kirhey	Tessa Kirhey			10/30
Colleen Zimser	Colleen Zimser			10/30
Faye Robert	Faye Robert			10/30
Natalie Call	Natalie Call			10/30
Andie Tran	Andie Tran			10/30
Corrie Minor	Corrie Minor			10/30
Julie Cittadino	Julie Cittadino			10/30
Shana Carter	Shana Carter			10/30
Iela Mikzevskaya	Iela Mikzevskaya			10/30

Printed Name	Signature	Address	Comment	Date
PETER ROSS	Peter Ross		We need safer streets lets slow down & pay attention	10/30/09
Cathy Holley	Cathy Holley			10/30/09
Kim Paras	Kim Paras			10/30/09
Rebecca Martin	Rebecca Martin		Please keep our kids SAFE!!	10/30/09
CAROL STODDARD	Carol Stoddard		UNATTENDED DANGEROUS CROSSWALK	10/30/09
Megan Noriega	Megan Noriega			10/30/09
JENNIFER ATWOOD	Jennifer Atwood			10/30/09
Oy Kinder Vics	Oy Kinder Vics		T30 Dangerous	10/30/09
Laura Johnson	Laura Johnson		not safe! bad intersection	10/30/09
Wende Buck	Wende Buck		Please keep us safe	10-30-09
Doranne Hardt	Doranne Hardt		Something is needed to slow the traffic down	10/30/09
LISA SIMPSON	Lisa Simpson		poor visibility dangerous crosswalk	10/30/09
Rebecca Diskin	Rebecca Diskin			10/30/09
Margaret Crawford	Margaret Crawford			10/30/09
Judith Black	Judith Black		traffic too fast. Cars dont stop at cross	9/2/09
Edward Black	Edward Black		effect not unsafe	9/2/09

Printed Name	Signature	Address	Comment	Date
Carol Kuchiyu				10/30/09
Debbie Margolis			people drive faster blind thru them should/corner	10/30/09
Donna Campbell			there needs to be a stop light!!!	10/30/09
Pia Lusk			Very scary!	10/30/09
Sheri Mays			I have been saying this preventable accident could have been	10/30/09
Heather Gudanski			Too long of a crosswalk & busy street without signs!!	10/30/09
Linda Roberts			Very Dangerous	10/30/09
Elaine Saghafian			I was shaken	10/30/09
Michelle Meredith			9500	10/30/09
Lisa Krause			Please ^{drive} right ^{slowly}	10/30/09
Tina HauPP			Please for the safety of the children	10/30/09
Jeanne Spencer				10/30/09
Laura Coates			Mandatory	10/30/09
Ed St. Louis			Mandatory	10/30/09
Laurie Croxall			SAFETY!!!!	
Suzanne Tolhurst		Safety	10/30/09	



June 10th, 2016

City of Campbell
70 N. First Street
Campbell CA 95008

Attn: Mark Linder, City Manager
Todd Capurso, Public Works
City Council Members

Subj: Proposed Traffic Lights at Harriet/McCoy/San Tomas Aquino

Dear City Council Members and Staff:

I write to you today with the safety of pedestrians, cyclists, and drivers in mind, and with great concerns about the speeding problems at Harriet Ave. My wife and I have three children enrolled at Forest Hill Elementary and we walk them to school every morning during school days. Living next to it, I am very familiar with the intersection and the heavy traffic (pedestrians, cyclists, and motorists) that must navigate it. I offer the following observations for your consideration:

1. The heavy traffic involving pedestrians takes place roughly between 7:40AM and 8:10AM, and for another 30 minutes total in the early afternoon and evening time, Monday through Friday, during school days. That's about 1 hour per day, 5 days of the week, for a portion of the year. The rest of the time the intersection flows nicely and efficiently.
2. There is a speeding problem on Harriet Ave. and Public Works survey data show it.
3. There is a very poorly designed and implemented crosswalk for pedestrians that confuses drivers (there are lights but no clear instructions about what they are for, and what are drivers supposed to do, or where they are supposed to stop and yield), and puts pedestrians at risk (the crosswalk lands right at my neighbor's driveway.)

The Public Works staff has a plan to install several traffic lights on two different intersections: Harriet and McCoy, and Harriet and San Tomas Aquino. I have seen the plans and I have attended a public meeting held at Forest Hill Elementary. I was not impressed by the plans because this seems to be a 24/7/365 traffic control monster imposed to us for a 1 hour/day (on school days only) situation.

Furthermore, Public Works staff stated that there is no speeding problem on Harriet despite their own survey indicating the opposite. Traffic lights in residential areas are likely to increase speeding as drivers race to make the green, or speed up after being stopped by a red light. I believe that the traffic lights are the wrong solution because Public Works is looking at an incomplete picture of the situation.

For the sake of our children in the neighborhood, cyclists, and drivers too, I implore you to reject the traffic lights project and direct Public Works staff to go back to the drawing board with a broader view of the situation that includes speeding on Harriet. Please ask them to give thorough consideration to traffic calming alternatives that physically modify the geometry of the roads to slow down motorists.

Specifically, I call out their attention to the following ideas:

1. Add a traffic circle on Harriet at San Tomas Aquino. Make the necessary adjustments to sidewalks and curbs to take advantage of the narrowing of the road due to the creek's bridge, and to make the necessary room for the traffic circle. This slows down traffic and allows cars on San Tomas Aquino to enter Harriet in an orderly fashion. My driveway on Harriet Ave also has a fair chance to be entered and exited.
2. Add bulb-outs on Harriet and McCoy to narrow the roads and give pedestrians a shorter distance to cross while slowing down traffic.
3. Move the crosswalk and crosswalk light further south, closer to Silacci, and make sure it does not end/start on people's driveways.
4. Clearly mark the bicycle lanes on Harriet Ave with bright green paint.

I wholeheartedly oppose the installation of traffic lights on Harriet, McCoy, and San Tomas Aquino. I join the many other neighbors who oppose them because we consider safety our top concern and the current project fails to address the root causes: speeding on Harriet and a poorly designed crosswalk.

Please reject the traffic lights project and give our community a better alternative.

Best regards,

Jaime Batiz

Wendy Wood

Subject: FW: Agenda item for June 21 Council Meeting

From: F S **Sent:** Sunday, June 12, 2016 10:06 PM

To: Wendy Wood

Cc: F. S.

Subject: Agenda item for June 21 Council Meeting

Faisal Mohamed
Campbell, Ca 95008

June 11, 2016

City of Campbell
70 N. First Street
Campbell, CA 95008

Attn: Mark Linder, City Manager
Todd Capurso, Public Works
City Council Members

Subj: Proposed traffic signal at Harriet, McCoy, and San Tomas Aquino

Dear City Council Members and Staff:

Pedestrian safety and speeding are the two concerns that has to be addressed. Installing traffic signals does not address the concerns. Accidents have taken place after the public works department had moved the cross-walk to the intersection of McCoy Ave. and Harriett Ave. At the meeting at Forest Hill Elementary school, when asked why the cross-walk was moved from the safer location which was between McCoy Ave. and Silacci Dr, the traffic engineer's answer was that some residents requested for it to be moved. No further clarification or details were provided. According to Campbell police report from 2001 to present, there were no incidents occurring at the previous location of the cross-walk when it was closer to Silacci Dr.

Harriett Avenue has a posted speed limit of 30 MPH, but since it is a wide street not too many motorists adhere to the speed limit. Motorist are speeding and tailgating citizens who are driving at the speed limit. The public works dept. is well aware of this situation, and they have added a warning sign which says "speed enforcement area" and they have added 2 radar based speed alerts on both sides of Harriett Avenue but this does not seem to attract the motorists' attention.

After 7 PM, when residents are out walking, it is still difficult to cross Harriett Avenue due to speeding cars. A Traffic light at McCoy Ave. and Harriett Ave. is not going to solve the problem of residents who need to cross Harriett Ave. further away from the traffic light. More importantly students walking up Elam Ave and heading towards Westmont High School have no easy way of crossing Harriett Ave. to get to other side. One side of Harriett has no sidewalk, and therefore to get to the cross-walk at Westmont Ave, and Harriett Ave, students need to walk pass this stretch of roadway right next to on-coming traffic. None of these concerns are being acknowledged or addressed by the public works dept.

For the safety of the children, adults and motorists, we need to implement traffic calming measures for the whole length of Harriett ave and change the culture of unsafe driving in the area. Encouragingly, these traffic calming measures have been adopted by other cities, such as the New York Department of Transportation. Here is the perspective from the FAQ page, in regards to traffic signals in residential areas.

Does a traffic signal control speed?

No. In some areas where speeding is a problem, residents believe that a traffic signal is needed to address the speeding problem. In fact, traffic signals sometimes result in greater speeds as drivers accelerate to try to get through the signal before it turns red. Other traffic control measures, such as speed humps, speed limit signs, and traffic enforcement, are more effective in controlling speed.

<http://www.nyc.gov/html/dot/html/infrastructure/signals.shtml>

I request the Council to send this proposal back to staff with instructions to present alternatives for pedestrian safety.

Sincerely,

Faisal Mohamed.



Tuesday, June 14th, 2016.

City of Campbell
70 N. First Street
Campbell CA 95008

Attn: Mark Linder, City Manager
Todd Capurso, Public Works
Paul Kermoyan, Community Development Director
Corinne Shinn, Executive Assistant
City Council Members

Subj: Public Works Project 14-GG, McCoy/Harriet Traffic Signal installation.

Dear City Council Members and Staff:

We are a group of Campbell residents and members of STACC that live near the intersection where city staff is planning to install two traffic signals (Harriet Ave, McCoy Ave, San Tomas Aquino Rd). The document we are bringing to you is the fruit of our research and concern. We are, after all, the users of these roads; it is our children that walk, bike, skateboard and even drive on those roads on their way to school and around the neighborhood and we are willing to go to great lengths to ensure their safety.

The problems that affect our intersection are, to say the least, very complex. Furthermore, they are greatly influenced by the time of day and the school calendar. If you come by at 7:50 am, you will find a very different intersection as you would at any other hour during the morning both on school week days and the rest of the year. We have come to the conclusion that only by addressing all the factors that contribute to the problems at our intersection the problem can be effectively solved.

Sadly, in their single minded pursuit of a traffic light for these intersections, City staff has overlooked important data that point to the diverse factors that contribute to the problems at the intersection and they are about to impose on us a project that will be in fact detrimental to our community's safety and quality of life.

The goal of this document is:

- 1) Analyze the factors that contribute to the problems at both intersections: speed, street layout, and proper signalization.**
- 2) Use data analysis to weight the impact, usefulness, and unintended bad consequences of two synchronized traffic lights in a residential neighborhood.**
- 3) Provide research about alternate solutions that have proven to be effective at solving traffic problems in residential areas, and specifically address pedestrian safety.**
- 4) And, finally, to respectfully ask you, as our representatives, to pause the traffic lights project and direct city staff to come up with a fully researched traffic calming strategy so that we can weight the advantages and disadvantages of each alternative and make an informed decision regarding the well being of our community.**

Note: The "traffic calming" term is taken from the Institute of Traffic Engineers and will be defined and fully supported on section 3 of this document.

Note 2: In an effort to make the reading of this document as efficient as possible data and documentation will be snapshot and included in the document with links whenever possible so you can see its source as you are reading instead of having to go back and forth to check the creditability of our facts.

Note 3: Since the San Tomas Aquino intersection was just recently included as part of the signalization project, we may not have as much data as we have on the McCoy intersection.

Best regards,

Isabel Batiz.

Analysis of factors that contribute to the problems at the intersections

SPEED

Speed seems to be the major point of contention between city staff and residents. Every time residents have confronted the staff regarding a speeding problem on Harriet Ave they have been told that there is no speeding problem in Harriet and that, if they insist, they may petition the city to look at the problem once the traffic lights are installed. Given that the link between speeding and pedestrian risk has long been established it seemed paramount to look at the data and determine if we have a speeding problem or not at the intersection.

Only by evaluating all of the factors that contribute to the problem are we in a position to determine which solutions would best serve the needs of the residents.

The speed limit on Harriet and McCoy is 30mph, and 25mph for San Tomas Aquino road. This limit was established considering the safety for all users, the purpose of the road (collector) and its location in the city (residential). Furthermore, California is ruled by a "Basic speed law"

California Driver Handbook - Laws and Rules of the Road

Speed Limits

California has a "Basic Speed Law." This law means that you may never drive faster than is safe for current conditions. For example, if you are driving 45 mph in a 55 mph speed zone during a dense fog, you may be cited for driving "too fast for conditions."

Regardless of the posted speed limit, your speed should depend on:

- The number and speed of other vehicles on the road.
- Whether the road surface is smooth, rough, graveled, wet, dry, wide, or narrow.
- Bicyclists or pedestrians walking on the road's edge or crossing the street.
- Whether it is raining, foggy, snowing, windy, or dusty.

In the driver's handbook it is also established that around children it is never safe to drive faster than 25 mph.

Now let's see how drivers on our intersections are doing and how it may affect the use of the road:

We have 9,322 vehicles per day (VPD) on Harriet.

1,982 VPD on EB McCoy

1,562 VPD on STA

HARRIET. 50% of vehicles are speeding: 4,661 vehicles are driving above 33.7mph
35% driving between 34 and 38mph and,
1,389 cars (15%) driving closer to 40mph or more. We have a recording from a neighbor that puts speeds as high as 55mph.

McCoy 50% vehicles speeding above 30mph
STA has a posted speed limit of 20mph near the Harriet intersection.
Again, we see more than 50% of drivers speeding.

Public Works
To: María Isabel Bätz
RE: Traffic data at Harriet and McCoy ave.

Isabel,

Here is the information you requested.

Harriet Avenue between Westmont Avenue and north city limits				
		2010	2015	
NB	Median	32.6	33	33.8
	Mode	29.32,33	33	
	85 th %	38	38	
SB	Median	33.4	31	33.7
	Mode	30	31	
	85 th %	37	37	
McCoy Avenue between Harriet Avenue and west city limits				
		2010	2015	
EB	Median	29.0	32	30.9
	Mode	32	32	
	85 th %	34	34	
WB	Median	29.9	33	31.3
	Mode	30	33	
	85 th %	35	35	
San Tomas Aquino Road between Harriet Avenue and Hazel Avenue				
		2010	2015	
WB/NB	Median	27.3	25	24.4
	Mode	28	25	
	85 th %	31	27	
EB/SB	Median	27.8	26	26.3
	Mode	26	26	
	85 th %	32	31	

- Data received from City Staff on May 31st, 2016.

By looking at the data provided, we found conclusive evidence that there is a speeding problem on Harriet and McCoy. With about 1,389 vehicles driving at 38mph or more every day. Why then, every time we have brought our concerns to city officials we have been dismissed? Is it surprising that even within walking distance most parents prefer to drive their kids to school thus adding to the congestion problem?

The World Health Organization published data stating that an increase of 1km/h (.62mph) in speeds typically results in a 3% higher risk of a crash involving injury.

http://www.who.int/violence_injury_prevention/publications/road_traffic/world_report/speed_en.pdf

From the World Health Organization:

Excessive and inappropriate speed is the most important factor contributing to the road injury problem faced by many countries. The higher the speed the greater the stopping distance required, and hence the increased risk of a crash. As more kinetic energy must be absorbed during a high-speed impact, there is a higher risk of injury should a crash occur.

Speed management is a very important tool for improving road safety. However, improving compliance with speed limits and reducing unsafe driving speeds are not easy tasks. Many drivers do not recognize the risks involved and often the perceived benefits of speeding outweigh the perceived problems that can result.

The management of speed remains one of the biggest challenges facing road safety practitioners around the world and calls for a concerted, long-term, multidisciplinary response. This manual advocates a strong and strategic approach to creating a safe road system, with speed management at its heart. Reducing motor vehicle speeds in areas where the road user mix includes a high volume of vulnerable road users such as pedestrians and cyclists is especially important.

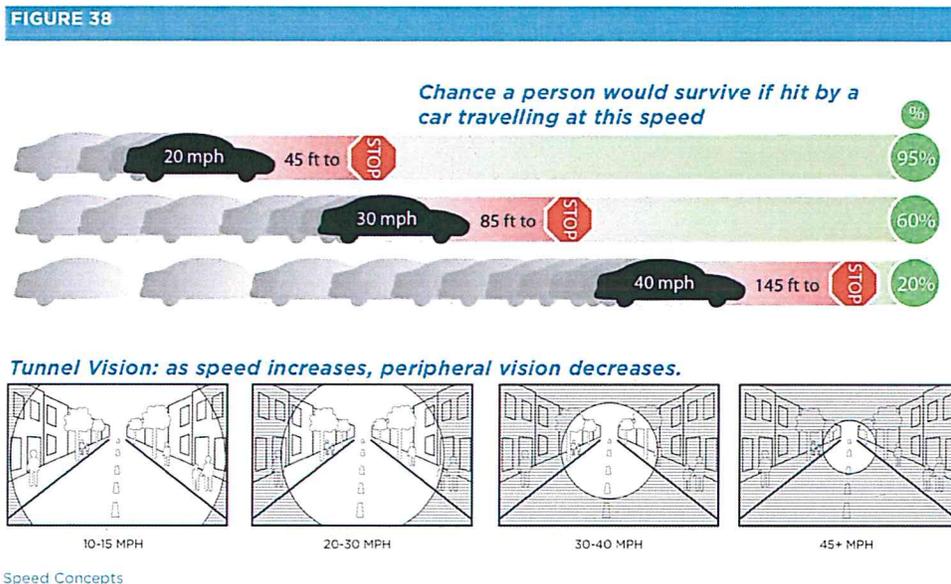
http://www.who.int/roadsafety/projects/manuals/speed_manual/speedmanual.pdf

The relationship between speeding and the seriousness of crashes has long been established. For illustration purposes we've included this chart from Chicago streets blog, but more information in the subject can be found at the National Association of Automotive Professional's website.

<http://nacto.org/publication/urban-street-design-guide/design-controls/design-speed/>

It is important to highlight that **children are the most vulnerable pedestrian group**:

- * They weigh considerably less than the average adult.
- * Their height makes them harder to spot both at a distance and when a car is turning or backing up.
- * They tend to make more mistakes in judging the distance and speed of an approaching vehicle.
- * They tend to move swiftly and unpredictably.



<http://chi.streetsblog.org/wp-content/uploads/sites/4/2014/08/Screenshot-2014-08-18-15.16.47.png>

Although 8 miles or more above the speed limit or 13 miles above the safe speed limit may not sound much to some people, the risks for pedestrians grow exponentially. Because of the actual layout of our streets, in most cases, there's no good visibility at 145 ft, there have been too many run ins.

Walking and biking to and from school is one of the easiest, cost effective, environmentally responsible ways of keeping our children active and healthy but given the statistics on the speeding behavior at our intersection it will come as no surprise that city staff reported only 15 pedestrians crossing Harriet on their way to and from school.

If you were to read only one link from this document, we would encourage you to read: "Increasing Physical Activity through community design" a report published by Washington: National Center for Biking and walking. http://www.bikewalk.org/pdfs/IPA_full.pdf

Effectively addressing the speed problem on Harriet and McCoy should be a priority if pedestrian safety is a concern. A study published by the University of Davis regarding Community design and Physical activity determines that **changes in the community design that lower traffic speeds and promote safe walking and biking routes to potential destinations resulted in 65% increase in pedestrians walking to school and**

114% increase in kids biking to school. It also states that, obviously, parents will not let their kids walk and bike around streets that they do not perceive to be safe.

https://www.niehs.nih.gov/about/events/pastmtg/assets/docs_n_z/supplementary_informationoverviewhandy_508.pdf

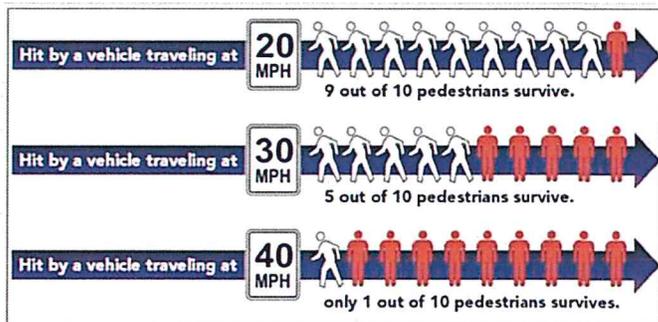
Here's yet another example on how Cities worldwide are stressing the importance of low speeds when children are present.

Tuesday, July 1, 2014

7 Comments

Supervisor Mar Wants to Study How Lower Speed Limits Could Improve SF

by Aaron Bialick



Reducing speed limits could have a big impact on saving lives. Image: [PEDS Atlanta](#)

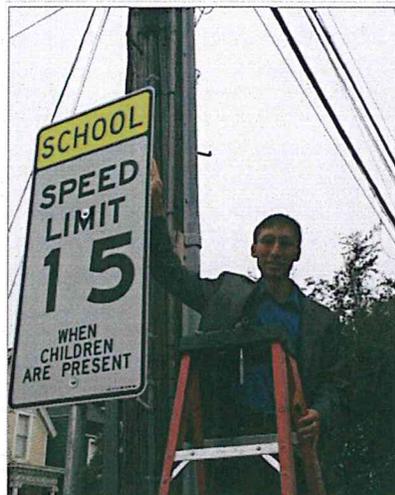
Supervisor Eric Mar [requested a city study](#) last week about [how lower speed limits](#) could benefit San Francisco. Although lowering speed limits without implementing physical traffic calming measures isn't a panacea for safer streets, the measure does hold promise as a first step toward saving lives and implementing [Vision Zero](#). San Francisco would follow in the footsteps of New York City, Paris, and the United Kingdom in looking at major speed limit reductions.

"We must do all that we can do to make sure that our streets are safer for our residents, and a speed limit reduction may have a significant impact on achieving this," said Mar.

The study requested by Mar would add to a growing body of research showing how lower speed limits would reduce fatal crashes and save money. The UK Department of Transportation, which [instituted a "20's Plenty" campaign](#) that set 20 mph speed limits as the default for residential streets, found that the chances of survival for a person hit by a car at 40 mph are half that of being hit at 30. Fatalities increase six-fold from 20 to 30 mph.

"Getting hit at 20 mph is like falling off a one-story building, but getting hit by a car at 40 mph is like falling off the fifth-floor," said Walk SF Executive Director Nicole Schneider, who called major speed limit reductions "one of the most important next steps we can take in achieving Vision Zero."

"We need to look towards our partner cities that have done this successfully, and model our efforts on the best practices," she said.



Supervisor Mar with one of SF's 15 mph school zone signs. Photo: Eric Mar

STREET LAYOUT

Factors like how wide is the street, how straight, how smooth is the surface and how much visibility there is have a direct effect on how motorists use the road.

- Harriet Ave is a wide, straight road.
- We have bike lanes that were designed so wide that vehicles are using them as a second unofficial right turn lane.
- We have wide angled curbs that facilitate speeding turns and diminish visibility.
- During school day mornings pedestrians, bikes, and vehicles converge at the intersection and compete for the use of the road. In other words, everybody wants to go to school/work at the same time and they all must pass through the same intersection.

Speed and wide roads: In reference to speed, Chapter two of the Traffic calming manual supports the idea that streets that are both wide and have long straight stretches are the most inviting to speeders. 1,389 daily drivers on Harriet agree.

<http://library.ite.org/pub/e2778ce6-2354-d714-5179-ee031f27d167>

As part of their findings on pedestrian safety, New York department of transportation states that their results confirm nation wide research showing that **wider roads and wider lanes lead to increased speeding and diminished driver awareness.**

http://www.nyc.gov/html/dot/downloads/pdf/nyc_ped_safety_study_action_plan.pdf

There are numerous examples of cities and towns dealing with safety and traffic congestion by narrowing the roads and redesigning the architecture of the road so that vehicles, bikers, and pedestrians are aware of each other. Paradoxically, one of the unintended side effects is that despite traffic going slower vehicles move more efficiently. By slowing traffic down, Traffic engineers also noted an increase in pedestrian and bicycle activity as people felt more safe to be along those roads.

<http://www.wired.com/2004/12/traffic/>

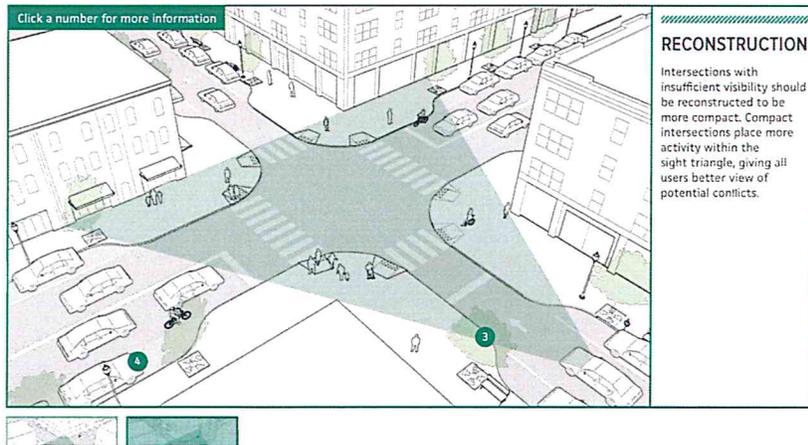
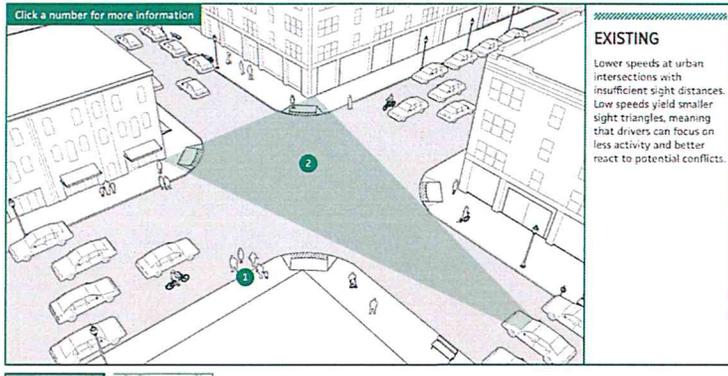
Our bike lane is so wide and poorly marked that is being used as a second lane to turn right on McCoy without slowing down, and pedestrians have to cross a very wide road on their way to school and the local park.



PEDESTRIAN VISIBILITY. The first tenant on intersection design and pedestrians is the importance to create a layout that fosters pedestrian visibility while at the same time shortening as much as possible the time pedestrians have to be on the path of traffic.

Pictures below, from the national association of city Transport officials illustrate the importance of this point.

Visibility and sight distance are parameters central to the inherent safety of intersections, driveways, and other potential conflict points.



<http://nacto.org/publication/urban-street-design-guide/intersection-design-elements/visibility-sight-distance/>

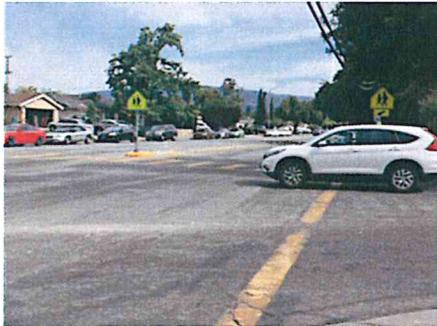
One of the problems created by Harriet's speeding vehicles is that the gap to merge safely into Harriet is very limited. But merging to Harriet is also made difficult by the lack of visibility.



Visibility from a minivan stopped right before the pedestrian crosswalk.

California driver's handbook considers it a "blind intersection" if a driver is unable to see within 100 feet on each direction and states that the merging speed should be 15mph.

At our intersection most drivers adapt by inching forward as much as they can in order to swiftly merge on Harriet. But they do so by blocking the pedestrian path on McCoy and since the driver's attention is focused on the upcoming traffic many times they don't even see approaching pedestrians. When they finally see the pedestrians, the crosswalk is already blocked.



Usually the matter is solved rather quickly as the vehicle is able to merge on Harriet and the crosswalk is liberated, but during the school day mornings, around 8am at the McCoy intersection most drivers are frustrated by the inability to turn on Harriet, and for those 30 minutes or so, there are queues of other cars waiting. What happens then is that drivers ignore pedestrians or they apologetically wave pedestrians to pass in front of them, that is, walk on Harriet on the path of upcoming traffic.

Although McCoy is a one lane each way street, it's wide enough to unofficially, at peak times, accommodate two squeezed-together lines, one for drivers turning left and the other for drivers turning right. The view of pedestrians is often blocked by the second lane of cars and if pedestrians dare start crossing they have to watch out no to be on the path of the second row as it suddenly seizes an opportunity to turn.



Having a traffic light to designate right of way sounds great, but the reality is, that due to the lack of visibility and excessive driving speed on Harriet, most vehicles turning right will continue to inch forward and, vehicles on Harriet will continue to make fast right turns into McCoy.

One of the biggest dangers with a traffic light is that it lures the driver into a false sense of security. It shifts the awareness from what's happening around to what color the light is. There's a widespread misconception that green means go. When the light turns green the driver has the right of way. However, if

pedestrians are also given the “walk” light conflict is sure to happen. By the way, green means: it’s ok to proceed with caution.

In the morning everybody at that intersection is rushed, frustrated and distracted. Few wise parents manage to walk or drive to school a few minutes early and thus avoid the madness. But, for the majority of us, something always happens, we arrive at the intersection with few minutes to spare and balk at any delay. When that is happening we need drivers at the slowest possible speed and with the clearest field of vision.

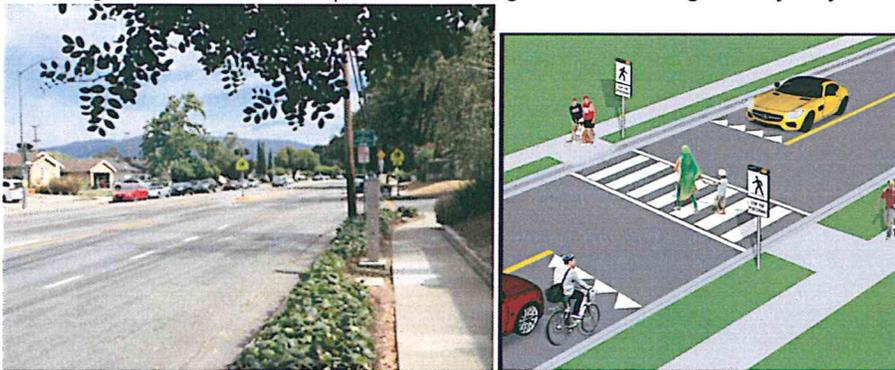
One last consideration regarding speeders: the traffic light by design, will be green on Harriet unless the sequence is triggered by an approaching vehicle on San Thomas Aquino or McCoy ave. The layout of the street will remain exactly as it is right now, there’s nothing to deter vehicles and motorcycles from racing on Harriet in the middle of the night.

PROPER SIGNALIZATION

Or the lack of it, is an interesting point. As we demonstrated previously, more than 50% of vehicles are speeding on Harriet and therefore are less aware of their environment and have less time to react. As residents we often see cars stop just shy of crossing pedestrians which creates a host of problems:

First of all, it’s pretty scary to have a car come at you when you are in the middle of the road. If you were crossing the street with little kids you would know the very definition of terror. We’ve seen terrified pedestrians run back to the curb, others stop midway and some even react angrily and confront the driver. And, second of all, stopping in the middle of the intersection increases the risk of rear end crashes as the vehicle behind has even less visibility as to the conditions of the road, it’s very likely to be speeding, and is not expecting a vehicle to suddenly stop there. Although that would be addressed by the traffic light for the people crossing Harriet, vehicles turning right will continue to corner dive when merging on McCoy.

It turns out that there’s absolutely no sign, paint strip or any information that indicates to the drivers where do they need to stop to yield to pedestrians at any of the three spots where upcoming vehicles would encounter a pedestrian crossing Harriet. Every driver chooses what they think it’s best, with some drivers assuming that it’s ok to drive past the flashing beacon as long as they stay a few feet clear of pedestrians.



After reviewing the data on vehicles per day and statistics on speed that city staff provided and research documents regarding pedestrian safety, we can say confidently that speeding, poor visibility and lack of proper signalization are major factors contributing to the dangers along Harriet Ave.

More than 80% of the residents we talked with regarding the installation of the two synchronized traffic lights on Harriet Ave want safe routes for kids to walk, skateboard and bike to our local school and high school. What we don't want is something that may look good on paper but will not work in real life.

THE IMPACT OF TWO SYNCHRONIZED TRAFFIC LIGHTS INSTALLED ON HARRIET.

Again, in the interest of expediency we will summarize the conclusion of our research and data analysis and we will elaborate on each point further on the document.

1. It's going to make the road more dangerous for non motorist users.
2. It's going to create a hot spot of pollution for pedestrians and residents.
3. It's going to create long car queues.
4. It's going to produce unnecessary delays 80% of the time when the intersections are empty and fluid.
5. It will foster dangerous neighborhood cut through as motorists try to avoid the delays both at the rush hour because of the long queues and the rest of the time because vehicles will be stopped on an empty intersection.
6. It will not address the problem of "hot rodders" speeding up on Harriet in the middle of the night.
7. Two traffic lights within 20 feet of each other this deep in a residential area will create an over urbanized unappealing landscape.
8. It will prevent residents to access their homes in a timely manner.
9. It will create excessive noise for residents that live close to the traffic light.

It's going to make the road more dangerous for non motorist users.

Safety is the number one concern of residents. It shows. City staff counted only 15 pedestrians crossing Harriet on their way to and from school. No matter how many times city staff reassures us that there's no speeding on Harriet, even before we had the data to prove it, people instinctively know that it's not safe. Compared to the hazard of walking and biking our little ones to school on Harriet, driving provides a safer, more efficient alternative.

It is widely known, however, that physical activity before school has a direct positive effect on our children's mental and physical's well being. Many cities now are changing their roads' architecture and speed laws to foster this activity. Community designers know that the road has to be safe and to feel safe in order to invite non motorist use.

Please look at the following snapshot from the safe routes to school website.

SafeRoutes
National Center for Safe Routes to School

Home | Submit data | Go to Guide | Find state contacts

Program Tools | Events & Activities | Training | Data Central | About Us

Focusing on a safer way to get to school...

Improving children's safety while walking and bicycling is a central mission of Safe Routes to School. And program benefits stretch beyond the school day.

SRTS resources & activities help communities:

- Build sidewalks, bicycle paths & pedestrian-friendly infrastructure
- Reduce speeds in school zones & neighborhoods
- Address distracted driving among drivers of all ages
- Educate generations on pedestrian & bicycle safety

Explore resources →

None of the above include put traffic lights every 20 feet. With reason, traffic light will not achieve any of those goals. They are a tool for vehicles.

According to a verbal response from city staff, a traffic light, or two, in our case, is not an instrument to control speeding. Of course, according to their verbal accounts, there's no speeding problem on Harriet Ave so we have to look at research.

There's growing evidence that **speeding increases around the traffic light intersection as drivers accelerate to make the green or try to compensate for time lost during a red light.**

<http://www.ncbi.nlm.nih.gov/pubmed/26545011>

A study of speeding in school zones found that on average motorists accelerate 8.27km/h (5.1mph) over the speed limit after being stopped at a red light.

<http://www.ncbi.nlm.nih.gov/pubmed/24884545>

From the AAA foundation.org "one way to reduce the number of pedestrians injured or killed in crashes is to restrict traffic speeds, in areas where vehicles and pedestrians may encounter one another, to speeds at which a pedestrian is unlikely to be seriously injured or killed if struck by a vehicle."

"Results show that the average risk of severe injury for a pedestrian struck by a vehicle reaches 10% at an impact speed of 16 mph, 25% at 23 mph, 50% at 31 mph, 75% at 39 mph*, and 90% at 46 mph. The average risk of death for a pedestrian reaches 10% at an impact speed of 23 mph, 25% at 32 mph, 50% at 42 mph, 75% at 50 mph, and 90% at 58 mph. Risks vary significantly by age. For example, the average risk of severe injury or death for a 70-year-old pedestrian struck by a car travelling at 25 mph is similar to the risk for a 30-year-old pedestrian struck at 35 mph."

<https://www.aaafoundation.org/sites/default/files/2011PedestrianRiskVsSpeed.pdf>

Harriet has about 1,392 vehicles driving daily above 38 mph. The risk to pedestrians is unacceptable.

Let's not forget that older elementary kids and teenagers use Harriet Ave as a bike route to school. Ideally we would want to create an environment that encourages more kids that live a little farther than walking distance to schools to use their bikes as a way of transportation. Can we honestly ask them that knowing that we are putting them at a tremendous risk of serious injury?

Cars are driving dangerously fast on Harriet already, do we really want to give them another excuse to speed even more? The conclusion of every document and research published on pedestrians safety is always the same: *As long as we don't address the speeding problem to meet pedestrian safety standards Harriet Ave and its nearby intersections McCoy Ave and San Tomas Aquino Road will never be a safe route for kids to walk or bike to school.* Traffic lights have no positive effect on reducing speeding.

With regards to speeding, between installing those two traffic lights and doing nothing the safest choice is doing nothing. Although we will present to this board evidence based research that there are great alternatives to make these streets truly safe and foster the quality of life we all want for our kids in this City.

Now, let's pretend for a few seconds that we only care about those kids who will cross Harriet Ave. How will a traffic signal work to make them safer?

Traffic signals are designed to control the flow of traffic and assign right of way. It works by alternating the green light between conflicting sides of the road so that eventually everyone gets a turn. Both traffic lights

at our intersections will have a pedestrian led sequence. That is, regardless of where the green light is, once the pedestrian presses the button it will work at stopping traffic so pedestrian gets the right of way as soon as possible, or, in about two minutes depending on how much traffic there is. Once pedestrians get the "walk" light, they will have about 27 seconds to reach the other side, and, they will be given a 6 seconds head start before the alternate road gets the green light. City staff estimates that the wait period to get right of way will be between 6 second on an empty road to around 2 minutes on a busy time.

Please observe as you are driving this week how many seconds does it take a traffic light to turn for you, and about in how many seconds you begin to feel frustrated. This is a very real phenomena, psychologically, when we are driving, we tend not to look kindly at interruptions.

How will it work on school mornings? If pedestrians arrive at 7:45 am, there's sure to be lots of traffic. Two things are sure to happen here: First, unlike a crossing guard, the pedestrian signal has no way of knowing if there are more pedestrians right behind, so it will run its countdown. A second pedestrian who reaches the intersection seconds later has a decision to make, start crossing even when the light is flashing "don't walk" and run for it, or, wait until the pedestrian signal ends and click it again to wait for your turn. Second, cars have been waiting and, they have poor visibility, so they will be inching forward into the pedestrian path as they attempt to make the turn. 6 seconds after the pedestrians started walking cars at the other intersection will be given the green light. They are supposed to yield to pedestrians... Does this sound like a safe environment for your kids to cross the street?

According to New York's study on pedestrian safety, 27% of crashes were caused by a driver's failure to yield to a pedestrian crossing with the signal. That happens when drivers turning right at an intersection get the green light at the same time when pedestrians get the walk signal.

http://www.nyc.gov/html/dot/downloads/pdf/nyc_ped_safety_study_action_plan.pdf

Please also remember that, as pedestrians go, a great number of kids crossing Harriet are, well, tiny. If they choose to ride a trike or scooter not only will they be really hard to spot, but their movements are erratic, unpredictable and extremely fast. A kid who suddenly speeds to catch up to a friend, or a kid who stops midstride because they just saw a friend are very common behavior in elementary school or high school for that matter, but one hopes that size makes the older kids more visible.

Let's not forget that a pedestrian beacon assigns unequivocally the right of way to pedestrians, however, drivers in their rush are already not respecting it. What will happen when cars get the green light?

When cars invade the bike lane to turn right both on a green light and also on a red light if they feel it's safe, what will happen to cyclists? A simple observation on how motorists behave at the Campbell Ave intersection a few blocks down should be enough to show that Traffic lights make an intersection car territory, where pedestrians and bikes are tolerated only for a few seconds. These are our children we are putting in the path of traffic.

Talking about putting pedestrians in the path of traffic, let's talk about pollution.

In order to measure changes in the air quality at our intersection we need to determine what would change regarding traffic flow. City staff submitted and was granted a NEPA air quality certification stating that since the same number of cars would drive at both intersections there would be no change on pollution and designated the project as no air quality concern.

Not a Project of Air Quality Concern (40 CFR 93.123(b)(1))

(i) New or expanded highway projects with significant number/increase in diesel vehicles?

- Not a new or expanded highway project
- Signalization project—no additional lanes on Harriet Avenue, McCoy Avenue, and San Tomas Aquino Road
- No change in traffic volume or truck percentages on Harriet Avenue, McCoy Avenue, and San Tomas Aquino Road

It is a sad reality in most countries that the rules and requirements from government agencies lag behind the latest scientific research. How long did it take to ban tobacco after it was scientifically proven to be dangerous to our health?

We believe that in this day of global communication and information, it is irresponsible to make a decision without considering the results and knowledge of the latest scientific research. Particularly when it concerns the health and well being of our children.

We must inform our decisions by taking advantage of this wealth of information at our disposal or we risk making terrible mistakes. There have been a number of studies that link the way we drive our cars (accelerating, breaking, and, stopping) with the amount of pollution they generate. So let's study how will the installation of two traffic signals would change the way we drive on Harriet.

By default the traffic light will be on green for Harriet because it has more car volume. Every car exiting STA and McCoy will have the red light and will have to stop, and also vehicles on Harriet who would want to make a left turn. We are told that the traffic lights will have cameras sensing approaching traffic and therefore only a delay of about 6 seconds is to be expected on an empty road. If there's more than one car then the signal will have to assign turns so to speak.

How many cars is that and how much pollution will they cause?

Let's look at the data:

There are 9,322 daily vehicles on Harriet ave;
1,981 vehicles on McCoy and,
1,562 daily vehicles in STA.

Let's take out the vehicles on the top 4 hours of maximum congestion that staff is using as a warrant for the signal installation. We will, for the time being, accept their premise that there is congestion on those hours, although we reiterate our cordial invitation to the members of this board to visit the intersections at those times and confirm if it's truly a matter of traffic congestion or excessive speed what troubles our residents.

WARRANT 2 - Four Hour Vehicular Volume

SATISFIED* YES NO

Record hourly vehicular volumes for any four hours of an average day.

APPROACH LANES	One	2 or More	Hour			
			0800/1400	1700/1600		
Both Approaches - Major Street	X		937	922	840	776
Higher Approach - Minor Street	X		268	174	171	166
*All plotted points fall above the applicable curve in Figure 4C-1. (URBAN AREAS)						Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
OR, All plotted points fall above the applicable curve in Figure 4C-2. (RURAL AREAS)						Yes <input type="checkbox"/> No <input type="checkbox"/>

That leaves

5,847 VPD Harriet

1,202 VPD McCoy

STA data was not used as a qualifier in the warrant, however we will take the same hours as they used on McCoy and Harriet leaving us with: 1,035 VPD

If you stop by the intersection, and we highly encourage you to do so, you will be able to observe that it remains fluid most of the time. Now that the summer is here, we would love to be able to ride our bikes with our kids around the neighborhood, sadly no matter what day of the year it is, there's always speeding on Harriet and it's not safe.

Both intersections would change with a traffic light. Since we don't have more accurate data regarding the destination of traffic merging on Harriet let's assume that half the cars on either McCoy or STA would want to turn left and the other half right. That is 1,719 vehicles stopped at the red light regardless of how many cars there may be on Harriet.

And, let's also divide the cars on Harriet equally thinking that about a third would want to turn left on either STA or McCoy and the rest would want to turn right or simply continue along the road. That number is 2,796 vehicles for Harriet for a total of 4,515 vehicles stopped at the traffic light.

How much pollution is that? One of the most recent studies regarding car pollution was published by the University of Surrey, UK. Scientists measured the nano particles generated by vehicles exhausts during a 6 km (3.7 mi) commute. They determined that when a car is stopped at a traffic light it produces 29 times the pollutants it produces when flowing. They determined that although commuters spent less than 2 percent of their time at traffic lights, this short time contributes to 25% of their total pollution exposure.

Here's a summary. <http://www.surrey.ac.uk/features/stopping-red-lights-exposes-drivers-high-levels-air-pollution-new-study-finds>

Based on their measurements, the amount of pollution generated by the installation of a traffic light at these two intersections would generate a change in our air quality equivalent to having 130,935 vehicles circulating on Harriet, McCoy ave, and STA every day.

As part of their conclusions they recommend that **pedestrians that pass regularly through an intersection regulated by a traffic light look for alternative routes.** Later during an interview, the lead scientist, Dr. Prashant Kumar concluded: "This has important implications for town planning and we should consider whether we really want schools, offices or hospitals to be built within these environments. Most people may not even consider what they or their children are breathing when they sit down at their desks each morning. A combination of policy and technology will help ensure that while we are hard at work our buildings are also working to protect us from harmful pollutants that affect both mind and body."

World Health Organization estimates that there are 7 million annual deaths attributable to air pollution.
<http://www.who.int/mediacentre/news/releases/2014/air-pollution/en/>

The American Lung Association stated that the number one cause for kids to miss school in California is asthma. A 2 decade study that looked at 2,000 kids in southern California found strong evidence that the quality of air kids breathe during their growing years determines the size and health of their lungs.
<http://articles.latimes.com/2004/sep/09/local/me-smog9>

Cleaner air = kids with bigger and stronger lungs for life, California study shows



CC BY 2.0 Wikimedia

Results from a two-decade study that looked at 2,000 kids in 5 cities in Southern California was recently published in the *New England Journal of Medicine*. Its findings remind us once again of the importance of clean air; remember, air pollution now kills more people than AIDS and malaria combined, and is now the world's biggest environmental health risk with 7 million deaths per year. In fact, the *World Health Organization* now puts air pollution in the same category as tobacco smoke, UV radiation and plutonium!

We all share a huge responsibility towards our children, in this case their very lives may depend on this. There are many families with young children who live less than 1,000 feet of these intersections, they have no choice to breathe a different air. If breathing at the traffic light intersections during 2% of their commute contributes to 25% of pollutants breathed by drivers, How much would resident's percentage be??

On a side note, we would also like to point out that vehicles stopped idle at a traffic light will also create excessive noise between the engines breaking and accelerating, the higher risk or rear end crashes and the pedestrian signal beeping. **Traffic noise is not only a nuisance, it has a direct impact on the quality of life and well being of residents.**

<http://www.ncbi.nlm.nih.gov/pubmed/15613943>

CONCLUSIONS: The results support the hypothesis that chronic exposure to high levels of traffic noise increases the risk for cardiovascular diseases.

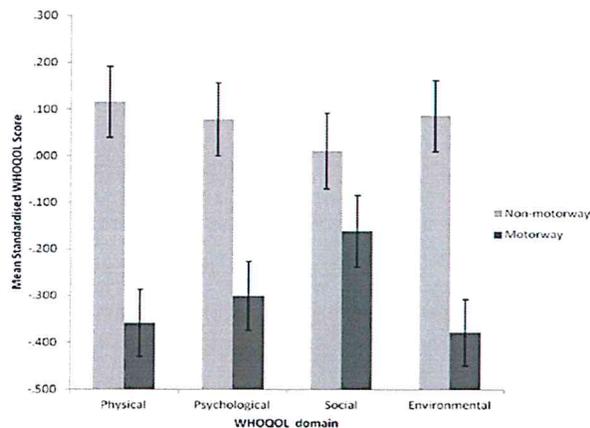
Noise pollution increases the risk of hearing loss, stress, depression, sleep disturbances (thank you hot rodders!), and heart disease. There are even studies linking long term exposure to noise pollution to lower birth weight and impaired cognitive development in children.

<http://articles.mercola.com/sites/articles/archive/2015/06/20/noise-pollution.aspx>

"A lot of municipalities just don't even think about noise," says Eric Zwerling, director of the Rutgers Noise Technical Assistance Center at the State University of New Jersey and president of the Noise Consultancy, LLC, "but the bottom line is that it's much, much cheaper to design for quiet than to remediate afterwards. Spending additional time upfront helps residents avoid disrupted lives and costly retrofits, and could help municipalities and State DOTs avoid the problem and expense of addressing incompatible adjacent land uses."

This is important because with the introduction of a traffic light, noise will increase both as cars break and as they accelerate. <http://waset.org/publications/13739/traffic-noise-under-stop-and-go-conditions-in-intersections-a-case-study>

Just look at the overall reduction in quality of life results from self assessment questionnaires in a study from the World health organization that compared those dwelling near or far motorways. Source: Welch D, Shepherd D, Dirks KN, McBride D, Marsh S. Road traffic noise and health-related quality of life: A cross-sectional study. Noise Health [serial online] 2013 [cited 2016 Jun 12];15:224-30. Available from: <http://www.noiseandhealth.org/text.asp?2013/15/65/224/113513>



Although we have stated repeatedly that our top priority is to make our streets safer for our children and preserve the air quality of our city, installing two traffic lights within 20 feet of each other in an attempt to synchronize two intersections that do not connect will create other nuisance problems for residents and motorists alike.

Longer queues at peak times and delays the rest of the day.

We have already talked about how the two traffic lights will stop traffic regardless of the conditions of the road, now we would like to evaluate how long is there really a traffic congestion that delays motorists versus how long the two synchronized traffic lights will create traffic congestion and delays.

Although we have a speeding problem every single day and hour of the year, we only have right of way conflict and kids crossing Harriet to go to school, obviously on school days. This 2016/2017 school year we will have 183 school days. That is roughly half a year. Now, those school days, we have the highest concentrations of traffic for 6 hours. Or, 25% of the day, or, to put it in context, we will spend half a million dollars to solve a problem that happens only 12.53% of the time during a year.

The rest of the time, cars will be stopped regardless of the conditions of the road. On the 2010 City Council report with regards to Pedestrian safety recommendations, city staff estimated queues of 10 cars on Harriet and 7 cars on McCoy during the morning peak times. That is longer queues that we are experiencing right now (7 cars on Harriet and 5 cars on McCoy as counted by residents on their way to drop kids off to school). Residents that live at the intersection are already experiencing difficulty accessing their driveways at peak time, however, since the traffic light will continually stop traffic, residents will also find their driveways blocked many other times during the day.

hours. Future traffic queues are anticipated to be ten vehicles long on southbound Harriet Avenue and seven vehicles long on eastbound McCoy Avenue during the AM peak hour, less than with an all-way stop. However, some increase in cut through traffic would still be a concern.

It is interesting to note that city staff predicts an increase in cut through traffic as a result of the queues, thus given even more credibility to safety concerns that streets nearby a signalized intersection will see an increase both on traffic volumes and speeding as drivers will try to avoid delays caused by the traffic light.

At the time of that report, only the intersection at Harriet & McCoy was considered for a traffic light. It is safe to assume that adding an adjacent intersection and attempting to make them work as one, would only create more delays, more neighborhood cut through traffic, and more blocked driveways.

TRAFFIC CALMING; THE BETTER ALTERNATIVE.

Before we get into the full topic of altering the street to make it safer for pedestrians, many of the residents would like to know the pros and cons of returning the pedestrian crosswalk to the corner of Harriet and Silacci. There were no traffic incidents recorded at that intersection for the many years it was there. We were told by city staff that it was moved because some residents requested it and also in the interest of providing students from Forest Hill a more direct path to school. It doesn't seem to have been a very evaluated decision because in the name of direct route, pedestrians were put on the path of two busy streets where a lot happens whereas Silacci, being a residential street has very little traffic. Although it will do nothing to change the reckless driving on Harriet, which is what we would need to solve in order to increase non motorist activity in our community, it is none the less a reasonable question and we would like the City staff to analyze it and respond to us.

At this point in our research we would like to direct your attention to the Traffic calming alternatives that we would like City staff to bring to the table.

We have a wide residential road that has been causing problems to the neighborhood for the past 16 years or more. We can proceed with installation of two traffic lights and bear the consequences, because resident complaints are not going to stop. Or, we can use this as an opportunity to apply the latest advances in street architecture and create something innovative, environmentally responsible, that will extend the use of the road from the quickest way to get from point A to point B to a shared road what will promote healthier more active habits for residents, reduce pollution, increase traffic efficiency.

How many of the residents will say to their friends, come and take a peak at the glorious, humongous traffic light that city engineers installed at the heart of our community How about we invite them instead to bike on our safe green bike lanes? In other words:

would you want to live here?...

Or here?



"Instead of stop signs and traffic signals, street safety advocates suggest physically altering the street to slow down traffic. "Because traffic signals and stop signs are not self-enforcing — they don't come with a physical component that requires drivers to slow down — they can easily be ignored by drivers, especially if there isn't visible enforcement by the police," said Transportation Alternatives safety campaign director Lindsey Ganson." <http://www.streetsblog.org/2011/04/26/to-get-safer-streets-traffic-lights-and-stop-signs-arent-the-answer/>

Traffic Calming as defined by the Institute of transport Engineers is "the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users."¹

Traffic calming goals include:

- increasing the quality of life;
- incorporating the preferences and requirements of the people using the area (e.g., working, playing, residing) along the street(s), or at intersection(s);
- creating safe and attractive streets;
- helping to reduce the negative effects of motor vehicles on the environment (e.g., pollution, sprawl); and
- promoting pedestrian, cycle and transit use.¹

Traffic calming objectives include:

- achieving slow speeds for motor vehicles,
- reducing collision frequency and severity,
- increasing the safety and the perception of safety for non-motorized users of the street(s),
- reducing the need for police enforcement,
- enhancing the street environment (e.g., street scaping),
- encouraging water infiltration into the ground,
- increasing access for all modes of transportation, and
- reducing cut-through motor vehicle traffic."

<http://www.ite.org/traffic/index.asp>

GREEN BIKE LANES.

There are numerous ways to address the speeding problem on Harriet by altering its design and layout. Nearly a 100% of residents favor protected bike lanes on Harriet. A combination of green bike lanes, curb bulb outs, street narrowing, roundabouts and other traffic calming design alternatives will both change the motorist perception of the road and residents use of the road. Take a look at this:

Green bike lanes are popping everywhere, and with reason. Bright paint visually reduces the size of the road, it determines unequivocally that there are non motorist users that share the road, it predisposes both drivers and cyclists to be aware of each other and if foster healthy habits for the community. The neighbor city of Los Gatos is painting their bike lanes green as a part of their safe routes to school initiative.

Source: Nacto.org

<http://www.losgatosca.gov/2231/Green-Bike-Lanes>

Colored Bike Facility Benefits

- Promotes the multi-modal nature of a corridor.
- Increases the visibility of bicyclists.
- Discourages illegal parking in the bike lane. [Read More+](#)
- When used in conflict areas, raises motorist and bicyclist awareness to potential areas of conflict. [Read More+](#)
- Increases bicyclist comfort through clearly delineated space. [Read More+](#)
- Increases motorist yielding behavior. [Read More+](#)
- Helps reduce bicycle conflicts with turning motorists. [Read More+](#)

Green Bike Lanes

The Parks & Public Works has installed three roadway surfaces for implementation of **Green Bike Lanes** in Town. The purpose of the painted lane is to bring attention to the bicycle lane and reduce the conflicts between bicycle and cars. The lanes will also create a connected system for bicycling around town. Protected bike lanes bring predictability and order to busy streets allowing drivers to know where to expect bicyclists.

SURVEY: Please let us know what you think about the Green Bike Lanes [HERE](#)

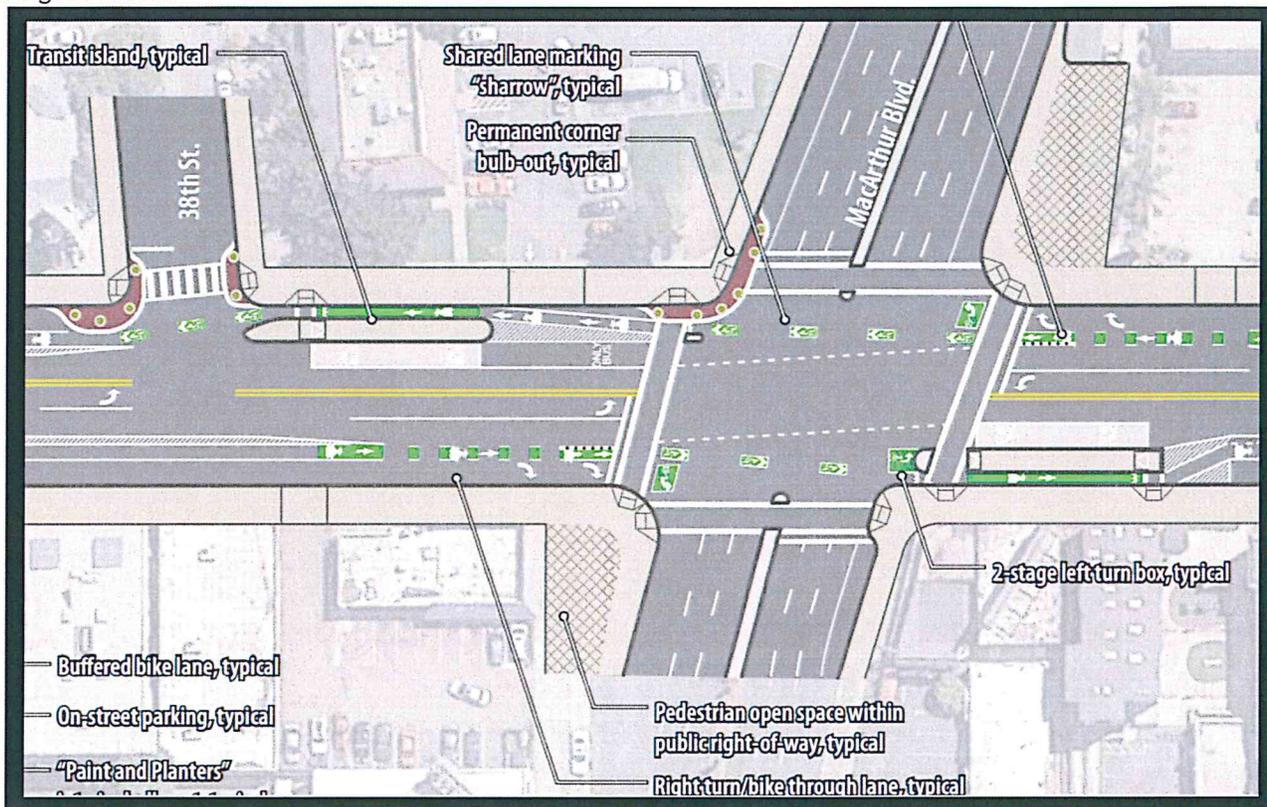
[Green Bike Lanes FAQs](#)



One of the reasons green bike lanes are working so well is that by design and color it marks that section of the road as bike territory, where cars may only drive after yielding to cyclist and only for the briefest possible time. We believe the cost of maintaining green bike lanes would not exceed the cost of maintaining the two traffic lights city staff is proposing, but unlike the lights, the environmental and health benefits for the community far outweigh the cost.



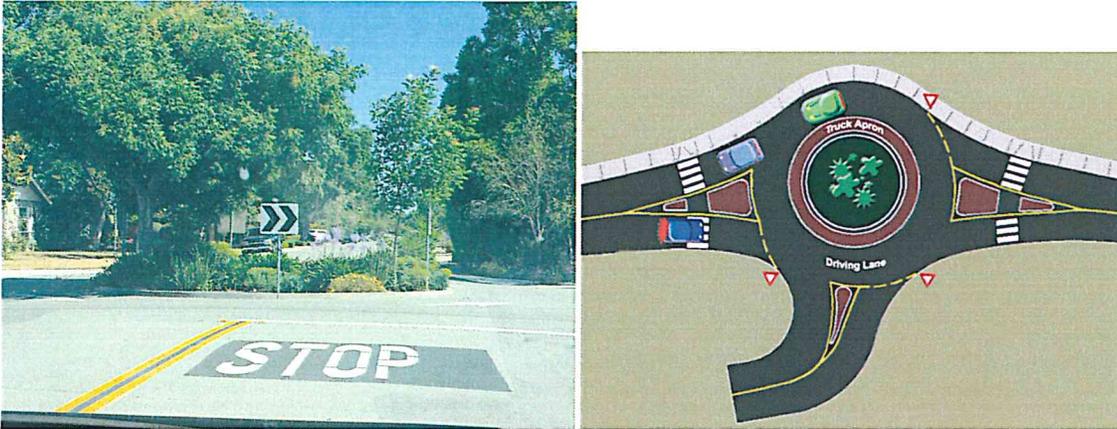
A great side effect of road modifications that include green bike lanes is that as residents bike more, not only their health improve but they will reduce traffic congestion. Our streets will be even safer and our air quality better. That in turn, will have a positive effect encouraging more residents to walk and bike around the neighborhood.



Studies from different cities across the US show that voters support the installation of green bike lanes in their communities and are willing to put public funding in them, real state values increased as people found the addition to green bike lanes made properties more attractive.

<http://atlanta.curbed.com/2013/8/8/10210634/bike-lanes-property-values-is-there-a-correlation>

ROUNDBABOUTS.



Stanford University is the perfect example of Pedestrian, bike and vehicle conflict. They deal with it every day, so when they installed roundabouts on all of their intersections leading off the oval, we took notice. A few weeks later we read an article in their magazine informing alumni of their plans to remove a gas station to make room for a new roundabout on Campus drive, so we did some digging:
<https://transportation.stanford.edu/roundabout/stanford.php>

It turns out that roundabouts got a bad reputation when they were installed in the US a few decades ago as being unsafe but research shows that it was design, not the tool itself what was faulty. However after installation and use Washington's department of Transportation published the following statistics:

Roundabouts reduced injury crashes by 75 percent at intersections where stop signs or signals were previously used for traffic control, according to a study by the Insurance Institute for Highway Safety (IIHS). Studies by the IIHS and Federal Highway Administration have shown that roundabouts typically achieve:

- A 37 percent reduction in overall collisions
- A 75 percent reduction in injury collisions
- A 90 percent reduction in fatality collisions
- A 40 percent reduction in pedestrian collisions

They also found them to make the flow of traffic more efficient with a 89% reduction in delays and 56% reduction in vehicles stops. Since a well designed roundabout is designed to promote traffic to slow down to 15-20mph, there's no light to beat and all traffic moves in one direction traffic moves through the intersection in a quicker safer way.

Roundabouts are also found to alleviate car queues on the streets approaching the intersection and were found to handle greater volumes of traffic more efficiently than traffic signals.

Source: <http://www.wsdot.wa.gov/Safety/roundabouts/benefits.htm>

The Federal Highway Administration also studied roundabouts and found that they reduce accidents where people are seriously hurt by 78%. They included roundabouts as one of their "Proven safety countermeasures" <http://safety.fhwa.dot.gov/intersection/innovative/roundabouts/>

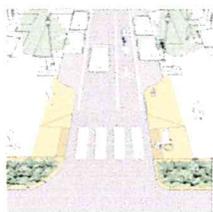
Here are a couple of links to videos

Roundabout the safer choice. <https://www.youtube.com/watch?v=Y05qGz5B1Wg>

Casa grande 3 prongs roundabout simulation. <http://casagrandeaz.gov/dept/publicworks/streets-division/roundabout-information/>

PINCHPOINT OR STREET NARROWING.

Source: Nacto.org



GATEWAY

Curb extensions are often applied at the mouth of an intersection. When installed at the entrance to a residential or low speed street, a curb extension is referred to as a "gateway" treatment and is intended to mark the transition

[Read More](#)

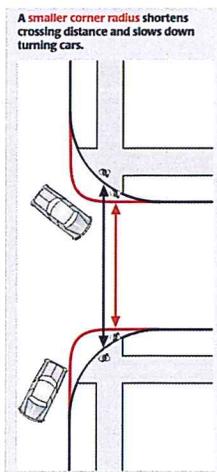
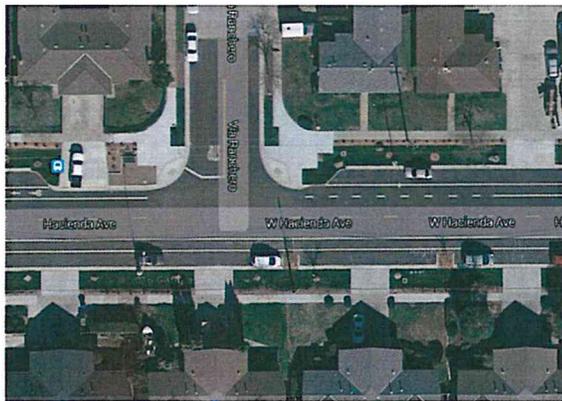


PINCHPOINT

Curb extensions may be applied at midblock to slow traffic speeds and add public space. When utilized as a traffic calming treatment, mid-block curb extensions are referred to as "pinchpoints" or "chokers".

[Read More](#)

Extending the curb to provide safer crossing paths for pedestrians, slowing speeds, better signaled bike lanes and, parking for residents is a great example of altering a street layout to make it safer and beautiful at the same time. Our own city Engineers have shown us with their latest work at Hacienda Ave. that it can be done.



We end this document by asking you to request City Engineers to come up with a safer alternative to the traffic light. You, as our representatives and decision makers, are in a unique position to shape our lives for the better and the worse. It is a huge responsibility.

We believe that we have fully supported our claims that there's a speeding problem in our streets, and we cannot encourage our residents to walk and bike more without first addressing the safety issues that affect these roads.

Some members of our group took to the streets to talk to our neighbors, we have begun collecting signatures to show that residents overwhelmingly favor the design of an alternative that will effectively bring down traffic speed to a level that would be safe for pedestrians and bikes, that will not create more pollution, we are hoping for better curb design that will increase pedestrian visibility, reduce motorist's turning speed and reduce the distance pedestrians have to travel on the road, we want eye catching better signalized bike lanes. We want, in two words, Quality of life.

The following pages have the first 128 signatures from residents that support our request, with more signatures arriving this week. Unfortunately due to the end of school many families are traveling. We will continue to gather signatures during the next months but based on residents responses it is our estimate that 73% of residents we were able to talk to, strongly favor our request to bring a traffic calming alternative to these intersections instead of the two traffic signals proposed by city staff.

We believe that given the history of the intersection and the importance of finding safe routes to school along those roads, the only way we will be able to effectively solve the issue is by enlisting a strong participation from the residents and users of the road. We will be directly affected by any project done at our intersection. The very air we breathe can change. We believe residents have a right to consider more than one alternative and weight the pros and cons. We understand that there's no perfect solution and that it would be impossible to get everything. But we feel very strongly that we have the right to make an informed decision.

Please support the well being of our community by making sure that the factors that contribute to the un-safety on our streets are fully considered and that the measures proposed in any project will have a direct impact in making our streets safer for pedestrians and cyclists along the full length of the route to school. Please direct City staff to go back to the drawing board and develop a plan for this intersection using traffic calming solutions and mitigation features deemed appropriate.

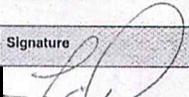
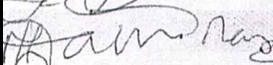
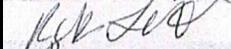
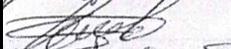
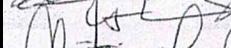
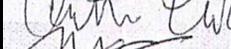
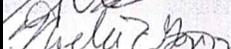
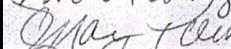
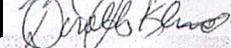
This summary was prepared by Isabel Batiz in support to the petition residents signed bellow.

TO: Campbell City Council, Public Works, City Manager

Poll date: June 12, 2016

Survey of residents opposing installation of a traffic light at McCoy, Harriet & San Tomas Aquino.

By signing this survey you are telling the Campbell City Council, Planning Commission and Police that you wish the City to develop a **traffic plan** for this intersection using other solutions such as flashing lights, island medians, bulb outs, mini-roundabout and other mitigation features deemed appropriate. Survey sponsored by the San Tomas Area Community Coalition Neighborhood Association.

#	Print Name	Address	Signature	STACC mailing list
1	Tim Olson			
2	Damodara Poojary			
3				
4	Chuck Loft			
5	Robyn Lot			
6	Alex Volinsky			
7	Phill Coymes			
8	Carlin Demaree			
9	Riley Demaree			
10	James Dickson			
11	Carlos Martinez			
12	LIANGHUA YANG			
14	CHRISTIAN FRANK			
15	ABHIJIT CH			
16	Noelle Gonzalez			
17	Mary Powers			
18	Dorothy Kimek			
19				
20				

TO: Campbell City Council, Public Works, City Manager

Poll date: 6/12/2016

Survey of residents opposing installation of a traffic light at McCoy, Harriet & San Tomas Aquino.

By signing this survey you are telling the Campbell City Council, Planning Commission and Police that you wish the City to develop a **traffic plan** for this intersection using other solutions such as flashing lights, island medians, bulb outs, mini-roundabout and other mitigation features deemed appropriate. Survey sponsored by the San Tomas Area Community Coalition Neighborhood Association.

#	Print Name	Address	Signature	STACC mailing list
1	Leslie Brown		Campbell Leslie S Brown	
2	Guang Zhang		[Signature]	
3	Miguel Zaragoza		[Signature]	
4	L. PANGEL FICHO		[Signature]	
5	Kim Venres		[Signature]	
6	Brian Genna		[Signature]	
7	Linda Genna		[Signature]	
8	MELISSA ARANDA		[Signature]	
9	JEANNE BARR		[Signature]	
10	Igor Okulist		[Signature]	
11	Daniel Scholl		[Signature]	
12	Muho Madjar		[Signature]	
14	MARIA VAS			
15	CARMEN CORRALES		Carmen Corrales	
16	Juan CHEN		Juan CHEN	
17	DANNY ALVAREZ		CAMPBELL Danny Alvarez	
18	Jenny W		Jenny W	
19	ERIK WEISLER		[Signature]	
20	SHUAZ SUN		[Signature]	

www.staccna.org

A Follow-up

TO: Campbell City Council, Public Works, City Manager

Poll date: 6/11/2016

Survey of residents opposing installation of a traffic light at McCoy, Harriet & San Tomas Aquino.

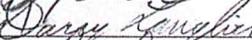
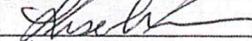
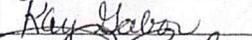
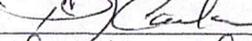
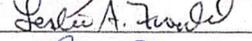
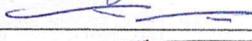
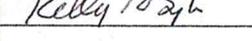
By signing this survey you are telling the Campbell City Council, Planning Commission and Police that you wish the City to develop a **traffic plan** for this intersection using other solutions such as flashing lights, island medians, bulb outs, mini-roundabout and other mitigation features deemed appropriate. Survey sponsored by the San Tomas Area Community Coalition Neighborhood Association.

#	Print Name	Address	Signature	STACC mailing list
1	PALLATHU PAULOSE	[REDACTED]	<i>Paulose</i>	[REDACTED]
2	Nagesh Kamumury	[REDACTED]	<i>Nagesh Kamumury</i>	[REDACTED]
3	Reena Sah	[REDACTED]	<i>Reena Sah</i>	[REDACTED]
4	Emile Roth	[REDACTED]	<i>Emile Roth</i>	[REDACTED]
5	Patricia Sebastiani-Me	[REDACTED]	<i>Patricia Sebastiani-Me</i>	[REDACTED]
6	STEVE POLEVOI	[REDACTED]	<i>Steve Polevoi</i>	[REDACTED]
7	Nancy Mandler	[REDACTED]	<i>Nancy Mandler</i>	[REDACTED]
8	Mark Carr	[REDACTED]	<i>Mark Carr</i>	[REDACTED]
9	MAYYA LAVRENKO	[REDACTED]	<i>Mayya Lavrenko</i>	[REDACTED]
10	Denis LAVRENKO	[REDACTED]	<i>Denis Lavrenko</i>	[REDACTED]
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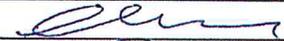
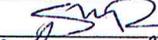
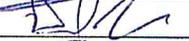
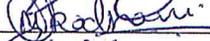
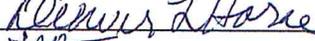
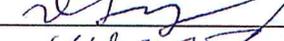
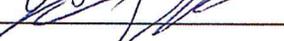
www.staccna.org

* Send letter template

Alternate Safety without the 2 Traffic Lights on Harriett Ave)

Name	Address	Signature	Yrs.
Jaime Batiz			8
Isabel Batiz			8
SUNNY TARTER			36
DARCY LANGLOIS			10
LISE TRAN			
Kay Galvan			1977
Therese Carlson			39
Leslie Froustend			10
Elisa Zheng			0.5
TRAVIS COVINGTON			
Leah Harris			8
Anne Bybee			1992
Kelly Bybee			1992

Alternate Safety without the 2 Traffic Lights on Harriett Ave)

Name	Address	Signature
BING CHUAN		
SHALESH BIRARI		
LORIS VILLANI		
MARCO CATALI		
Shree Karand-Kar		
Barbara Portier		
Nathan Gomez		
DANIEL WU		
GARY WURFER		
Wilson Wang		
MOHNIKH KODNANI		
Rick Horne		
Denver Horne		
WILFRED VILLENIS		
HUA CHUN WU		
ING-JYE HIWANG		
CRISANTA DESVARRO		
PATRICK BURNS		

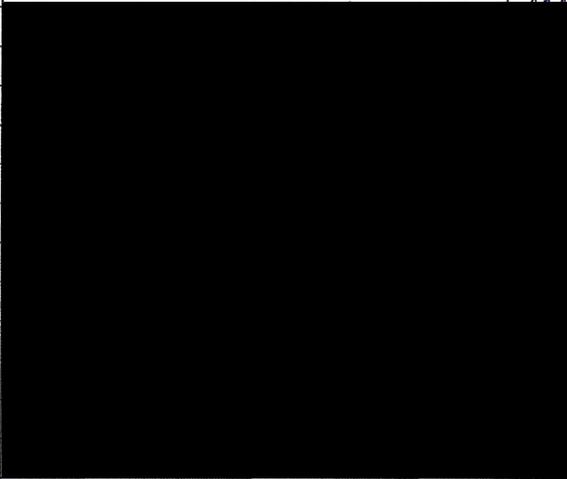
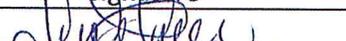
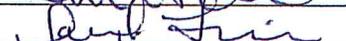
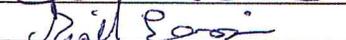
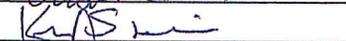
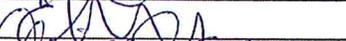
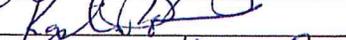
Alternate Safety without the 2 Traffic Lights on Harriett Ave)

Name	Address	Signature
Salvatore Spinale		Salvatore Spinale
Florence Spinale		Florence Spinale
Suzanne Reese		Suzanne Reese
Judi Thayne		Judi Thayne
Paul Thayne		Paul Thayne
Kathy Rooney		Kathy Rooney
Janice McKinley		Janice McKinley
Faisal Mohamed		Faisal Mohamed
SHAHMA AMBEN		Shahma Amben
MARISE Zorichetti		Marise Zorichetti
Jenny Stave		Jenny Stave
Lei Green		Lei Green
Tim Green		Tim Green
Mary Garcia		Mary Garcia
Angela Garcia		Angela Garcia
Phil Garcia	Phil Garcia	
Shantaisal	Shantaisal	
Shirley	Shirley	

Alternate Safety without the 2 Traffic Lights on Harriett Ave)

Name	Address	Signature
JOHN HAMNER		John Hamner
Thais Hamner		Thais Hamner
Terry Nocera		Terry Nocera
WESLEY DARLINGTON		Wesley Darlington
Kirsten Penyer		Kirsten Penyer
Jeff Rasche		Jeff Rasche
Dana Polycare		Dana Polycare
Yukiko Tani. YASUHIKO		Yukiko Tani
MARY APOLO		Mary Apoll
Judith Black		Judith Black
JUNG LEE		Jung Lee
AVANI TOLIA		Avani Tolia
Yanzhou Lin		Yanzhou Lin
Donna Miller		Donna Miller
Billy Miller		Billy Miller
Morgan McConnell		Morgan McConnell
ALINA SHKRAB		Alina Shkrab
ERIC STAMBAUGH		Eric Stambaugh
Juliana Lima	Juliana Lima	
SRI VARADARAJAN	Sri Varadarajan	

Alternate Safety without the 2 Traffic Lights on Harriett Ave)

Name	Address	Signature
Paul Lima		
Michael Lima		
WPE Lima		
fr. Lima Paul		
Nigel Lewis		
Kim Sisemore		
Theresa Kinane		
Amanda		
Anson Souza		
Kathleen		
LEECH		
SANJAYA		

TO: Campbell City Council, Campbell Police,
Planning Commission.

Poll date: 2-14-15

Survey of residents stand on installation of a traffic light at McCoy, Harriet & San Tomas Aquino.

By signing this survey you are telling the Campbell City Council, Planning Commission and Police your stance on a solution to the ongoing problem with traffic in this area. Please indicate if you wish two synchronized Traffic Lights installed at **McCoy and Harriet** and **San Tomas Aquino Road and Harriet**, or if you wish the City to develop a **traffic plan** for this intersection using other solutions such as flashing lights, island medians, bulb outs, rumble strips and other mitigation features deemed appropriate.

#	Print Name	Address	Signature	Light	Plan	STACC mailing list
1	Summit Mullis	[Redacted]	[Signature]			
3	TORREY MARTIN	[Redacted]	[Signature]	Neither		
4	Isabel Batiz	[Redacted]	[Signature]	No	✓	[Redacted]
5	Lisa Gullicksen	[Redacted]	[Signature]	Traffic plan		[Redacted]
6	Yuan-Pin (W)	[Redacted]	[Signature]	Traffic plan		[Redacted]
7	Eric Alarido	[Redacted]	[Signature]	X		[Redacted]
8	Adriana Shiozawa	[Redacted]	[Signature]			[Redacted]
9	Leh Yu do VSK	[Redacted]				Sometime yelse
10	Kay Haber	[Redacted]	[Signature]		X	
11	[Redacted]	[Redacted]	[Signature]		X	[Redacted]
12	Philip Carlsson	[Redacted]	[Signature]		X	[Redacted]
14						
15						

TO: Campbell City Council, Campbell Police,
Planning Commission.

Poll date: _____

Survey of residents stand on installation of a traffic light at McCoy, Harriet & San Tomas Aquino.

By signing this survey you are telling the Campbell City Council, Planning Commission and Police your stance on a solution to the ongoing problem with traffic in this area. Please indicate if you wish two synchronized Traffic Lights installed at **McCoy and Harriet and San Tomas Aquino Road and Harriet**, or if you wish the City to develop a **traffic plan** for this intersection using other solutions such as flashing lights, island medians, bulb outs, rumble strips and other mitigation features deemed appropriate.

#	Print Name	Address	Signature	Light	Plan	STACC mailing list
1	Liza Kertu	[REDACTED]	[Signature]		✓	[REDACTED]
2	chuck loft	[REDACTED]	[Signature]		✓	[REDACTED]
3	RASHMIN PAWAR	[REDACTED]	[Signature]		✓	[REDACTED]
4	CRAIG HUNTER	[REDACTED]	[Signature]		✓	[REDACTED]
5	ROGER WHEELER	[REDACTED]	[Signature]		✓	[REDACTED]
6	Rachel Guymer	[REDACTED]	[Signature]		✓	[REDACTED]
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MEMORANDUM



City of Campbell
City Clerk's Office

To: Honorable Mayor and City Council

Date: June 20, 2016

From: Wendy Wood, City Clerk 

Via: Mark Linder, City Manager 

Subject: Desk Item 18 – Letter from Audrey Kiehtreiber

A letter was received by Audrey Kiehtreiber, as part of the public record in regards to Item 18.

Attached is the letter for your consideration.



San Tomas Area Community Coalition

P.O. Box 320663
Los Gatos CA 95032

408.410.6528 phone
info@staccna.org
<http://staccna.org>

City of Campbell
70 N. First Street
Campbell CA 95008

June 18, 2016

Attn: City Council Members
Mark Linder, City Manager
Todd Capurso, Public Works
Paul Kermoyan, Director Community Development Department

Subj: Public Works Project 14-GG Signal Light McCoy/Harriet/San Tomas Aquino Rd.

Dear Council Members and Staff:

STACC members have reviewed the proposed Public Works Project 14-GG Signal Light McCoy/Harriet/San Tomas Aquino Rd. Residents are overwhelmingly against the installation of these lights.

The safety of the people (pedestrians, bicyclers and vehicle occupants) moving through this intersection is the most important consideration for everyone. We differ in what solution will best allow the flow of traffic while ensuring the safest possible environment for our residents.

The residents believe that the biggest issue at this intersection is speeding by vehicles, and that traffic calming measures that *slow down* traffic are much better than attempts to stop it outright.

The proposed traffic signal is only a few hundred yards from existing traffic signals on Bucknall Rd and Campbell Blvd. The addition of yet another traffic signal means that in a little over half a mile there will be three traffic signals.



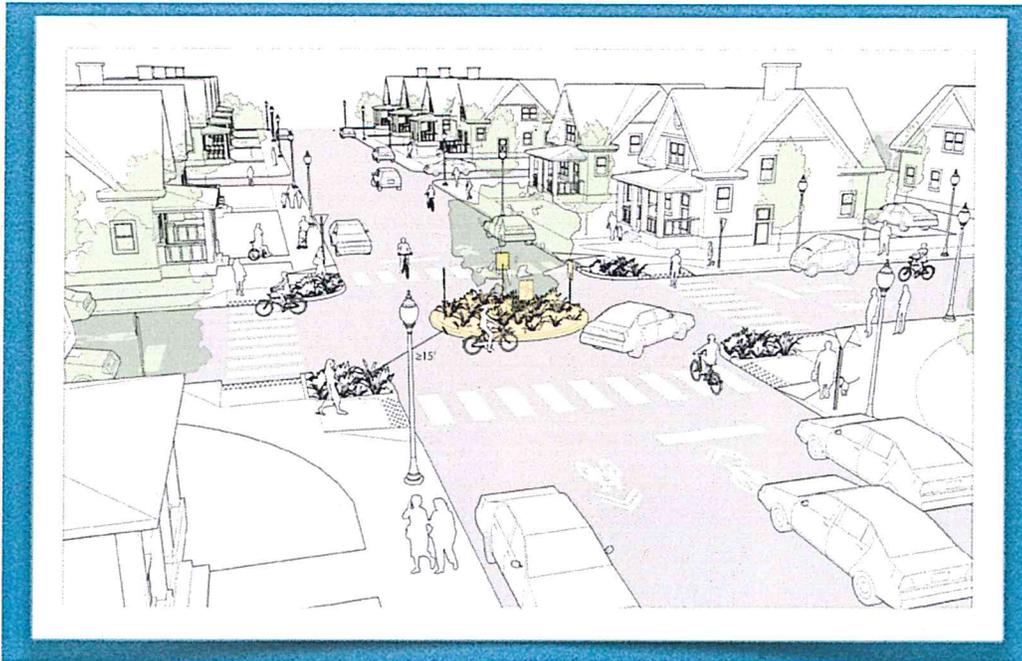
How will the proposed lights negatively impact the neighborhood?

- *Air Pollution* - Rather than allowing the traffic to flow through, there will be backups of multiple cars sitting and waiting. As cars are stopped they will produce more pollution in the immediate surroundings.
- *Noise Pollution* - More idling cars means more noise from the car engines.
- *Pedestrian and Child Safety* - Impatient drivers will speed up to run this signal light, while at the same time drivers will still be turning right onto San Tomas Aquino Road from the point where its two sections meet.

Solutions: There are a number of available traffic calming measures which we believe would better address this problem:

- *Roundabouts*- Keep the traffic moving, but reduce the speed by use of traffic calming measures such as Mini roundabouts and neighborhood traffic circles. Roundabouts are designed to promote a continuous, circular flow of traffic. Drivers need only yield to traffic before entering a roundabout; if there is no traffic in the roundabout, drivers are not required to stop. Because traffic is constantly flowing through the intersection, drivers don't have the incentive to speed up to try and "beat the light," like they would at a traditional intersection.

Mini Roundabout



The **National Association of City Transportation Officials** says in their Urban Street Guide that mini roundabouts and neighborhood traffic circles *lower speeds at minor intersection crossings* and are an ideal treatment for uncontrolled intersections.

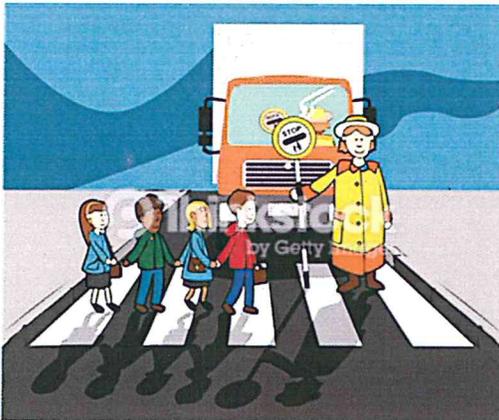
Mini roundabouts may be installed using simple markings or raised islands, but are best applied in conjunction with plantings that beautify the street and the surrounding neighborhood.

The Washington's department of transportation found roundabouts *40% safer for pedestrians and bikers* while making the flow of traffic *more efficient by 20% when compared to traffic lights* used at the same intersection. <http://www.wsdot.wa.gov/Safety/roundabouts/benefits.htm>

- *A curb bulb-out* - marked by darkened tarmac and black posts. This is a traffic calming measure, primarily used to extend the sidewalk, reducing the crossing distance and allowing pedestrians about to cross and approaching vehicle drivers to see each other when vehicles parked in a parking lane would otherwise block visibility.



- *Pedestrian and Child Safety* -This is a major intersection used by children who attend Forest Hill Elementary School. We propose that instead of funding a traffic signal, the city should fund **Crossing Guards**. This way we can better target the specific times and days that the crosswalk will be used by the greatest number of people.



- *Air and Noise Pollution* -If you use traffic calming measures that *slow down* traffic, rather than stopping it altogether, there will not be additional air and noise pollution.

The residents are **dedicated** to finding a solution that will provide a safe environment for everyone using these intersections. They very much want to be involved and contribute to the city's decision making in this matter. Please accept their help.

Best regards,

Audrey Kiehtreiber
President

Harry Greenwood
Area 9 Captain

MEMORANDUM



City of Campbell
City Clerk's Office

To: Honorable Mayor and City Council

Date: June 20, 2016

From: Wendy Wood, City Clerk 

Via: Mark Linder, City Manager 

Subject: Desk Item 18 – Letter from Yuan-Pin Yu

A letter was received by Yuan-Pin Yu, as part of the public record in regards to Item 18.

Attached is the letter for your consideration.

Yuan-Pin Yu



June 14, 2016

City of Campbell
70 N. First Street
Campbell, CA 95008

Attn: Mark Linder, City Manager
Todd Capurso, Public Works
City Council Members

Subj: Proposed traffic signal at Harriet, McCoy, and San Tomas Aquino

Dear City Council Members and Staff:

Around the Harriet Ave and McCoy Ave, there are two major paramount growing public issues; car speeding and pedestrian safety. Car speeding issues have been existent for many years and are getting worse year after year. Everyday residents on Harriet Ave have to deal with car speeding issues, including danger, noise, and pollution. Pedestrian safety is getting worse with the speeding cars, insufficient beacon street crossing, wide-open roads, and no effective traffic calming measures on Harriet Ave.

After attending the hearing proposing installation of traffic light on Harriet Ave, McCoy Ave, and San Tomas Aquino Rd., I strongly disagree that it will solve these two issues. In fact, I think it will make the issues worse and create new issues such as pollution, noise, and a longer queue of cars. A longer queue of cars might cause the cars to speed even more to catch up with time lost due to the traffic light. The pedestrians will be exposed to drivers paying more attention to the traffic light than the pedestrians, especially when cars making turns onto Harriet Ave or McCoy Ave. The traffic light system does not take into good consideration of residents directly impacted in the intersection and along the queuing of cars.

There are simple solutions to address these two issues upon obtaining the agreement from the directly impacted residents. The first solution is to improve the current beacon street crossing system on Harriet Ave by adding 6 feet buffer between the pedestrian crossing Harriet Ave and the cars stopped, making the crossing stripes more obvious by using vivid color or LED flashing on the road, narrowing down the road to force the car to slow down at the intersection, adding a speed hump right before reaching the pedestrian crossing stripes (bumping up the 6 feet buffer) to slow down the cars.

Along with the first solution, the second solution is to add traffic calming measures, such as the ones at <http://www.nyc.gov/html/dot/html/infrastructure/signals.shtml> –

- 1) traffic hump (such as the one on Cox Ave in Saratoga)
- 2) stop signs on Harriet
- 3) narrowing down the street instead of wide-open lanes
- 4) installing speed enforcement cameras as shown in the supplemented material.

With greatly improved beacon system and traffic calming measure in place, cars can be slowed down dramatically at the junction of Harriet Ave and McCoy Ave. Therefore, pedestrian safety will be greatly increased without introducing a traffic light system, which will not solve concurrent problems but also introduce ensuing issues to the nearby residents.

During rain season, there are multiple instances of cars almost hitting the bikers, who abruptly veer from my neighbors' and my driveway to avoid "a swamp" of water that has collected in the place where the road and the driveway meet as shown in the supplement II. This problem must be solved before the next raining season to prevent tragic accident from happening. I filed the issue previously at city hall, but nothing was done. I need your help to solve the issue before the next raining season.

I demand the Council to send this proposal back to staff with instructions to reject the idea of building traffic lights and to present and implement alternatives as well as to solve the water clogging issue in my driveway.

Supplement I:

Traffic Calming Measures to Consider (instead of multiple signal lights)

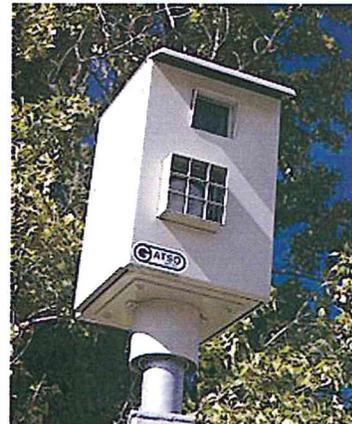
Speed limit enforcement is the action taken by appropriately empowered authorities to check that road vehicles are complying with the speed limit in force on roads and highways (https://en.wikipedia.org/wiki/Speed_limit_enforcement). Methods used include roadside speed traps set up and operated by the police and automated roadside 'speed camera' systems which may incorporate the use of an automatic number plate recognition system.

The automatic roadside 'speed camera' system, as shown below, has been effectively used by various cities across the US cities and the world, such as the one at Chicago (http://www.cityofchicago.org/city/en/depts/cdot/supp_info/children_s_safetyzoneporgramautomaticspeedenforcement/automated_speed_enforcementfrequentlyaskedquestions.html).

The automatic roadside 'speed camera' system will alleviate the speeding issue and bring in revenue for the city.

Once the speeding issue is resolved, the chance of accident will be reduced too. At the same time, with slower speed of vehicles, the severity of accident will be decreased too as well as the noise created in the surrounding neighbor.

Unfortunately, the city only installed the automatic number plate recognition system but not the automatic roadside 'speed camera' system on Harriet which has severe speeding issue over the years.



Supplement II:

Below are the photos showing water clogging my driveway toward the center of the road, two days after the peak of the clogging which is worse than what's shown in these two photos.



MEMORANDUM



City of Campbell
City Clerk's Office

To: Honorable Mayor and City Council

Date: June 21, 2016

From: Wendy Wood, City Clerk 

Via: Mark Linder, City Manager 

Subject: Desk Item 18 – E-mail from Damodara Poojary

An e-mail was received by Damodara Poojary, as part of the public record in regards to Item 18.

Attached is the email for your consideration.

Wendy Wood

Subject: FW: proposal for installing traffic lights at the junctions of Harriet Ave, McCoy Ave and San Tomas Aquino Rd

From: Damodara Poojary
Sent: Tuesday, June 21, 2016 4:33 PM
To: Campbell City Managers Office; Wendy Wood
Subject: proposal for installing traffic lights at the junctions of Harriet Ave, McCoy Ave and San Tomas Aquino Rd

Dear Mark Linder and Wendy Wood,

My name is Damodara Poojary and my house address is 674 Harrier Ave, Campbell.

I am writing to you to **strongly oppose the the plan to install traffic lights on Harriet Ave**. I have already signed a petition opposing this move. This plan will create more traffic problem than solution. Backed up traffic due to traffic lights will not only create traffic nightmare for drivers but also put lot of stress on the residents on Harriet Ave/McCoy. Please consider alternative options to achieve traffic safety.

I would suggest the followings:

1. Speed control by authorities- People some time drive as though it is a high way yet there is very minimal activity by authorities. Please try to put some more efforts in this effort
2. More speed warning signs
3. Mild speed bumps on Harriet/McCoy/San Thomas closer to intersection as in Cox Ave.
4. Divide the wider sections on Harriet by trees/plants similar to that put on Westmont Ave. This will make it look like a neighborhood road!

Once again I request the city to consider alternative approaches to increase traffic safety on Harriet/McCoy/San Thomas. I strongly believe that Traffic lights are not the right solution to the problem we face on these streets.

Best regards,
Damodara Poojary and Pothaganahalli Droupadi
674 Harriet Ave
Campbell.
408-796-7291



*City
Council
Report*

Item: 19.
Category: **New Business**
Date: **June 21, 2016**

TITLE **Maki Swim School (973 Apricot Ave.) – Request for City Council Direction Regarding Necessary Enforcement Action (Roll Call Vote)**

RECOMMENDATION

Provide direction to staff regarding which enforcement action to proceed with.

BACKGROUND

Maki Swim School, a commercial swim school located on Apricot Avenue, west of Bascom Avenue, is a "non-conforming" land use on a residentially zoned property that is also developed with a single-family residence. Both the residential and commercial uses existed on the property prior to its 1970 annexation into the City of Campbell. Historically a temporary structure of approximately 1,400 square feet was used to cover the swimming pool during the winter months. This "dome" would be erected and removed seasonally. In 2013-2014, the dome was replaced with a permanent pool enclosure of approximately 2,000 square feet. This new enclosure was installed without approval by the Planning or Building Divisions and the property became the subject of an active code enforcement case following a referral from the County Fire District.

To address the code enforcement issue, this matter was referred to the City Council for authorization of a General Plan Amendment to change the property's land use designation to General Commercial, which would allow the swim school to operate as a conforming use (reference **Attachment 1** – Staff Report). However, at the February 2, 2016 meeting, the Council took action instead to authorize submittal of a Variance application to formalize approval of the noncompliant aspects of the pool facility related to zoning regulations (size, location, etc.). The Council felt that the General Plan land use designation would be best resolved through the Envision Campbell process. Nevertheless, the Council expressed a desire for a resolution of the potential public safety issues (e.g., unpermitted electrical work over the swimming pool) in an expedient manner.

The Planning Commission approved the Variance application at its April 26, 2016 meeting (reference **Attachment 2** – Staff Report). To compel timely compliance with building code matters, the Planning Commission's approval included a June 7, 2016 (six week) deadline to submit for a building permit (reference **Attachment 3** – Resolution No. 4286). Following the April 26th Planning Commission meeting, and every week thereafter, staff has reminded Mr. Roy Watson of the impending June 7th deadline (reference **Attachment 4** – Email Correspondence).

DISCUSSION

A building permit application was not submitted by the June 7th deadline, rendering the Variance approval void (per Condition of Approval No. 3). Staff subsequently informed Mr. Watson that Maki Swim School was in violation and that enforcement action would commence. Given the seriousness of the matter, staff is seeking direction from the Council as to how to proceed:

- **Impose Administrative Citations (CMC Sec. 6.10.180):** Direct the Community Development Director to begin issuance of administrative citations of up to \$1,000/day.
- **Impose Criminal Penalties (CMC Sec. 6.10.170):** Direct the City Attorney to bring criminal penalties, beginning with an infraction, and leading to a misdemeanor.
- **Abate the Violation (CMC Sec. 6.10.120):** Direct the Community Development Director to begin nuisance abatement proceedings to compel removal of the enclosure, and if necessary, forcibly remove it from the property.
- **Revoke the Business License (CMC Ch. 5.01.136):** Direct the City Manager to schedule a City Council meeting to consider revocation of the business license and order cessation of the business.

Prepared by:


Daniel Fama, Associate Planner

Reviewed by:


Paul Kermoyan, Community Development Director

Approved by:


Mark Linder, City Manager

Attachments:

1. City Council Staff Report, dated February 2, 2016
2. Planning Commission Staff Report, dated April 26, 2016
3. Planning Commission Resolution No. 4286
4. Email Correspondence



City Council Report

Item: 11.
 Category: Public Hearing
 Date: February 2, 2016

TITLE Authorization to proceed with a General Plan Amendment for the property located at 973 Apricot Avenue to consider a change in the Land Use Designation from High Density Residential (21-27 Units per Gross Acre) to General Commercial and a request to waive all associated development application fees.

RECOMMENDATION

That the City Council take the following action:

1. Authorize the applicant to proceed with an amendment to the Land Use Element of the General Plan from High Density Residential to General Commercial on the project site located at 973 Apricot Avenue.
2. Deny the request to waive all associated development application fees.

DISCUSSION

Site Characteristics:

The subject property, 973 Apricot Avenue, was annexed into the City of Campbell in 1970 and consists of a 6,650 square foot (0.15 acres) parcel. The property is located on the northern side of Apricot Avenue, approximately 230 feet west of South Bascom Avenue (See Figure 1, Aerial View on Page 2). The site is currently zoned R-3 (Multiple Family Residential), designated as High Density Residential by the General Plan, and developed with a single family home in the front and a nonconforming commercial swim school in the rear. The home is used as an office and assembly for the swim school operations and may also be used as living quarters, although staff did not inspect the building interior.

The area utilized by the swim school behind the residence is comprised of a detached building with an office and men's/women's restrooms, an open courtyard, a detached pool equipment building, and an outdoor pool and deck area covered by a canopy structure (reference **Attachment 1** - October 27, 2015 Memorandum for existing site photos). The swim school's parking is located on the adjacent property at 995 Apricot Avenue, which is developed with a commercial day care (Aurora Child Development

Center). A more detailed description of the property's history and existing features can be found in the October 27, 2015 Memorandum (reference **Attachment 1**).



Figure 1, Aerial View

Request:

The applicant, Maki Swim School, is requesting authorization to proceed with an application to amend the General Plan land use designation of this property from High Density Residential to General Commercial to allow the existing nonconforming commercial swim school to operate as a conforming business on a commercially designated property. Additionally, the applicant is requesting a waiver of all associated development application fees.

BACKGROUND

When the property was annexed into Campbell in 1970, the City established a commercial zone to be consistent with the County designation, although the property was also being used as a residence and a commercial swim school. In 1972 the City adopted the Bascom Avenue Policy Statement (reference **Attachment 2**) to orient commercial development towards Bascom Avenue rather than side streets in order to protect residential neighborhoods. Because the property does not have frontage along

Bascom Avenue, a City Council 1974 decision amended the land use from commercial to low-medium density residential (reference **Attachment 3**). The property has a current land use designation of high density residential.

Although the City changed the zoning and land use designation of the property, the swim school was allowed to continue as a nonconforming use, now for over several decades. A property that is considered nonconforming may be allowed to continue its nonconformity so long as its use or structures are not intensified or altered. The end result is that such limitations would encourage a change in use and discontinuation of the nonconformity.

Historically, a temporary structure (“air dome”) of approximately 1,400 square feet was used to cover the pool during the winter months. This dome would be erected and removed seasonally as depicted in aerial photos (reference **Attachment 1, Page 3**). However, the air dome was replaced with a permanent tent structure of approximately 1,900 square feet in late 2013 or early 2014. This new structure was installed without approval by the Planning or Building Divisions and the property became the subject of an active code enforcement case after a referral from the County Fire Department for the unpermitted pool cover structure. In addition, the unpermitted power sources and electrical work throughout the pool area present safety concerns that need to be addressed.

Staff has explored various ways to assist the business owners to legalize the new structure; however the existing structure conflicts with the Campbell Municipal Code's provisions that prohibit the expansion, enlargement, or intensification of nonconforming uses (CMC Chapter 21.58) as well as the R-3 zoning development standards that prohibit the structure because it exceeds the maximum lot coverage and does not provide the required setbacks (CMC Section 21.08.070). In addition, it exceeds the 1,000 square foot maximum area as specified in CMC in Section 21.36.020. Ultimately, the zoning code will not allow legalization of the existing structure under the current residential land use designation.

During a November 12, 2015 meeting with the property and business owners, staff presented two options to bring the property into compliance (reference **Attachment 4**). The first option is to revert the property back to the original conditions and operations that existed when the use became nonconforming, which would involve restoring the air dome to its previous size and seasonal use. However, the owners expressed the desire to maintain the pool cover at its present size and location year-round. This can only be accomplished by the second option, rezoning the property to commercial zoning which would result in greater conformity with development standards and removal of the nonconforming restrictions.

ANALYSIS

The Campbell Municipal Code specifies that an amendment to the General Plan may only be initiated by the City Council whenever the public necessity, convenience, and the general welfare require such amendment (Section 21.60.020.A). As mentioned, nonconforming uses cannot expand, enlarge, or intensify. Amending the General Plan land use designation to commercial would create an avenue to allow an expanded pool cover, as the nonconforming restrictions would no longer apply. Moreover, rezoning the property to commercial would achieve greater conformity with development standards, as indicated in Figure 2, R-3 and Commercial Zoning Comparison.

Development Standard	Maki Swim School	R-3 Zoning (Current)	C-2 Zoning
Front Setback	+/-13 ft.	20 ft. min.	10 ft. min.
Side Setback	+/-2 ft.	5 ft. min. or ½ height of the building wall	5 ft. min. or ½ height of the building wall
Rear Setback	+/-5 ft.	5 ft. min. or ½ height of the building wall	10 ft. but Planning Commission can allow a structure to be placed on the rear property line
Lot Coverage	+/-56%	40% max	No standard
FAR	+/-26%	55% max	40% but Planning Commission can adjust
Distance between non-accessory structures	0 ft.	Distance equal to the building wall height of the taller structure	No standard

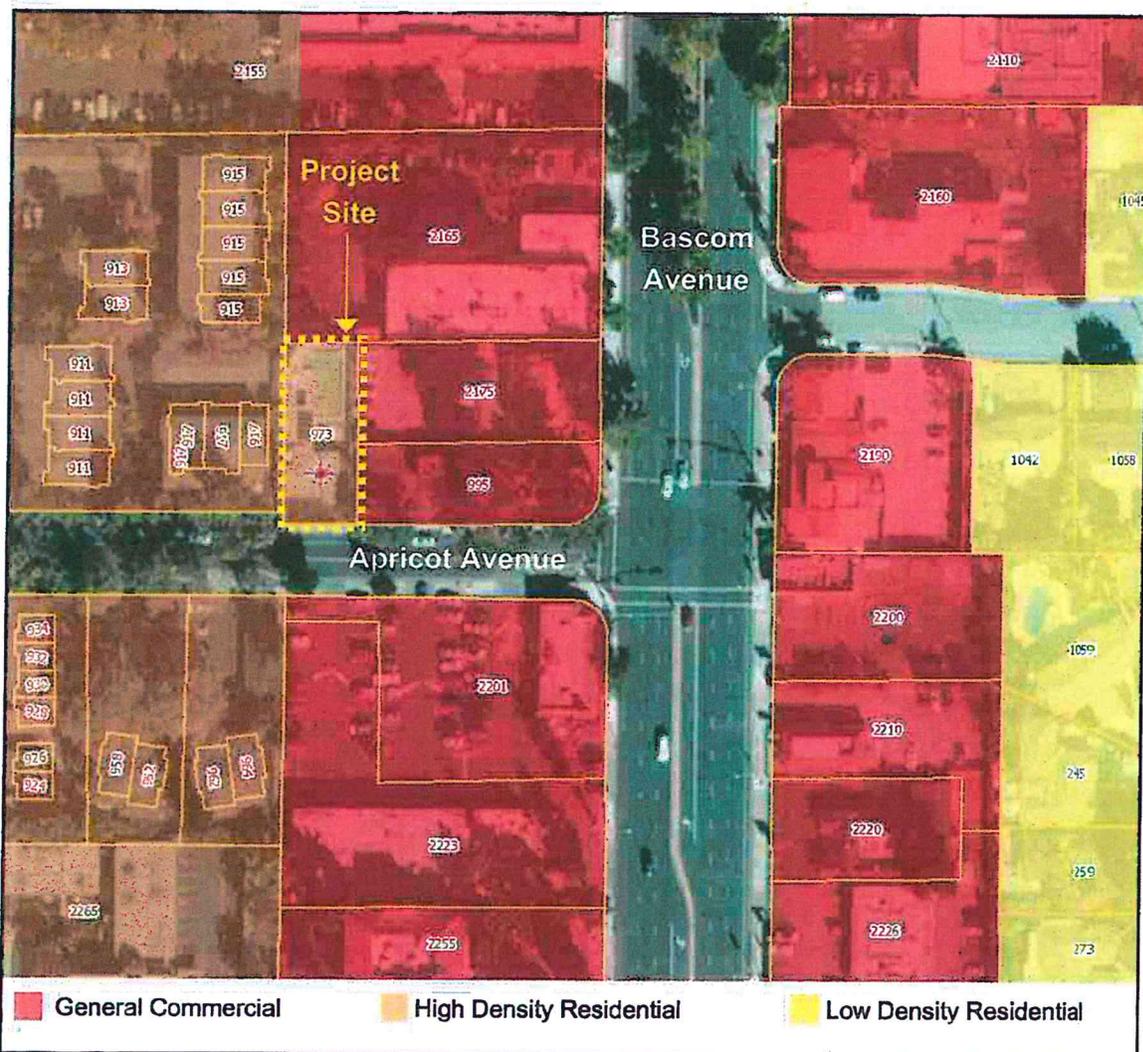
Figure 2, R-3 and Commercial Zoning Comparison

In addition, a General Plan Amendment would create a logical boundary based on the adjacent commercial and high density residential land uses (See Figure 3, General Plan Map of Apricot Avenue and Bascom Avenue). The surrounding uses include condominiums to the west, a commercial center to the south, and commercial uses to the north and east, as well as south across Apricot Avenue (See Figure 4, Surrounding Uses). Amending the General Plan would maintain a border between high density residential and commercial uses that already exists in this area but would shift the border west to the existing condominium complex.

In reviewing this authorization request, the City Council should consider the existing swim school is a longstanding business in Campbell with historically conflicting land uses that have not been remedied since the annexation of the property and business in 1970. While the City has changed the property's zoning and land use some 42 years

ago, the property/business owners have not changed the fundamental use of the site; it has been used concurrently as both a residence and commercial swim school since before its 1970 annexation.

The City Council may also consider the limited redevelopment potential of this site with its size of 6,650 square feet (0.15 acres), narrow width/street frontage of 50 feet, lack of on-site parking, and location between commercial land uses and an established 2.6 acre condominium complex. It appears at most, the property could be redeveloped with a single family home or duplex. In this regard, a commercial land use designation may be found to be more appropriate.



Location	Use	General Plan Land Use/Zoning
North	Medical clinic	General Commercial/C-2
South	Shopping center	General Commercial/C-2
East	Condominiums	High Density Residential/P-D and R-3
West	Commercial day care, veterinary clinic	General Commercial/C-2

Figure 4, Surrounding Uses

NEXT STEPS

If the City Council authorizes the applicant to proceed, the authorization does not guarantee that the amendments will be approved, only that the request warrants further review and analysis as part of a formal application. The applicant would be required to apply for a General Plan Amendment, Zone Change, Conditional Use Permit, and Variance. The project would also include an environmental analysis as required by the California Environmental Quality Act (CEQA).

FISCAL IMPACTS

The applicant has indicated they do not have the financial capabilities to provide the required development application fees and requests a waiver for the following (reference **Attachment 5**):

- Authorization to proceed with a General Plan Amendment \$ 2,759
- General Plan Amendment \$12,474
- Initial Study (Deposit) \$ 5,000
- Zone Change \$ 8,713
- Use Permit \$ 3,827
- Fire Department Project Plan Review \$ 260
- NPDES Review (C-3 Stormwater Requirements) \$ 160
- Variance \$ 5,192

Total **\$38,385**

The City Council has adopted fees to cover the costs of permit application processing, permit issuance, and administration that are applied equally to all applicants. The various applications listed above will require considerable staff time resulting in costs to the City of \$38,385. As a result, waiving of fees is not recommended. This recommendation is further supported by the fact that the applicant could voluntarily comply by removing the fixed tent cover structure and bring the property back to its pre-nonconforming state.

ALTERNATIVES

1. Do not authorize the applicant to proceed with a General Plan Amendment.
2. Authorize the applicant to proceed with a General Plan Amendment but approve the request to waive all fees.
3. Authorize the applicant to proceed with a General Plan Amendment but waive a percentage of the fees.

Prepared by:



Naz Pouya, Project Planner

Reviewed by:



Paul Kermoyan, Community Development Director

Approved by:



Mark Linder, City Manager

Attachments:

1. October 27, 2015 Memorandum
2. Bascom Avenue Policy Statement
3. Ordinance No. 940 / Resolution No. 1363
4. November 12, 2015 Meeting Agenda
5. Applicant's Written Request for GPA Authorization and Fee Waiver

ITEM NO. 4



CITY OF CAMPBELL · PLANNING COMMISSION

Staff Report · April 26, 2016

PLN2016-69 Public Hearing to consider the application of Roy Watson and Margaret Eyerman on behalf of Maki Swim School for a Variance (PLN2016-69) to applicable development standards provided in Campbell Municipal Code Sec. 21.08.070 (R-3 Multiple-family Zoning District), Ch. 21.18 (Site Development Standards), and Sec. 21.36.020 (Accessory Structures) to formalize construction of an unpermitted swimming pool enclosure in association with a legal non-conforming commercial swim school on a single-family residential property located at **973 Apricot Avenue**.

STAFF RECOMMENDATION

That the Planning Commission take the following action:

1. **Adopt a Resolution**, incorporating the attached findings, approving a Variance (PLN2016-69) to applicable development standards to formalize construction of an unpermitted swimming pool enclosure, subject to the attached Conditions of Approval.

ENVIRONMENTAL DETERMINATION

Staff recommends that the Planning Commission find this project is Categorical Exempt under Section 15302 of the California Environmental Quality Act (CEQA). This subsection of the CEQA Guidelines exempts from environmental review reconstruction of an existing structure where the new structure will be located on the same site and have substantially the same purpose and capacity as the previous structure.

PROJECT DATA

Zoning Designation:	R-3 (Multiple Family Residential)	
General Plan Designation:	High Density Residential (21-27 Units/Gr. Acre)	
Gross Lot Area:	7,650 square feet (.18 acre)	
Net Lot Area:	6,650 square feet (.15 acre)	
Building Square Footage:	2,400 square feet (residence and accessory structures)	
Residential Density:	5 units/gr. acre	
Proposed Site Utilization:		
Building Coverage:	4,778 sq. ft. (72%)	40% maximum allowed
Paving Coverage:	777 sq. ft. (12%)	
Landscaping Coverage:	1,095 sq. ft. (16%)	
Floor Area Ratio (FAR):	.36	.55 maximum allowed
Building Height:	14 ft., 3 in.	14 ft. maximum allowed
Open Space:	1,872 sq. ft.	300 sq. ft. minimum required

Pool Cover Setbacks:	<u>Provided</u>	<u>Minimum Required</u>
Front (south):	69 ft.	20 ft.
Rear (north):	5 ft.	5 ft., 6 in. (½ building wall height)
Side (east):	2 ft.	5 ft.
Side (west):	10 ft.	5 ft.

DISCUSSION

Project Site: The project site, located on Apricot Avenue, near its intersection with Bascom Avenue (reference **Attachment 3** – Location Map), is developed with a single family home at the front and a nonconforming commercial swim school in the rear. The property is zoned R-3 (Multiple Family Residential) with a corresponding General Plan Land Use designation of High Density Residential (21-27 Units/Gr. Acre). Adjoining uses include condominiums to the east and commercial uses to the north, south, and west.

Both the residential and commercial uses existed on the property prior to its 1970 annexation into the City of Campbell. After a 1974 City Council decision to amend the property's land use designation to residential, the swim school was rendered a legal nonconforming use. Historically a temporary structure of approximately 1,400 square feet was used to cover the pool during the winter months. This "dome" would be erected and removed seasonally. In 2013-2014, the dome was replaced with a permanent pool enclosure of approximately 2,000 square feet. This new enclosure was installed without approval by the Planning or Building Divisions and the property became the subject of an active code enforcement case following a referral from the County Fire District.

City Council Meeting: To address the code enforcement issue, this matter was referred to the City Council for authorization of a General Plan Amendment to change the property's land use designation to General Commercial, which would allow the swim school to operate as a conforming use. However, at the February 2, 2016 meeting, the Council took action instead to authorize submittal of a variance application to formalize approval of the noncompliant aspects of the pool facility related to zoning regulations (size, location, etc.), as a short-term measure to resolve public health and safety issues. Long-term, the Council will consider amending the land use designation and zoning to correspond to the property's use as part of the Envision Campbell process. The City Council provided direction to obtain the necessary building permits subsequent to a Variance approval.

Proposal: The applicant has submitted an application for a Variance (PLN2016-69) to allow deviation from applicable development standards, including maximum lot coverage, maximum size for an accessory structure, maximum height of an accessory structure, side and rear setbacks, and separations between accessory structures, in order to formalize construction of the unpermitted swimming pool enclosure (reference **Attachment 4** – Project Plans).

ANALYSIS

Zoning District: The project site has an R-3 (Multiple-Family) Zoning District designation. The pool enclosure is defined as an "accessory structure," which is an allowable use within the R-3 Zoning District subject to approval of the appropriate land use permit. Normally, an accessory structure may be approved by the Community Development Director by issuance of a Zoning Clearance. However, the non-complaint aspects of the structure necessitate Planning Commission approval of a Variance.

Variance Request: The applicant's Variance request would grant relief from various development standard requirements, as noted above. In considering the Variance request, the Campbell Municipal Code (Sec. 21.48.040) requires the Planning Commission to make five specific findings in order to approve the Variance request:

1. The strict or literal interpretations and enforcement of the specified regulation(s) would result in a practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Zoning Code;
2. The strict or literal interpretations and enforcement of the specified regulation(s) would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;
3. There are exceptional or extraordinary circumstances or conditions applicable to the subject property (i.e., size, shape, topography) which do not apply generally to other properties classified in the same zoning district;
4. The granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and
5. The granting of the Variance will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity.

These findings are intended to ensure that granting of a Variance is limited to those situations where the unique characteristics of a site make it difficult to develop under standard regulations. A Variance should only be granted to bring a unique property up to a level of use enjoyed by nearby properties in the same zoning district. In this regard, the "big picture" intent of the Variance is to allow relief from regulations in **specific and unique** situations where their strict application would lead to a result inconsistent with the Zoning Code or General Plan.

The practical effect of the Variance should also be considered. The swimming pool and the surrounding deck, which are the primary component of the swim school, are already located in proximity to property lines in which the setbacks are nonconforming. The enclosure would not alter this relationship, nor would it affect the manner in which the swimming pool has historically been used, with or without a cover. In effect, the enclosure duplicates the use and functionally of the previous dome structure without intensifying the operation of the non-conforming commercial swim school. Additionally, the lack of permanent walls—plastic drop down panels are used—minimizes the enclosure's visual presence from the street and adjoining properties, addressing a concern that setbacks are intended to address.

Ultimately, strict application of the Zoning Standards would effectively preclude creation of a new pool cover structure, which would diminish the swim school's operations. The applicants are the operators of a long-standing commercial swim school that predates the property's annexation into Campbell. Its continued operation is allowed by the Zoning Code, and arguably, even encouraged by the General Plan (as noted below). Considering these circumstances, the Variance would allow a relatively minor deviation to development standards that would allow the operators to provide a modest covering over the swimming pool without expanding the pool or otherwise increasing the school's capacity. In this regard, the Variance would allow for a minimum departure from applicable zoning standards in a unique circumstance not found elsewhere in the City.

General Plan: In review of this application, the Planning Commission may also take into consideration the following General Plan strategies and policies, which encourage neighborhood serving businesses, a variety of uses in the community, and retention of existing businesses.

- Strategy LUT-11.2a: Services Within Walking Distance: Encourage neighborhood serving commercial and quasi-public uses, such as churches, schools, and meeting halls to locate within walking distance of residential uses.
- Policy LUT-5.3: Variety of Commercial and Office Uses: Maintain a variety of attractive and convenient commercial and office uses that provide needed goods, services and entertainment.
- Policy LUT-13.1: Variety of Uses: Attract and maintain a variety of uses that create an economic balance within the City while maintaining a balance with other community land use needs, such as housing and open space, and while providing high quality services to the community
- Policy LUT-13.1b: Business Retention and Attraction: Develop programs to retain and attract businesses that meet the shopping and service needs of Campbell residents.

Code Compliance: Following an affirmative decision on the Variance by the Planning Commission, the applicants will be required to make a formal submittal for a building permit that will need to address fire protection, separation, occupancy load, accessibility, exiting, etc. This will require the applicants to procure the services of an appropriate design professional such as an architect or engineer. A preliminary review by the Fire District suggests that the pool enclosure as it currently exists likely cannot be permitted since it would be defined as a "structure" under the Building Code, necessitating installation of an automatic sprinkler system, which would be cost prohibitive and technically infeasible to install.

The best case scenario is that the enclosure would need to come down for six months out of the year so that it could be classified as a "tent," which is subject to less restrictive code standards. However, until a formal plan submittal is made, the exact extent of the code requirements is unknown. If the applicants are unable or unwilling to take this step the City will order the pool enclosure remove pursuant to the Conditions of Approval.

Site and Architectural Review Committee: As this structure is not subject to Site and Architectural Review, it was not reviewed by the Site and Architectural Review Committee (SARC).

Attachments:

1. Findings for Approval of File No.: PLN2016-69
2. Conditions of Approval of File No.: PLN2016-69
3. Location Map
4. Project Plans

Prepared by:



Daniel Fama, Associate Planner

Prepared by:



Naz Pouya, Project Planner

Approved by:



Paul Kermoyan, Community Development Director

RESOLUTION NO. 4286

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING A VARIANCE (PLN2016-69) TO APPLICABLE DEVELOPMENT STANDARDS PROVIDED IN CAMPBELL MUNICIPAL CODE SEC. 21.08.070 (R-3 MULTIPLE-FAMILY ZONING DISTRICT), CH. 21.18 (SITE DEVELOPMENT STANDARDS), AND SEC. 21.36.020 (ACCESSORY STRUCTURES) TO FORMALIZE CONSTRUCTION OF AN UNPERMITTED SWIMMING POOL ENCLOSURE IN ASSOCIATION WITH A LEGAL NON-CONFORMING COMMERCIAL SWIM SCHOOL ON A SINGLE-FAMILY RESIDENTIAL PROPERTY LOCATED AT **973 APRICOT AVENUE**.
FILE NO.: PLN2016-69

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

The Planning Commission finds as follows with regard to file number PLN2016-69:

1. The project site is zoned R-3 (Multiple-Family Residential) on the City of Campbell Zoning Map.
2. The project site is designated High Density Residential (21-27 units/gr. acre) on the City of Campbell General Plan Land Use diagram.
3. The project site is located on Apricot Avenue, near its intersection with Bascom Avenue.
4. The project site is developed with a single family home at the front and a nonconforming commercial swim school in the rear.
5. The non-conforming commercial swim school existed at time of the property's 1970 annexation into the City of Campbell.
6. Historically a temporary structure of approximately 1,400 square feet was used to cover the pool during the winter months. This "dome" would be erected and removed seasonally.
7. In 2013-2014 the temporary "dome" structure was replaced with a permanent pool enclosure of approximately 2,000 square feet.
8. The pool enclosure constitutes an accessory structure as defined by the Campbell Municipal Code.
9. As an accessory structure that did not increase the size of the swimming pool nor increase the school's capacity, the pool enclosure did not expand or otherwise intensify the non-conforming swim school use.
10. The proposed project is a Variance application to formalize the unpermitted construction of the swimming pool enclosure by granting relieve to applicable development standards, including, but not limited to, maximum lot coverage, maximum size for an accessory structure, maximum height of an accessory structure, side and rear setbacks, and separations between accessory structures, provided in Campbell

Municipal Code Sec. 21.08.070 (R-3 Multiple-family Zoning District), Ch. 21.18 (Site Development Standards), and Sec. 21.36.020 (Accessory Structures).

11. Strict application of the Zoning Standards would effectively preclude creation of a new pool enclosure, which would diminish the swim school's operations.
12. Allowed continued operation of the swim school is supported by the following General Plan policies and strategies:

Strategy LUT-11.2a:	<u>Services Within Walking Distance</u> : Encourage neighborhood serving commercial and quasi-public uses, such as churches, schools, and meeting halls to locate within walking distance of residential uses.
Policy LUT-5.3:	<u>Variety of Commercial and Office Uses</u> : Maintain a variety of attractive and convenient commercial and office uses that provide needed goods, services and entertainment.
Policy LUT-13.1:	<u>Variety of Uses</u> : Attract and maintain a variety of uses that create an economic balance within the City while maintaining a balance with other community land use needs, such as housing and open space, and while providing high quality services to the community
Policy LUT-13.1b:	<u>Business Retention and Attraction</u> : Develop programs to retain and attract businesses that meet the shopping and service needs of Campbell residents.

13. The Variance would allow for a minimum departure from applicable zoning standards in a unique circumstance not found elsewhere in the City.

Based upon the foregoing findings of fact, the Planning Commission further finds and concludes that:

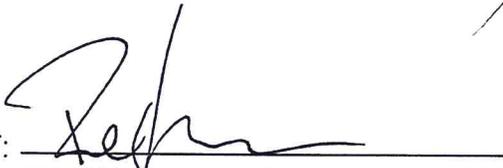
1. The strict or literal interpretations and enforcement of the specified regulation(s) would result in a practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Zoning Code;
2. The strict or literal interpretations and enforcement of the specified regulation(s) would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;
3. There are exceptional or extraordinary circumstances or conditions applicable to the subject property (i.e., size, shape, topography) which do not apply generally to other properties classified in the same zoning district;
4. The granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district;
5. The granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity;
6. This project is exempt from the California Environmental Quality Act (CEQA) per Section 15302 which exempts from replacement or reconstruction of existing structures where the new structure will be located on the same site and have substantially the same purpose and capacity as the previous structure.

THEREFORE, BE IT RESOLVED that the Planning Commission approves a Variance (PLN2016-69) to applicable development standards provided in Campbell Municipal Code Sec. 21.08.070 (R-3 Multiple-family Zoning District), Ch. 21.18 (Site Development Standards), and Sec. 21.36.020 (Accessory Structures) to formalize construction of an unpermitted swimming pool enclosure in association with a legal non-conforming commercial swim school on a single-family residential property located at **973 Apricot Avenue**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 26th day of April, 2016, by the following roll call vote:

AYES:	Commissioners:	Finch, Kendall, Reynolds, Rich
NOES:	Commissioners:	None
ABSENT:	Commissioners:	Bonhagen, Young, Dodd
ABSTAIN:	Commissioners:	None

APPROVED: 
Yvonne Kendall, Acting Chair

ATTEST: 
Paul Kermoyan, Secretary

**CONDITIONS OF APPROVAL
Variance (PLN2016-69)**

Where approval by the Director of Community Development, City Engineer, Public Works Director, City Attorney or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations and accepted engineering practices for the item under review. Additionally, the applicant is hereby notified that he/she is required to comply with all applicable Codes or Ordinances of the City of Campbell and the State of California that pertain to this development and are not herein specified.

COMMUNITY DEVELOPMENT DEPARTMENT

1. Approved Project: Approval is granted for a Variance (PLN2016-69) to applicable development standards provided in Campbell Municipal Code Sec. 21.08.070 (R-3 Multiple-family Zoning District), Ch. 21.18 (Site Development Standards), and Sec. 21.36.020 (Accessory Structures) to formalize construction of an unpermitted swimming pool enclosure in association with a legal non-conforming commercial swim school on a single-family residential property located at **973 Apricot Avenue**. The project shall substantially conform to the Project Plans a stamped as received by the Planning Division on February 24, 2016, respectively, except as may be modified by the Conditions of Approval herein.
2. Building Permit Required: The applicant shall submit an application for a building permit in compliance with the Title 17 (Fire Protection) and Title 18 (Building Codes and Regulations) of the Campbell Municipal Code no later than **June 7, 2016**. Upon submittal, the applicant shall diligently pursue issuance of a building permit by providing revised plans and additional materials as required with the City, and shall secure a building permit no later than **August 2, 2016**. Upon issuance of a building permit, the applicant shall cause all necessary improvements to be completed and secure a certificate of occupancy (permit "final") for the pool enclosure no later than **August 30, 2016**.
3. Expiration of Approval and Abatement of Violation: If the applicant fails to satisfy the any of the deadline requirements of Condition No. 2, this Variance shall be deemed void. The property owner shall therein, upon order of the Community Development Director, remove the pool enclosure. Should the property owner fail to remove the pool enclosure, the City shall take all necessary and appropriate action to abate the violation. Any and all cost associated with abatement shall be liened against the property as allowed by law.
4. Acceptance of Permit and Requirements: Should the applicants fail to file a valid and timely appeal of this permit approval (Variance) within the applicable appeal period, pursuant to Campbell Municipal Code Sec. 21.62.030, such inaction shall be deemed to constitute acceptance of permit approval and all associated requirements by the applicants and property owner.

Daniel Fama

From: Daniel Fama
Sent: Tuesday, June 07, 2016 9:28 AM
To: 'Roy Watson'; 'Roy Watson' [REDACTED]
Cc: 'Maki Swim <maki@makiswim.com> (maki@makiswim.com)'; Charlotte Andreen; Naz Pouya; Paul Kermoyan; [REDACTED]
Subject: RE: Variance Application - Follow Up ~ 973 Apricot Ave.

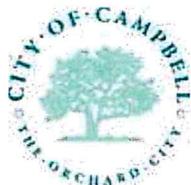
Roy – Today is your deadline to submit an application for a building permit to legalize the swimming pool enclosure pursuant to Condition of Approval No. 2 of your Variance approval, as indicated below. If this does not occur, the Variance will be rendered void (as per Condition of Approval No. 3).

Gina – If the City does not receive a building permit application from Maki Swim School by the end of today, the City will issue an order to you, as property owner, to remove the swimming pool enclosure. If you do not comply with the order, the City will begin enforcement action.

Please let me know if you have any questions.

Daniel

2. Building Permit Required: The applicant shall submit an application for a building permit in compliance with the Title 17 (Fire Protection) and Title 18 (Building Codes and Regulations) of the Campbell Municipal Code no later than **June 7, 2016**. Upon submittal, the applicant shall diligently pursue issuance of a building permit by providing revised plans and additional materials as required with the City, and shall secure a building permit no later than **August 2, 2016**. Upon issuance of a building permit, the applicant shall cause all necessary improvements to be completed and secure a certificate of occupancy (permit "final") for the pool enclosure no later than **August 30, 2016**.
3. Expiration of Approval and Abatement of Violation: If the applicant fails to satisfy the any of the deadline requirements of Condition No. 2, this Variance shall be deemed void. The property owner shall therein, upon order of the Community Development Director, remove the pool enclosure. Should the property owner fail to remove the pool enclosure, the City shall take all necessary and appropriate action to abate the violation. Any and all cost associated with abatement shall be liened against the property as allowed by law.



Daniel Fama | Associate Planner

Community Development Department | Planning Division

✉ danielf@cityofcampbell.com

☎ 408.866.2193 | 📠 408.871.5140

✉ 70 N. First Street, Campbell, CA 95008

From: Naz Pouya
Sent: Tuesday, May 31, 2016 8:25 AM
To: 'Roy Watson'; 'Roy Watson' [REDACTED]
Cc: 'Maki Swim <maki@makiswim.com> (maki@makiswim.com)'; [REDACTED] Charlotte Andreen;

Daniel Fama

Subject: RE: Variance Application - Follow Up ~ 973 Apricot Ave.

Good Morning Roy – This is your weekly reminder of your **JUNE 7TH** deadline to submit for a building permit. This is next Tuesday, only **one week** away.

Regards,

Naz Pouya | Project Planner
Community Development Department
P 408.866.2144 | F 408.871.5140
70 N. First Street, Campbell, CA 95008

[City Home](#) | [Planning Division](#) | [Municipal Code](#)

From: Daniel Fama

Sent: Tuesday, May 24, 2016 9:06 AM

To: 'Roy Watson'; 'Roy Watson' [REDACTED]

Cc: 'Maki Swim <maki@makiswim.com> (<maki@makiswim.com>); [REDACTED] Naz Pouya; Charlotte Andreen

Subject: RE: Variance Application - Follow Up ~ 973 Apricot Ave.

Good Morning Roy – This is your weekly reminder of your **JUNE 7TH** deadline to submit for a building permit. This is only **two weeks** away.

Daniel

From: Daniel Fama

Sent: Tuesday, May 17, 2016 9:32 AM

To: 'Roy Watson'; 'Roy Watson' [REDACTED]

Cc: 'Maki Swim <maki@makiswim.com> (<maki@makiswim.com>); [REDACTED]; Naz Pouya; Charlotte Andreen

Subject: RE: Variance Application - Follow Up ~ 973 Apricot Ave.

Hello Roy – This is your weekly reminder of your **JUNE 7TH** deadline to submit for a building permit. This is only **three weeks** away.

Daniel

From: Daniel Fama

Sent: Tuesday, May 10, 2016 9:04 AM

To: 'Roy Watson'; 'Roy Watson' [REDACTED]

Cc: 'Maki Swim <maki@makiswim.com> (<maki@makiswim.com>); [REDACTED] Naz Pouya; Charlotte Andreen

Subject: RE: Variance Application - Follow Up ~ 973 Apricot Ave.

Hello Roy – This is your weekly reminder of your **JUNE 7TH** deadline to submit for a building permit. This is only **four weeks** away, so I hope that you are making forward progress on this matter.

Daniel

From: Daniel Fama
Sent: Tuesday, May 03, 2016 9:15 AM
To: 'Roy Watson'; 'Roy Watson' [REDACTED]
Cc: 'Maki Swim' <maki@makiswim.com> (maki@makiswim.com); [REDACTED] Naz Pouya; Charlotte Andreen
Subject: RE: Variance Application - Follow Up ~ 973 Apricot Ave.

Hello Roy – This is your weekly reminder of your **JUNE 7TH** deadline to submit for a building permit. This is only five weeks away, so please use the time wisely to consult with a design professional who can prepare the necessary plans and documents.

Daniel

From: Daniel Fama
Sent: Thursday, April 28, 2016 11:10 AM
To: 'Roy Watson'; 'Roy Watson' [REDACTED]
Cc: 'Maki Swim' <maki@makiswim.com> (maki@makiswim.com); [REDACTED] Charlotte Andreen; Paul Kermoyan
Subject: RE: Variance Application - Follow Up ~ 973 Apricot Ave.

Hello Roy – I am attaching the approval letter for Tuesday’s Planning Commission decision. As I had mentioned after the meeting, you have until **JUNE 7th** to submit an application for a building permit to legalize the enclosure. I **STRONGLY** advise you to consultant a design professional as soon as possible to determine the specific applicability of Fire and Building Codes and to chart your best course of action moving forward in seeking a permit.

I will be sending you a reminder email every week starting next Tuesday. If we do not receive a building permit application by June 7th, the City will begin enforcement action with issuance of administrative citations followed by commencement of a revocation hearing by the Planning Commission to reconsider the Variance approval, and eventual abatement of the enclosure.

This matter must be addressed with all due urgency. Please keep me apprised of your progress over the next several weeks. If you have any questions, I may be reached by phone at (408) 866-2193 or by email at danielf@cityofcampbell.com.

Regards,

Daniel



Daniel Fama | Associate Planner
Community Development Department | Planning Division
✉ danielf@cityofcampbell.com
☎ 408.866.2193 | 📠 408.871.5140
✉ 70 N. First Street, Campbell, CA 95008

From: Daniel Fama
Sent: Wednesday, March 30, 2016 12:38 PM
To: 'Roy Watson'; 'Roy Watson' [REDACTED]
Cc: 'Maki Swim <maki@makiswim.com> (maki@makiswim.com)'; Paul Kermoyan
Subject: RE: Variance Application - Follow Up ~ 973 Apricot Ave.

Hello Roy – When we last spoke you were to provide technical information on the canopy that I was going to forward to our Fire Department. I have yet to receive any materials. Please provide ASAP.

Daniel

From: Daniel Fama
Sent: Friday, March 11, 2016 10:26 AM
To: 'Roy Watson'; 'Roy Watson' [REDACTED]
Cc: 'Maki Swim <maki@makiswim.com> (maki@makiswim.com)'; Paul Kermoyan
Subject: Variance Application - Follow Up ~ 973 Apricot Ave.

Good Afternoon Roy,

We have not received confirmation from you regarding the rescheduled April 26th Planning Commission meeting. The limited communication that we have had is becoming concerning. As you are aware, the fire and building code issues associated with your permanent pool enclosure are significant and will require the assistance of an architect or engineer. We need assurance from you that Maki Swim School is committed to moving forward on this matter and to do what is necessary to ensure the safety of the public. In recognition of the urgency of the situation, we intend to hold the April 26th Planning Commission meeting irrespective of your availability. You are advised to make every effort to attend.

Our last communication with you occurred on March 7th where we suggested that you provide additional materials so that the discussion with the Fire District could continue. Unfortunately, we have not received a response. In order to facilitate an efficient Planning process, the City needs to have a fluid and timely communication without gaps in our conversation. This City's goal is to "quickly" process this request in order to obtain proper permits that eliminate all health and safety issues. Absent proper permits, the City will order the pool enclosure removed. If Maki Swim School does not comply, the consequence will be forcible closure of the business and revocation of the business license.

The City, of course, does not wish this outcome to transpire. However, we need your full attention and cooperation. There may alternatives that we could consider. For instance, if the structure is reduced to less than 1,000 square-feet, it *may* not require sprinklers or if it is redesigned to be temporary in nature such that it is not erected for a period of more than 180 days within a 12-month period, it could be considered a "tent" and also *may* not require sprinklers.

In any event, we should schedule a meeting to discuss where we stand.

Thank you,

Daniel



City Council Report

Item: 20.
Category: New Business
Date: June 21, 2016

**TITLE: USE OF CITY STAFF BY INDIVIDUAL COUNCILMEMBERS
(RESOLUTION/ROLL CALL VOTE)**

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution which establishes a Council policy to address situations when individual Councilmembers request staff assistance.

BACKGROUND

As part of the FY 2015/16 Council Priorities, staff was asked to explore and to draft policy considerations to address situations when one City Councilmember is in need of staff resources to gather information about a pending or existing project, plan or policy.

Under the archetypical Council-City Manager form of government, the City Manager takes his or her orders and instructions from the City Council only when given at a duly held meeting of the City Council. Individual City Councilmembers should not give direct orders to any subordinate of the City Manager, and have no authority to give any direct orders or instructions to the City Manager.

DISCUSSION

The purpose of the attached policy is to address and clarify the relations between the City Council, individual Councilmembers, and City staff by maintaining control and direction of the City by the City Council as a whole; ensuring that City Councilmembers have free access to the flow of any information relative to the operation of the City; ensuring that such information is communicated by staff in full and with candor to the Council; ensuring that the Council decision-making process benefits from the unencumbered input and advice from the professional staff, free from undue influence in staff decision-making, formation of staff recommendations, scheduling of work, and executing department priorities without intervention by individual Councilmembers; and allowing City staff to execute priorities given by the City Council.

Staff solicited and collected relevant policies from Santa Clara County cities and reviewed them as part of its research. Attachment #1 of this Council Report is the recommended draft policy that may reflect Council's desire to establish guidelines to follow.

The draft policy includes guidelines when Council communications with staff should occur; when staff responses should be expected; a "1-Hour Rule" which may trigger Council action; and non-routine requests for readily available information and requiring special effort.

FISCAL IMPACTS

There are no fiscal impacts associated with the recommended Council action.

However, it should be noted that individual Councilmember requests of staff for non-routine information oftentimes requires significant staff time involving research, compilation of data, analysis and writing.

ALTERNATIVES

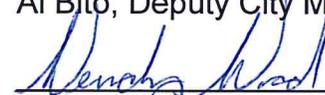
1. Not approve the draft policy;
2. Modify the draft policy; or
3. Provide other direction to staff.

Prepared by:



Al Bito, Deputy City Manager

Reviewed by:



Wendy Wood, City Clerk

Approved by:



William Seligmann, City Attorney

Approved by:



Mark Linder, City Manager

ATTACHMENTS:

- A. Draft policy
- B. Resolution

**CITY COUNCIL POLICY X.XX
USE OF CITY STAFF RESOURCES BY INDIVIDUAL COUNCILMEMBERS**

Purpose: The purpose of this Council policy is to establish guidelines for the utilization of City staff by individual Councilmembers.

General: It is generally recognized that Council's work cannot be fully conducted at Council meetings. It is also recognized that the City places the responsibility on the City Manager to conduct the day-to-day affairs of the City consistent with established practice and does not permit Councilmembers to direct the activities of City staff, nor direct staff to initiate any action or prepare any report that is significant in nature, or initiate any task, request or study. All such direction shall be provided by the City Manager or by action of a majority of the City Council at a City Council meeting. Councilmembers may ask for limited resources and information for items that are on an agenda as long as any information is distributed to all City Councilmembers.

Council communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise. Response to Council questions posed outside of normal business hours should be expected no earlier than the next business day. Within a 30 day period, each Councilmember will be permitted to request information, records, written work or analysis by City staff with support work for one or more subject matters totaling up to one (1) hour, so long as the City Manager has been advised of this request in advance.

Requests over one hour must be approved by the City Council. If a Council member suggests that staff time be spent on a task or request not previously approved by the Council, he/she will contact the City Manager who will then make an initial assessment of the task or request, evaluating its consistency with established goals and policies, effects on other tasks or requests, and availability of staff and financial resources. The City Manager will then communicate the information to the Council and obtain Council approval prior to proceeding with more in-depth assessment or proceeding with the task or request he/she determines that the request needs to be filled before the Council next meets.

Non-Routine Requests for Readily Available Information: Council may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion. Staff shall inform the City Manager of all such Council contacts, and the City Manager shall determine whether to copy all other Councilmembers on the requested information.

Non-routine Requests Requiring Special Effort: Any Councilmember request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff express an opinion (legal or otherwise) must be directed to the City Manager, or to the City Attorney, as appropriate.

RESOLUTION NO. _____

**BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
ESTABLISHING A POLICY ON USE OF CITY STAFF RESOURCES BY INDIVIDUAL
COUNCILMEMBERS**

WHEREAS, as part of the FY 2015/16 Council Priorities, staff was asked to explore and to draft policy considerations to address situations when one City Councilmember is in need of staff resources to gather information about a pending or existing project, plan or policy; and

WHEREAS, the purpose of the policy is to address and clarify the relations between the City Council, individual Councilmembers, and City staff by maintaining control and direction of the City by the City Council as a whole; ensuring that City Councilmembers have free access to the flow of any information relative to the operation of the City and ensuring that such information is communicated by staff in full and with candor to the Council; ensuring that the Council decision-making process benefits from the unencumbered input and advice from the professional staff, free from undue influence in staff decision-making, formation of staff recommendations, scheduling of work, and executing department priorities without intervention by individual Councilmembers; and allowing City staff to execute priorities given by the City Council; and

WHEREAS, there are no fiscal impacts associated with adopting the proposed policy.

NOW, THEREFORE, BE IT RESOLVED; that the City Council of the City of Campbell hereby approves the Council policy that establishes considerations for addressing situations when one City Councilmember is in need of staff resources and directs the City Clerk to file and assign a new section number for this Council policy.

PASSED AND ADOPTED, this _____ day of _____, 2016 by the following roll call vote:

- AYES: COUNCILMEMBERS:
- NOES: COUNCILMEMBERS:
- ABSTAIN: COUNCILMEMBERS:
- ABSENT: COUNCILMEMBERS:

APPROVED: _____
Jason T. Baker, Mayor

ATTEST: _____
Wendy Wood, City Clerk

MEMORANDUM



City of Campbell
City Clerk's Office

To: Honorable Mayor and City Council

Date: June 20, 2016

From: Wendy Wood, City Clerk *WJ*

Via: Mark Linder, City Manager

Subject: Desk Item 20 – Relevant Policies from Other Agencies

Staff has provided relevant policies from other Santa Clara County public agencies in regards to Item #20 Use of City Staff by Individual Councilmembers.

Attached are the policies for Council consideration.

Midpeninsula Regional Open Space District

Board Policy Manual

Guidelines for Board-Staff Working Relationships	Policy 2.01 Chapter 2 – District Personnel & Board Support
Effective Date: 11/20/91	Revised Date: 11/13/13
Prior Versions: 11/20/91, 4/9/92, 1/11/93, 8/26/93, 2/14/96, 4/9/97, 1/28/98, 10/25/04, 1/28/09	

A. General

1. Board members may go to any staff member for information. If information request requires more than minimal staff time, the request should be made to the General Manager or Department Manager who shall confer with the General Manager.
2. Board members are encouraged to give staff sufficient lead time to fulfill Board requests and to put important requests in writing.
3. Information (except trail conditions) provided from a Board member to staff should be routed through individual Department Managers or the General Manager.
4. If an individual Board member suggests that staff time be spent on a project not previously approved by the Board, he/she will contact the General Manager. The General Manager will then make an initial assessment of the project, evaluating its consistency with established goals and policies, effects on other projects, and availability of staff and financial resources. The General Manager will then communicate the information to the Board and obtain Board approval prior to proceeding with more in-depth assessment or proceeding with the project.
5. Management reports and recommendations to the Board should present areas of potential controversy and concern.
6. Board members and management will endeavor not to surprise each other with important information; if a Board member wants additional information or documentation on an agenda item, the Board member is encouraged to contact the General Manager before the Board meeting.
7. Staff will actively support and implement Board decisions.
8. The administration of the District is the responsibility of the General Manager. The General Manager will advise Board members when he/she feels that any Board member is attempting to direct the administration of the District.
9. Any Board member will advise the General Manager when he/she feels staff is attempting to direct or set Board policy.

10. Management team and the Board will set a positive example of Board-staff relations for public and staff.

11. Board members and staff will respect each other's personal time.

12. Board members may serve in District volunteer programs under the same terms and conditions as any member of the volunteering public. When volunteering, they agree to conduct themselves as would any other member of the volunteering public. They will accept all direction from staff members organizing the volunteer activity. Staff conducting volunteer activities will treat Board members as they would any other volunteer, and will bring any difficulties to the Department Manager or General Manager for resolution.

B. Public-Related

1. Board members will refrain from publicly reproofing staff members. Any concerns about employee performance should be discussed privately with the General Manager.

2. The Board shall not prohibit public criticism of its policies, procedures, programs or services, but shall request members of the public to refrain from personal attacks upon individual staff members.



City Council Protocols and Procedures Handbook

made directly to these CAOs through private correspondence or conversation-

- E. Do Not Get Involved in Administrative Functions.
Avoid any staff interactions that may be construed as trying to shape staff recommendations. Council Members shall refrain from coercing staff in making recommendations to the Council as a whole.
- F. Be Cautious in Representing City Positions on Issues.
Before sending correspondence related to a legislative position, check with City staff to see if a position has already been determined. When corresponding with representatives of other governments or constituents remember to indicate if appropriate that the views you state are your own and may not represent those of the full Council.
- G. Do Not Attend Staff Meetings Unless Requested by Staff.
Even if the Council Member does not say anything, the Council Member's presence may imply support, show partiality, intimidate staff, or hampers staff's ability to do its job objectively.
- H. Respect the "One Hour" Rule for Staff Work.
Requests for staff support should be made to the appropriate senior staff member, according to the protocol for channeling communications. Any request, which would require more than one hour of staff time to research a problem or prepare a response, will need to be approved by the full council to ensure that staff resources are allocated in accordance with overall council priorities. Once notified that a request for information or staff support would require more than one hour, the Council Member may request that the City Manager place the request on an upcoming Council agenda.
- I. Depend upon the Staff to Respond to Citizen Concerns and Complaints.
It is the role of Council Members to pass on concerns and complaints on behalf of their constituents. It is not, however, appropriate to pressure staff to solve a problem in a particular way. Refer citizen complaints to the appropriate senior staff member, according to the protocol on channeling communications. The senior staff member should respond according to the Policy and Procedure for Responding to Customer Complaints. Senior staff is responsible for making sure the Council Member knows how the complaint was resolved.
- J. Do Not Solicit Political Support from Staff.
The City Charter states that "Neither the city manager or any other person in the employ of the city shall take part in securing or shall contribute any money toward the nomination or election of any candidate for a municipal office." In addition, some professionals (e.g., City Manager and the Assistant City Manager) have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.



City Council Protocols and Procedures Handbook

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CITY COUNCIL POLICY REVISED: March 22, 2011, Resolution No. 17590
Effective Date: June 10, 1974

SUBJECT: CITY COUNCIL MEETINGS

NO: A-13

PURPOSE:

In accord with Section 512 of the City Charter, this policy will set forth Rules of Procedure for the conduct of City business. The Council shall be governed by the Rules of Procedure as follows.

POLICY:

1. Meetings

a. Time of Meetings

The regular and special meetings of the City Council shall be held at the time and place, and called in the manner as specified by ordinance adopted pursuant to Article 5, Section 507 of the City Charter.

b. Attendance

Pursuant to Section 503 of the City Charter, a Councilmember is absent with the consent of or on order of the Council if any of the following apply:

The Council consents to the absence either before, or at the meeting immediately after the absence, for the Councilmember to attend to official duties of the City, including, but not limited to, representing the City at conferences or official functions;

The Councilmember is ill;

The Councilmember is on bereavement leave due to the death of a family member which would qualify an employee for bereavement leave under the City's Employment Relations Resolution;

The meeting was not on the Council's formally adopted annual schedule of meetings if an annual schedule was adopted.

2. Council Agenda

a. Preparation

The agenda and its supporting information is prepared by the City Manager and City Clerk.

b. Council Request for Agendizing

A Councilmember request for an item to be agendized will be done as an action item with support work of up to one hour by staff. If more than one hour is required, then the item will be agendized to ask Council if time should be spent on preparing a full report on the proposed agenda item.

c. Items for Agenda

Any person may request the placement of a matter on the Council agenda by submitting a written request with the agreement of a sponsoring Councilmember. This may be done in advance through a written request identifying the sponsoring Councilmember, or by appearing at Oral Communications at a Council meeting. If the request is made during Oral Communications, the Mayor shall determine if any Councilmember is willing to sponsor the agenda item. The request must fully identify the person making the request and the action requested by the Council along with all pertinent background information. The City Manager and the Mayor shall reasonably determine when agenda requests will be placed on the agenda and how much meeting time shall be scheduled.

d. Order of Agenda Items

The City Manager or City Clerk may change the order of items on the written agenda from that normally followed in order to better facilitate the meeting. The Mayor with consensus, or Council, by majority motion, may change the order of agenda items during the Council meeting.

Policy 7.4.1 Provision of Staff/Administrative Support to Councilmembers

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding City resources and support for Councilmembers.

POLICY STATEMENT:

- I. In order to effectively discharge the responsibilities of elected officials, the Mayor and Councilmembers are entitled to receive administrative services. The City Manager shall assign a person or persons to provide these administrative services and shall so advise the City Council. The various kinds of staff/administrative support provided to Council are outlined in Chapter 7, Section 4 of the Council Policy Manual.
- II. Implementation.
The City Manager shall monitor the provisions of this policy, and all policies found in Chapter 7, Section 4 of the Council Policy Manual, within the City Manager's Charter responsibilities. Disagreement in interpretation shall be resolved by the City Council. The City Manager shall institute administrative policy to implement these policies. At the time a new Councilmember is seated, the Mayor and City Manager should review these policies with him/her.

Annually, the City Manager shall review the resource requirements necessary to support the level of service specified in this policy, and recommend as a part of the proposed budget necessary changes of budget resources.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014); Amended RTC #15-0317 (April 7, 2015))

Lead Department: Office of the City Manager

For reference, see also:

- Council Policy Manual, Chapter 7, Subsection 4 *Policies Relating to Council Support and Processes* (Policies 7.4.1 – 7.4.16)
- City Charter, Section 807, *Prohibition Against Councilmanic Interference*
- Code of Ethics and Conduct for Elected Officials



Policy 7.4.7 Council Correspondence

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding the preparation, signature authorization, and limitations pertaining to Council correspondence.

POLICY STATEMENT:

- I. Preparation of correspondence relating to official City business will be provided upon request within the resource restraints of the adopted budget.
- II. Correspondence Preparation
 - A. The Mayor or his/her designee shall sign all correspondence on behalf of the entire Council. All correspondence in which the City takes a position on a piece of legislation or issue shall be signed by the Mayor with a copy placed in the Mayor's Correspondence File (accessible to all public and Councilmembers for review). Before routing to the Mayor for signature, all correspondence in which the City takes a position on a piece of legislation or issue must be approved by the department Director. City Manager approval is required in cases when it is unclear if an official City policy supports performing advocacy. The originating department Director, City Manager and OCM IGR Liaison shall be copied on all IGR-related correspondence.

All correspondence conveying thanks or appreciation on behalf of the entire City Council shall be signed by the Mayor. This does not preclude individual Councilmembers from creating their own personal correspondence. However, a Councilmember may not request nor use City resources in the preparation of personal correspondence or correspondence in support or pursuit of political office, either for themselves or for someone else.
 - B. Staff will not prepare correspondence representing a Councilmember's personal point of view or a dissenting point of view from an official City policy or Council position. If Councilmembers use their title, position, or City letterhead to express a personal opinion, the official City position must be stated clearly so the audience understands the difference between the official City position and the viewpoint of the Councilmember. (See Code of Conduct for Elected Officials for more information). A copy of any and all correspondence developed by or for a Councilmember on City letterhead shall be provided to the Office of the City Manager for filing.
 - C. The City Manager is responsible for assigning appropriate staff to assist the City Council in the preparation of correspondence. Assigned staff prepares correspondence for signature and submits it to the Executive Assistant to the Mayor and Council for coordination of the Mayor/Councilmember's signature. Unless the Mayor/Councilmember determines that revision(s) to the document are required,

COUNCIL POLICY MANUAL

signed correspondence is returned by the Executive Assistant to the preparer for mailing, distribution, and filing with their department. Copies of all correspondence signed by the Mayor or Council are maintained in the Council Files by the Executive Assistant and are open to public inspection during normal business hours.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014); RTC #15-0491 (November 17, 2015))

Lead Department: Office of the City Manager

For reference, see also:

- 7.4.9, Receiving and Responding to Community Member Inquiries and Concerns
- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials

Policy 7.4.10 Council Inquiries and Requests for Information and Records

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding City resources and support for Councilmembers. This policy is supplementary to and in no way intended to conflict with the City Charter. For further information on this subject, see:

- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials (available on the City's internal Web site or in the Office of the City Clerk)

POLICY STATEMENT:

- I. It is recognized that Council's work cannot be fully conducted at Council meetings. It is also recognized that the City Charter places the responsibility on the City Manager to conduct the day-to-day affairs of the City consistent with established Council policy and does not permit Councilmembers to direct the activities of City staff. The following policies regarding staff assistance are established to comply with the City Charter and meet the needs of Councilmembers (see Code of Conduct and Code of Ethics for additional guidance):
 - A. General. Council communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise. Responses to Council questions posed outside of normal business hours should be expected no earlier than the next business day. A request for information, records, written work or analysis by City staff with support work of up to one (1) hour will be provided. Requests over one hour must be approved by the Council. The City Manager can authorize a deviation from this policy if he/she determines that the request needs to be filled before the Council next meets.
 - B. Routine Requests for Information and Inquiries.
 1. Councilmembers may contact staff directly for information made readily available to the general public on a regular basis by City staff (e.g., "What are the library's hours of operation?") or "How does one reserve a tee time at the golf course?".
 2. Under these circumstances staff shall treat the Councilmember no differently than they would the general public, and the Councilmember shall not use their elected status to secure preferential treatment. The City Manager does not need to be advised of such contacts.
 3. Assistance in securing single copies of official records will be provided.

COUNCIL POLICY MANUAL

- C. Non-Routine Requests for Readily Available Information. Council may also contact staff directly for easily retrievable information *not routinely requested by the general public* so long as it does not require staff to discuss the issue or express an opinion (e.g., “How many traffic lights are there in the City?” or “Under what circumstances does the City lower its flags to half mast?”). Staff shall inform the City Manager of all such Council contacts, and the City Manager shall determine whether to copy all other Councilmembers the requested information.
 - D. Non-routine Requests Requiring Special Effort. Any Councilmember request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff express an opinion (legal or otherwise) must be directed to the City Manager, or to the City Attorney, as appropriate (e.g., “How many Study Issues completed over the past five years have required 500 or more hours of staff time?” or “What is the logic behind the City’s sign ordinances affecting businesses along El Camino Real?”). The City Manager (or City Attorney as appropriate) shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such requests shall be copied to all Councilmembers, the City Manager, the City Attorney as appropriate, and affected Department Heads. See more in Section II below.
 - E. Questions Regarding Reports to Council. Councilmembers should forward any questions regarding staff “Reports to Council” at least 24 hours in advance of the Council meeting for which that item is agendaized. During Council meetings, any questions from Council having to do with non-agenda items shall be directed to the City Manager for follow-up.
 - F. Meeting Requests. Any Councilmember request for a meeting with staff must be directed to the City Manager or City Attorney, as appropriate. When in doubt about the appropriateness of a communication with staff, Councilmembers shall ask the City Manager for advice.
 - G. Restricted Information. Under certain circumstances, requests for information regarding operations or personnel may be legally restricted. Applicable statutes include: The Peace Officers’ Procedural Bill of Rights (California Government Code Section 3300, et seq.), Confidentiality of Peace Officer Records (California Penal Code Section 832.5-7), and a number of exceptions to the California Public Records Act, defined in Government Code Section 6254. Providing information in response to such requests could violate the law, and might also violate due process rights that have been defined for employees in the State of California. Accordingly, it shall be the policy of the City of Sunnyvale to strictly comply with all applicable legal authorities governing the release of personnel information and records. See more in Section II below.
- II. Section I above addresses councilmembers’ request for information and records of a routine and non-routine nature and primarily addresses records which are available to the general public. Additionally, this Policy will establish Guidelines and Standards

COUNCIL POLICY MANUAL

regarding requests by the Council and individual councilmembers for City records and information which may not be available to the general public. This Policy obligates the City Manager and City Attorney to determine the appropriate labeling of the records or information and is intended for benefit of the City, staff and the community.

A. Guiding Principles.

1. The Sunnyvale City Charter provides that the Sunnyvale Municipal Government shall be conducted as a "Council-Manager" form of government and requires the Council to deal directly with the officers and employees of the City through the City Manager or City Attorney. The Charter also provides that the City Attorney shall control all legal business and proceedings and, subject to contracting requirements and budget constraints, may employ other attorneys, appraisers and other technical expert services to assist with or take charge of any litigation or matter.
2. The Council has the clear authority under the Charter to conduct an inquiry into the affairs of the City or the conduct of any department or office which the City Council authorizes with at least four (4) votes. An individual councilmember may request a vote of the Council to initiate such an inquiry.
3. While the vast majority, perhaps 95% of public records are available to the general public, some information and records are by law restricted and may not be released to the public. Some public records are maintained on a strictly "need-to-know" basis and may not be released by staff, even to the City Council. Laws governing these records often impose a legal obligation on part of City staff (e.g. personnel records, medical and health records; some tax information; police records) and also may create privileges to that privacy or non-disclosure.
4. This Policy acknowledges that some non-public records may become public records in the future. Some records such as personnel records or medical information may never lose their cloak of privacy, absent the consent by the party who possesses the privilege or protection.
5. The City Charter and principles of governance provide that the City Council can establish rules for the conduct of its business and proceedings and may sanction a person for disorderly or improper conduct at any meeting or for the disclosure or abrogation of any of the rights of the City, staff or its residents as it may be related to the right to privacy and non-disclosure of information and records.

B. Closed Session Information and Records.

COUNCIL POLICY MANUAL

1. No person shall disclose confidential information that has been acquired by being present in a closed session to a person not entitled to receive it unless the legislative body by affirmative vote authorizes disclosure of that confidential information.
2. This Policy hereby creates a presumption that any information, records or written materials received as part of a closed session are confidential in nature and may not be disclosed without permission of the City Attorney, the City Manager after consultation with the City Attorney, or disclosure is authorized by a majority vote of the City Council. The Council is free to request clarification of this issue while in closed session or independently with the City Attorney.
3. All materials provided as part of a closed session including materials distributed before the closed session and those distributed in the closed session are to be returned to City staff prior to the conclusion of the closed session unless the City Attorney, the City Manager, in consultation with the City Attorney, or a majority vote of the Council authorizes retention of the materials. The authorization to retain materials does not affect the privilege of confidentiality affecting those materials, the information and/or the obligation to not disclose any of said information or materials.

C. Personnel, Medical Information and Public Safety Records.

1. As a general rule City Council has no authority to review individual employee personnel records and/or medical information, with the exception of the personnel files and nonmedical information relating to the City Attorney or City Manager.
2. Council has a limited privilege to review information which may be necessary in the personnel context as part of labor negotiations. If that that information is received in closed session, Section II.B of this Policy applies.
3. Council may have access to information and records maintained by the public safety department which are accessible public records and non-confidential in nature as determined by the Chief of Public Safety in consultation with the City Attorney.

D. Attorney-Client and Work-Product Privileged Information and Records.

1. Consistent with City Charter Section 908, while the City Attorney controls all legal business and proceedings of the City subject to contracting and budget constraints, the City Council can review with the City Attorney the handling of any matter, including litigation and shall have the right to

COUNCIL POLICY MANUAL

view contracts authorized by the City Attorney and the negotiation and payment of legal invoices.

2. Council shall exercise this right through either the supervision of individual cases as those matters come before the Council or as part of the City Attorney evaluation process.

E. Procedure for Access to Information.

1. Litigation/Legal – Any individual councilmember seeking to examine individual contracts, invoices, payments or records involving confidential information or records handled by the City Attorney may request that Council conduct an inquiry as is authorized under Section 807 of the City Charter. If the inquiry arises as part of the evaluation of the City Attorney, the Mayor shall advise the City Attorney in advance of the evaluation proceeding that the Council has voted by at least four affirmative votes to inquire into one or more matters specified in this Policy. The City Attorney shall respond with sufficient information and detail as may be required by the Council.
2. If the request or inquiry is made as part of a public meeting the requesting councilmember shall state the request in the form of a motion. If the motion receives a second, the matter shall be voted on and four votes shall authorize access by the Council. The City Manager and City Attorney are directed to determine in what context the access can occur to maintain any privilege or comply with any obligation imposed on the City by law.
3. If legally permissible, a councilmember may review confidential information directly with the City Manager or City Attorney in a manner which preserves and protects the attorney-client and attorney work-product privileges of the City and is consistent with the time limitations of Section I above.
4. Attempts to access information or records in violation of this policy shall be ruled as “out of order” by the Mayor if the attempt occurs at a public meeting and reported to the Mayor if the violation occurs outside of a public meeting.

F. Limitations and Exclusions.

1. The Policy is supplementary to and in no way is intended to conflict with the City Charter or to compromise or abrogate the privileges possessed by the City including, but not limited to, the attorney-client privilege, the attorney work-product privilege, the obligations and privileges with respect to personnel records, medical information and records under HIPPA and other laws and regulations. This policy also does not impact

COUNCIL POLICY MANUAL

the City's rights and obligations under the California Public Records Act, Government Code 6254, et seq.

2. Confidential public records shall only be disclosed to staff on a need-to-know basis only as may be determined by the custodian of those records in consultation with the City Attorney.
3. If a confidential record no longer needs to be held as confidential, it shall be considered an accessible public record.

III. Implementation.

The City Manager shall monitor those provisions of this policy within the City Manager's Charter responsibilities. Disagreement in interpretation shall be resolved by the City Council. The City Manager shall institute administrative policy to implement this policy. At the time a new Councilmember is seated, the Mayor and City Manager should review this policy with him/her.

Annually, the City Manager shall review the resource requirements necessary to support the level of service specified in this policy, and recommend as a part of the proposed budget necessary changes of budget resources.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014))

Lead Department: Office of the City Manager

For reference, see also: 7.4.6 Council Announcements and Speeches.

Policy 7.4.1 Provision of Staff/Administrative Support to Councilmembers

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding City resources and support for Councilmembers.

POLICY STATEMENT:

- I. In order to effectively discharge the responsibilities of elected officials, the Mayor and Councilmembers are entitled to receive administrative services. The City Manager shall assign a person or persons to provide these administrative services and shall so advise the City Council. The various kinds of staff/administrative support provided to Council are outlined in Chapter 7, Section 4 of the Council Policy Manual.
- II. Implementation.
The City Manager shall monitor the provisions of this policy, and all policies found in Chapter 7, Section 4 of the Council Policy Manual, within the City Manager's Charter responsibilities. Disagreement in interpretation shall be resolved by the City Council. The City Manager shall institute administrative policy to implement these policies. At the time a new Councilmember is seated, the Mayor and City Manager should review these policies with him/her.

Annually, the City Manager shall review the resource requirements necessary to support the level of service specified in this policy, and recommend as a part of the proposed budget necessary changes of budget resources.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014); Amended RTC #15-0317 (April 7, 2015))

Lead Department: Office of the City Manager

For reference, see also:

- Council Policy Manual, Chapter 7, Subsection 4 *Policies Relating to Council Support and Processes* (Policies 7.4.1 – 7.4.16)
- City Charter, Section 807, *Prohibition Against Councilmanic Interference*
- Code of Ethics and Conduct for Elected Officials



Policy 7.4.7 Council Correspondence

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding the preparation, signature authorization, and limitations pertaining to Council correspondence.

POLICY STATEMENT:

- I. Preparation of correspondence relating to official City business will be provided upon request within the resource restraints of the adopted budget.
- II. Correspondence Preparation
 - A. The Mayor or his/her designee shall sign all correspondence on behalf of the entire Council. All correspondence in which the City takes a position on a piece of legislation or issue shall be signed by the Mayor with a copy placed in the Mayor's Correspondence File (accessible to all public and Councilmembers for review). Before routing to the Mayor for signature, all correspondence in which the City takes a position on a piece of legislation or issue must be approved by the department Director. City Manager approval is required in cases when it is unclear if an official City policy supports performing advocacy. The originating department Director, City Manager and OCM IGR Liaison shall be copied on all IGR-related correspondence.

All correspondence conveying thanks or appreciation on behalf of the entire City Council shall be signed by the Mayor. This does not preclude individual Councilmembers from creating their own personal correspondence. However, a Councilmember may not request nor use City resources in the preparation of personal correspondence or correspondence in support or pursuit of political office, either for themselves or for someone else.
 - B. Staff will not prepare correspondence representing a Councilmember's personal point of view or a dissenting point of view from an official City policy or Council position. If Councilmembers use their title, position, or City letterhead to express a personal opinion, the official City position must be stated clearly so the audience understands the difference between the official City position and the viewpoint of the Councilmember. (See Code of Conduct for Elected Officials for more information). A copy of any and all correspondence developed by or for a Councilmember on City letterhead shall be provided to the Office of the City Manager for filing.
 - C. The City Manager is responsible for assigning appropriate staff to assist the City Council in the preparation of correspondence. Assigned staff prepares correspondence for signature and submits it to the Executive Assistant to the Mayor and Council for coordination of the Mayor/Councilmember's signature. Unless the Mayor/Councilmember determines that revision(s) to the document are required,

COUNCIL POLICY MANUAL

signed correspondence is returned by the Executive Assistant to the preparer for mailing, distribution, and filing with their department. Copies of all correspondence signed by the Mayor or Council are maintained in the Council Files by the Executive Assistant and are open to public inspection during normal business hours.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014); RTC #15-0491 (November 17, 2015))

Lead Department: Office of the City Manager

For reference, see also:

- 7.4.9, Receiving and Responding to Community Member Inquiries and Concerns
- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials

Policy 7.4.10 Council Inquiries and Requests for Information and Records

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding City resources and support for Councilmembers. This policy is supplementary to and in no way intended to conflict with the City Charter. For further information on this subject, see:

- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials (available on the City's internal Web site or in the Office of the City Clerk)

POLICY STATEMENT:

- I. It is recognized that Council's work cannot be fully conducted at Council meetings. It is also recognized that the City Charter places the responsibility on the City Manager to conduct the day-to-day affairs of the City consistent with established Council policy and does not permit Councilmembers to direct the activities of City staff. The following policies regarding staff assistance are established to comply with the City Charter and meet the needs of Councilmembers (see Code of Conduct and Code of Ethics for additional guidance):
 - A. General. Council communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise. Responses to Council questions posed outside of normal business hours should be expected no earlier than the next business day. A request for information, records, written work or analysis by City staff with support work of up to one (1) hour will be provided. Requests over one hour must be approved by the Council. The City Manager can authorize a deviation from this policy if he/she determines that the request needs to be filled before the Council next meets.
 - B. Routine Requests for Information and Inquiries.
 1. Councilmembers may contact staff directly for information made readily available to the general public on a regular basis by City staff (e.g., "What are the library's hours of operation?") or "How does one reserve a tee time at the golf course?".
 2. Under these circumstances staff shall treat the Councilmember no differently than they would the general public, and the Councilmember shall not use their elected status to secure preferential treatment. The City Manager does not need to be advised of such contacts.
 3. Assistance in securing single copies of official records will be provided.

COUNCIL POLICY MANUAL

- C. Non-Routine Requests for Readily Available Information. Council may also contact staff directly for easily retrievable information *not routinely requested by the general public* so long as it does not require staff to discuss the issue or express an opinion (e.g., “How many traffic lights are there in the City?” or “Under what circumstances does the City lower its flags to half mast?”). Staff shall inform the City Manager of all such Council contacts, and the City Manager shall determine whether to copy all other Councilmembers the requested information.
 - D. Non-routine Requests Requiring Special Effort. Any Councilmember request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff express an opinion (legal or otherwise) must be directed to the City Manager, or to the City Attorney, as appropriate (e.g., “How many Study Issues completed over the past five years have required 500 or more hours of staff time?” or “What is the logic behind the City’s sign ordinances affecting businesses along El Camino Real?”). The City Manager (or City Attorney as appropriate) shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such requests shall be copied to all Councilmembers, the City Manager, the City Attorney as appropriate, and affected Department Heads. See more in Section II below.
 - E. Questions Regarding Reports to Council. Councilmembers should forward any questions regarding staff “Reports to Council” at least 24 hours in advance of the Council meeting for which that item is agendaized. During Council meetings, any questions from Council having to do with non-agenda items shall be directed to the City Manager for follow-up.
 - F. Meeting Requests. Any Councilmember request for a meeting with staff must be directed to the City Manager or City Attorney, as appropriate. When in doubt about the appropriateness of a communication with staff, Councilmembers shall ask the City Manager for advice.
 - G. Restricted Information. Under certain circumstances, requests for information regarding operations or personnel may be legally restricted. Applicable statutes include: The Peace Officers’ Procedural Bill of Rights (California Government Code Section 3300, et seq.), Confidentiality of Peace Officer Records (California Penal Code Section 832.5-7), and a number of exceptions to the California Public Records Act, defined in Government Code Section 6254. Providing information in response to such requests could violate the law, and might also violate due process rights that have been defined for employees in the State of California. Accordingly, it shall be the policy of the City of Sunnyvale to strictly comply with all applicable legal authorities governing the release of personnel information and records. See more in Section II below.
- II. Section I above addresses councilmembers’ request for information and records of a routine and non-routine nature and primarily addresses records which are available to the general public. Additionally, this Policy will establish Guidelines and Standards

COUNCIL POLICY MANUAL

regarding requests by the Council and individual councilmembers for City records and information which may not be available to the general public. This Policy obligates the City Manager and City Attorney to determine the appropriate labeling of the records or information and is intended for benefit of the City, staff and the community.

A. Guiding Principles.

1. The Sunnyvale City Charter provides that the Sunnyvale Municipal Government shall be conducted as a “Council-Manager” form of government and requires the Council to deal directly with the officers and employees of the City through the City Manager or City Attorney. The Charter also provides that the City Attorney shall control all legal business and proceedings and, subject to contracting requirements and budget constraints, may employ other attorneys, appraisers and other technical expert services to assist with or take charge of any litigation or matter.
2. The Council has the clear authority under the Charter to conduct an inquiry into the affairs of the City or the conduct of any department or office which the City Council authorizes with at least four (4) votes. An individual councilmember may request a vote of the Council to initiate such an inquiry.
3. While the vast majority, perhaps 95% of public records are available to the general public, some information and records are by law restricted and may not be released to the public. Some public records are maintained on a strictly “need-to-know” basis and may not be released by staff, even to the City Council. Laws governing these records often impose a legal obligation on part of City staff (e.g. personnel records, medical and health records; some tax information; police records) and also may create privileges to that privacy or non-disclosure.
4. This Policy acknowledges that some non-public records may become public records in the future. Some records such as personnel records or medical information may never lose their cloak of privacy, absent the consent by the party who possesses the privilege or protection.
5. The City Charter and principles of governance provide that the City Council can establish rules for the conduct of its business and proceedings and may sanction a person for disorderly or improper conduct at any meeting or for the disclosure or abrogation of any of the rights of the City, staff or its residents as it may be related to the right to privacy and non-disclosure of information and records.

B. Closed Session Information and Records.

COUNCIL POLICY MANUAL

1. No person shall disclose confidential information that has been acquired by being present in a closed session to a person not entitled to receive it unless the legislative body by affirmative vote authorizes disclosure of that confidential information.
2. This Policy hereby creates a presumption that any information, records or written materials received as part of a closed session are confidential in nature and may not be disclosed without permission of the City Attorney, the City Manager after consultation with the City Attorney, or disclosure is authorized by a majority vote of the City Council. The Council is free to request clarification of this issue while in closed session or independently with the City Attorney.
3. All materials provided as part of a closed session including materials distributed before the closed session and those distributed in the closed session are to be returned to City staff prior to the conclusion of the closed session unless the City Attorney, the City Manager, in consultation with the City Attorney, or a majority vote of the Council authorizes retention of the materials. The authorization to retain materials does not affect the privilege of confidentiality affecting those materials, the information and/or the obligation to not disclose any of said information or materials.

C. Personnel, Medical Information and Public Safety Records.

1. As a general rule City Council has no authority to review individual employee personnel records and/or medical information, with the exception of the personnel files and nonmedical information relating to the City Attorney or City Manager.
2. Council has a limited privilege to review information which may be necessary in the personnel context as part of labor negotiations. If that that information is received in closed session, Section II.B of this Policy applies.
3. Council may have access to information and records maintained by the public safety department which are accessible public records and non-confidential in nature as determined by the Chief of Public Safety in consultation with the City Attorney.

D. Attorney-Client and Work-Product Privileged Information and Records.

1. Consistent with City Charter Section 908, while the City Attorney controls all legal business and proceedings of the City subject to contracting and budget constraints, the City Council can review with the City Attorney the handling of any matter, including litigation and shall have the right to

COUNCIL POLICY MANUAL

view contracts authorized by the City Attorney and the negotiation and payment of legal invoices.

2. Council shall exercise this right through either the supervision of individual cases as those matters come before the Council or as part of the City Attorney evaluation process.

E. Procedure for Access to Information.

1. Litigation/Legal – Any individual councilmember seeking to examine individual contracts, invoices, payments or records involving confidential information or records handled by the City Attorney may request that Council conduct an inquiry as is authorized under Section 807 of the City Charter. If the inquiry arises as part of the evaluation of the City Attorney, the Mayor shall advise the City Attorney in advance of the evaluation proceeding that the Council has voted by at least four affirmative votes to inquire into one or more matters specified in this Policy. The City Attorney shall respond with sufficient information and detail as may be required by the Council.
2. If the request or inquiry is made as part of a public meeting the requesting councilmember shall state the request in the form of a motion. If the motion receives a second, the matter shall be voted on and four votes shall authorize access by the Council. The City Manager and City Attorney are directed to determine in what context the access can occur to maintain any privilege or comply with any obligation imposed on the City by law.
3. If legally permissible, a councilmember may review confidential information directly with the City Manager or City Attorney in a manner which preserves and protects the attorney-client and attorney work-product privileges of the City and is consistent with the time limitations of Section I above.
4. Attempts to access information or records in violation of this policy shall be ruled as “out of order” by the Mayor if the attempt occurs at a public meeting and reported to the Mayor if the violation occurs outside of a public meeting.

F. Limitations and Exclusions.

1. The Policy is supplementary to and in no way is intended to conflict with the City Charter or to compromise or abrogate the privileges possessed by the City including, but not limited to, the attorney-client privilege, the attorney work-product privilege, the obligations and privileges with respect to personnel records, medical information and records under HIPPA and other laws and regulations. This policy also does not impact

COUNCIL POLICY MANUAL

the City's rights and obligations under the California Public Records Act, Government Code 6254, et seq.

2. Confidential public records shall only be disclosed to staff on a need-to-know basis only as may be determined by the custodian of those records in consultation with the City Attorney.
3. If a confidential record no longer needs to be held as confidential, it shall be considered an accessible public record.

III. Implementation.

The City Manager shall monitor those provisions of this policy within the City Manager's Charter responsibilities. Disagreement in interpretation shall be resolved by the City Council. The City Manager shall institute administrative policy to implement this policy. At the time a new Councilmember is seated, the Mayor and City Manager should review this policy with him/her.

Annually, the City Manager shall review the resource requirements necessary to support the level of service specified in this policy, and recommend as a part of the proposed budget necessary changes of budget resources.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014))

Lead Department: Office of the City Manager

For reference, see also: 7.4.6 Council Announcements and Speeches.

Policy 7.4.1 Provision of Staff/Administrative Support to Councilmembers

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding City resources and support for Councilmembers.

POLICY STATEMENT:

- I. In order to effectively discharge the responsibilities of elected officials, the Mayor and Councilmembers are entitled to receive administrative services. The City Manager shall assign a person or persons to provide these administrative services and shall so advise the City Council. The various kinds of staff/administrative support provided to Council are outlined in Chapter 7, Section 4 of the Council Policy Manual.
- II. Implementation.
The City Manager shall monitor the provisions of this policy, and all policies found in Chapter 7, Section 4 of the Council Policy Manual, within the City Manager's Charter responsibilities. Disagreement in interpretation shall be resolved by the City Council. The City Manager shall institute administrative policy to implement these policies. At the time a new Councilmember is seated, the Mayor and City Manager should review these policies with him/her.

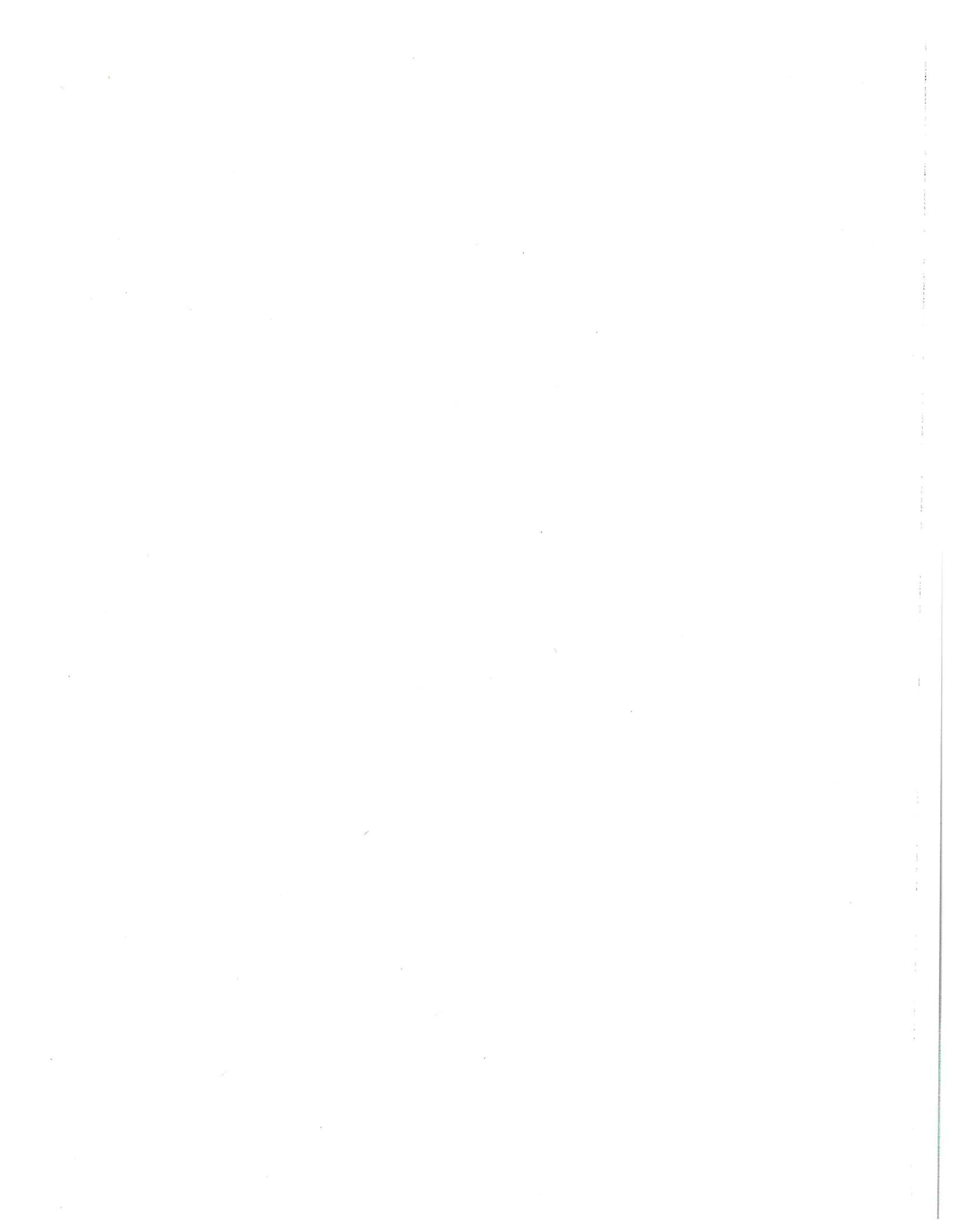
Annually, the City Manager shall review the resource requirements necessary to support the level of service specified in this policy, and recommend as a part of the proposed budget necessary changes of budget resources.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014); Amended RTC #15-0317 (April 7, 2015))

Lead Department: Office of the City Manager

For reference, see also:

- Council Policy Manual, Chapter 7, Subsection 4 *Policies Relating to Council Support and Processes* (Policies 7.4.1 – 7.4.16)
- City Charter, Section 807, *Prohibition Against Councilmanic Interference*
- Code of Ethics and Conduct for Elected Officials



Policy 7.4.7 Council Correspondence

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding the preparation, signature authorization, and limitations pertaining to Council correspondence.

POLICY STATEMENT:

- I. Preparation of correspondence relating to official City business will be provided upon request within the resource restraints of the adopted budget.
- II. Correspondence Preparation
 - A. The Mayor or his/her designee shall sign all correspondence on behalf of the entire Council. All correspondence in which the City takes a position on a piece of legislation or issue shall be signed by the Mayor with a copy placed in the Mayor's Correspondence File (accessible to all public and Councilmembers for review). Before routing to the Mayor for signature, all correspondence in which the City takes a position on a piece of legislation or issue must be approved by the department Director. City Manager approval is required in cases when it is unclear if an official City policy supports performing advocacy. The originating department Director, City Manager and OCM IGR Liaison shall be copied on all IGR-related correspondence.

All correspondence conveying thanks or appreciation on behalf of the entire City Council shall be signed by the Mayor. This does not preclude individual Councilmembers from creating their own personal correspondence. However, a Councilmember may not request nor use City resources in the preparation of personal correspondence or correspondence in support or pursuit of political office, either for themselves or for someone else.

- B. Staff will not prepare correspondence representing a Councilmember's personal point of view or a dissenting point of view from an official City policy or Council position. If Councilmembers use their title, position, or City letterhead to express a personal opinion, the official City position must be stated clearly so the audience understands the difference between the official City position and the viewpoint of the Councilmember. (See Code of Conduct for Elected Officials for more information). A copy of any and all correspondence developed by or for a Councilmember on City letterhead shall be provided to the Office of the City Manager for filing.
 - C. The City Manager is responsible for assigning appropriate staff to assist the City Council in the preparation of correspondence. Assigned staff prepares correspondence for signature and submits it to the Executive Assistant to the Mayor and Council for coordination of the Mayor/Councilmember's signature. Unless the Mayor/Councilmember determines that revision(s) to the document are required,

COUNCIL POLICY MANUAL

signed correspondence is returned by the Executive Assistant to the preparer for mailing, distribution, and filing with their department. Copies of all correspondence signed by the Mayor or Council are maintained in the Council Files by the Executive Assistant and are open to public inspection during normal business hours.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014); RTC #15-0491 (November 17, 2015))

Lead Department: Office of the City Manager

For reference, see also:

- 7.4.9, Receiving and Responding to Community Member Inquiries and Concerns
- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials

Policy 7.4.10 Council Inquiries and Requests for Information and Records

POLICY PURPOSE:

It is the purpose of this policy to establish guidelines and standards regarding City resources and support for Councilmembers. This policy is supplementary to and in no way intended to conflict with the City Charter. For further information on this subject, see:

- City Charter, Section 807
- Code of Ethics and Conduct for Elected Officials (available on the City's internal Web site or in the Office of the City Clerk)

POLICY STATEMENT:

- I. It is recognized that Council's work cannot be fully conducted at Council meetings. It is also recognized that the City Charter places the responsibility on the City Manager to conduct the day-to-day affairs of the City consistent with established Council policy and does not permit Councilmembers to direct the activities of City staff. The following policies regarding staff assistance are established to comply with the City Charter and meet the needs of Councilmembers (see Code of Conduct and Code of Ethics for additional guidance):
 - A. General. Council communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise. Responses to Council questions posed outside of normal business hours should be expected no earlier than the next business day. A request for information, records, written work or analysis by City staff with support work of up to one (1) hour will be provided. Requests over one hour must be approved by the Council. The City Manager can authorize a deviation from this policy if he/she determines that the request needs to be filled before the Council next meets.
 - B. Routine Requests for Information and Inquiries.
 1. Councilmembers may contact staff directly for information made readily available to the general public on a regular basis by City staff (e.g., "What are the library's hours of operation?") or "How does one reserve a tee time at the golf course?".
 2. Under these circumstances staff shall treat the Councilmember no differently than they would the general public, and the Councilmember shall not use their elected status to secure preferential treatment. The City Manager does not need to be advised of such contacts.
 3. Assistance in securing single copies of official records will be provided.

COUNCIL POLICY MANUAL

- C. Non-Routine Requests for Readily Available Information. Council may also contact staff directly for easily retrievable information *not routinely requested by the general public* so long as it does not require staff to discuss the issue or express an opinion (e.g., “How many traffic lights are there in the City?” or “Under what circumstances does the City lower its flags to half mast?”). Staff shall inform the City Manager of all such Council contacts, and the City Manager shall determine whether to copy all other Councilmembers the requested information.
 - D. Non-routine Requests Requiring Special Effort. Any Councilmember request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff express an opinion (legal or otherwise) must be directed to the City Manager, or to the City Attorney, as appropriate (e.g., “How many Study Issues completed over the past five years have required 500 or more hours of staff time?” or “What is the logic behind the City’s sign ordinances affecting businesses along El Camino Real?”). The City Manager (or City Attorney as appropriate) shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such requests shall be copied to all Councilmembers, the City Manager, the City Attorney as appropriate, and affected Department Heads. See more in Section II below.
 - E. Questions Regarding Reports to Council. Councilmembers should forward any questions regarding staff “Reports to Council” at least 24 hours in advance of the Council meeting for which that item is agendaized. During Council meetings, any questions from Council having to do with non-agenda items shall be directed to the City Manager for follow-up.
 - F. Meeting Requests. Any Councilmember request for a meeting with staff must be directed to the City Manager or City Attorney, as appropriate. When in doubt about the appropriateness of a communication with staff, Councilmembers shall ask the City Manager for advice.
 - G. Restricted Information. Under certain circumstances, requests for information regarding operations or personnel may be legally restricted. Applicable statutes include: The Peace Officers’ Procedural Bill of Rights (California Government Code Section 3300, et seq.), Confidentiality of Peace Officer Records (California Penal Code Section 832.5-7), and a number of exceptions to the California Public Records Act, defined in Government Code Section 6254. Providing information in response to such requests could violate the law, and might also violate due process rights that have been defined for employees in the State of California. Accordingly, it shall be the policy of the City of Sunnyvale to strictly comply with all applicable legal authorities governing the release of personnel information and records. See more in Section II below.
- II. Section I above addresses councilmembers’ request for information and records of a routine and non-routine nature and primarily addresses records which are available to the general public. Additionally, this Policy will establish Guidelines and Standards

COUNCIL POLICY MANUAL

regarding requests by the Council and individual councilmembers for City records and information which may not be available to the general public. This Policy obligates the City Manager and City Attorney to determine the appropriate labeling of the records or information and is intended for benefit of the City, staff and the community.

A. Guiding Principles.

1. The Sunnyvale City Charter provides that the Sunnyvale Municipal Government shall be conducted as a "Council-Manager" form of government and requires the Council to deal directly with the officers and employees of the City through the City Manager or City Attorney. The Charter also provides that the City Attorney shall control all legal business and proceedings and, subject to contracting requirements and budget constraints, may employ other attorneys, appraisers and other technical expert services to assist with or take charge of any litigation or matter.
2. The Council has the clear authority under the Charter to conduct an inquiry into the affairs of the City or the conduct of any department or office which the City Council authorizes with at least four (4) votes. An individual councilmember may request a vote of the Council to initiate such an inquiry.
3. While the vast majority, perhaps 95% of public records are available to the general public, some information and records are by law restricted and may not be released to the public. Some public records are maintained on a strictly "need-to-know" basis and may not be released by staff, even to the City Council. Laws governing these records often impose a legal obligation on part of City staff (e.g. personnel records, medical and health records; some tax information; police records) and also may create privileges to that privacy or non-disclosure.
4. This Policy acknowledges that some non-public records may become public records in the future. Some records such as personnel records or medical information may never lose their cloak of privacy, absent the consent by the party who possesses the privilege or protection.
5. The City Charter and principles of governance provide that the City Council can establish rules for the conduct of its business and proceedings and may sanction a person for disorderly or improper conduct at any meeting or for the disclosure or abrogation of any of the rights of the City, staff or its residents as it may be related to the right to privacy and non-disclosure of information and records.

B. Closed Session Information and Records.

COUNCIL POLICY MANUAL

1. No person shall disclose confidential information that has been acquired by being present in a closed session to a person not entitled to receive it unless the legislative body by affirmative vote authorizes disclosure of that confidential information.
2. This Policy hereby creates a presumption that any information, records or written materials received as part of a closed session are confidential in nature and may not be disclosed without permission of the City Attorney, the City Manager after consultation with the City Attorney, or disclosure is authorized by a majority vote of the City Council. The Council is free to request clarification of this issue while in closed session or independently with the City Attorney.
3. All materials provided as part of a closed session including materials distributed before the closed session and those distributed in the closed session are to be returned to City staff prior to the conclusion of the closed session unless the City Attorney, the City Manager, in consultation with the City Attorney, or a majority vote of the Council authorizes retention of the materials. The authorization to retain materials does not affect the privilege of confidentiality affecting those materials, the information and/or the obligation to not disclose any of said information or materials.

C. Personnel, Medical Information and Public Safety Records.

1. As a general rule City Council has no authority to review individual employee personnel records and/or medical information, with the exception of the personnel files and nonmedical information relating to the City Attorney or City Manager.
2. Council has a limited privilege to review information which may be necessary in the personnel context as part of labor negotiations. If that information is received in closed session, Section II.B of this Policy applies.
3. Council may have access to information and records maintained by the public safety department which are accessible public records and non-confidential in nature as determined by the Chief of Public Safety in consultation with the City Attorney.

D. Attorney-Client and Work-Product Privileged Information and Records.

1. Consistent with City Charter Section 908, while the City Attorney controls all legal business and proceedings of the City subject to contracting and budget constraints, the City Council can review with the City Attorney the handling of any matter, including litigation and shall have the right to

COUNCIL POLICY MANUAL

view contracts authorized by the City Attorney and the negotiation and payment of legal invoices.

2. Council shall exercise this right through either the supervision of individual cases as those matters come before the Council or as part of the City Attorney evaluation process.

E. Procedure for Access to Information.

1. Litigation/Legal – Any individual councilmember seeking to examine individual contracts, invoices, payments or records involving confidential information or records handled by the City Attorney may request that Council conduct an inquiry as is authorized under Section 807 of the City Charter. If the inquiry arises as part of the evaluation of the City Attorney, the Mayor shall advise the City Attorney in advance of the evaluation proceeding that the Council has voted by at least four affirmative votes to inquire into one or more matters specified in this Policy. The City Attorney shall respond with sufficient information and detail as may be required by the Council.
2. If the request or inquiry is made as part of a public meeting the requesting councilmember shall state the request in the form of a motion. If the motion receives a second, the matter shall be voted on and four votes shall authorize access by the Council. The City Manager and City Attorney are directed to determine in what context the access can occur to maintain any privilege or comply with any obligation imposed on the City by law.
3. If legally permissible, a councilmember may review confidential information directly with the City Manager or City Attorney in a manner which preserves and protects the attorney-client and attorney work-product privileges of the City and is consistent with the time limitations of Section I above.
4. Attempts to access information or records in violation of this policy shall be ruled as “out of order” by the Mayor if the attempt occurs at a public meeting and reported to the Mayor if the violation occurs outside of a public meeting.

F. Limitations and Exclusions.

1. The Policy is supplementary to and in no way is intended to conflict with the City Charter or to compromise or abrogate the privileges possessed by the City including, but not limited to, the attorney-client privilege, the attorney work-product privilege, the obligations and privileges with respect to personnel records, medical information and records under HIPPA and other laws and regulations. This policy also does not impact

COUNCIL POLICY MANUAL

the City's rights and obligations under the California Public Records Act, Government Code 6254, et seq.

2. Confidential public records shall only be disclosed to staff on a need-to-know basis only as may be determined by the custodian of those records in consultation with the City Attorney.
3. If a confidential record no longer needs to be held as confidential, it shall be considered an accessible public record.

III. Implementation.

The City Manager shall monitor those provisions of this policy within the City Manager's Charter responsibilities. Disagreement in interpretation shall be resolved by the City Council. The City Manager shall institute administrative policy to implement this policy. At the time a new Councilmember is seated, the Mayor and City Manager should review this policy with him/her.

Annually, the City Manager shall review the resource requirements necessary to support the level of service specified in this policy, and recommend as a part of the proposed budget necessary changes of budget resources.

(Adopted: Council Policy Update, RTC #14-0061 (November 25, 2014))

Lead Department: Office of the City Manager

For reference, see also: 7.4.6 Council Announcements and Speeches.



City Council Report

Item: 21.
Category: New Business
Meeting Date: June 21, 2016

TITLE: Authorization to enter negotiations for acquisition to purchase property and to appoint a negotiator (**Resolution / Roll Call Vote**)

RECOMMENDATION

That the City Council take the following action:

1. Adopt a Resolution, authorizing the City Manager to enter negotiations for acquisition to purchase property and to appoint a negotiator.

DISCUSSION

Whenever a Below Market Rate (BMR) home is sold, the new homeowner must sign an Occupancy, Resale, and Refinancing Restriction Agreement. The Agreement is between the homeowner and the City and requires the homeowner to notify the City if they intend to sell or transfer the home. Per the Agreement, the City has an option to buy the home at a restricted price or assign its right to purchase the Home to another public agency, a nonprofit corporation, or to an eligible purchaser.

On May 13th, the City received a homeowner's notice of intent to sell their 1BR/1Bath BMR condominium unit. In accordance with the Agreement, the City responded to the notice on May 18th thereby exercising its option to purchase the home or assign its right to a City designated purchaser. On May 20th, the homeowner acknowledged the City response, giving the City (or the City's designated purchaser) 90 days to open an escrow account for purchase of the home. Given this short timeline, the City needs to choose one of the following options, allowing enough time to open escrow by August 18th:

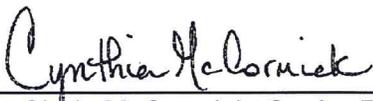
Option 1: Enter negotiations for acquisition to purchase property and appoint a negotiator to purchase the home at a restricted resale price, sell the home at a market rate price, and use the proceeds to further the City's Affordable Housing Program.

Option 2: Direct the new BMR Administrator to process the sale of the home between the existing *low*-income household and a new *low*-income household, retaining the home in the City's *low*-income affordable housing stock.

Option 3: Direct the BMR Administrator to process the sale of the home between the existing *low*-income household and a new moderate-income household; retaining the home in the City's *moderate*-income affordable housing stock, and using the proceeds from the moderate-income sales price to further the City's Affordable Housing Program.

Regardless of the option chosen by the City, the existing BMR homeowner would be paid the restricted resale price which is approximately \$1,875 more than what they paid for the home in 2012. A 3% transaction fee would be added to the new sales price.

Authorization to enter negotiations to purchase property and to appoint a negotiator

Prepared by: 
Cirdy McCormick, Senior Planner

Reviewed by: 
Paul Kermoyan, Community Development Director

Approved by: 
Mark Linder, City Manager

RESOLUTION NO. _____

**BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
AUTHORIZING THE CITY MANAGER TO ENTER NEGOTIATIONS FOR ACQUISITION TO
PURCHASE PROPERTY AND APPOINT A NEGOTIATOR**

WHEREAS, on May 13th, the City received a homeowner's notice of intent to sell their 1BR/1Bath Below Market condominium unit; and

WHEREAS, the City responded to the notice on May 18th thereby exercising its option to purchase the home or assign its right to a City designated purchaser; and

WHEREAS, on May 20th, the homeowner acknowledge the City response, giving the City (or the City's designated purchaser) 90 days to open an escrow account for purchase of the home.

NOW, THEREFORE, BE IT RESOLVED; that the City Council of the City of Campbell hereby authorizes the City Manager to enter negotiations for acquisition to purchase and appoint a negotiator to purchase the home at a restricted resale price, sell the home at a market rate price, and use the proceeds to further the City's Affordable Housing Program.

PASSED AND ADOPTED, this 21st day of June, 2016 by the following roll:

AYES: COUNCILMEMBERS:

NOYES COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

APPROVED: _____
Jason T. Baker, Mayor

ATTEST: _____
Wendy Wood, City Clerk



City Council Report

Item: 22.

Category: Council Committee Reports

Meeting Date: June 21, 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.)
Silicon Valley Clean Energy Authority Board of Directors
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
Silicon Valley Clean Energy Authority Board of Directors (Alt.)

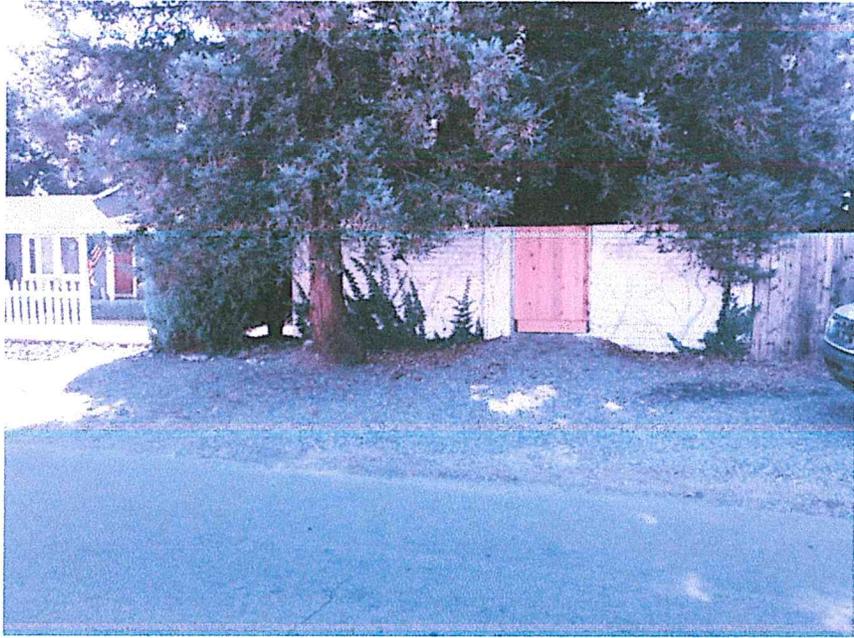
COUNCILMEMBER KOTOWSKI:

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

****appointed by other agencies**



Jun 2016



Jan 2014



Oct 2014



MAY 2011



MAR 2009



Apr 2008



Oct 2007

Google maps

1312 Walnut Dr



San Tomas Area Community Coalition

P.O. Box 320663
Los Gatos CA 95032

408.410.6528 phone
info@staccna.org
<http://staccna.org>

City of Campbell
70 N. First Street
Campbell CA 95008

June 21, 2016

Attn: City Council Members
Mark Linder, City Manager
Todd Capurso, Public Works

Subj: Air and Noise Pollution; Public Works Project 14-GG Signal Light McCoy/
Harriet/San Tomas Aquino Rd.

Dear City Council Members and Staff:

I'm here to talk about **Air and Noise Pollution**.

According to the EPA moving and idling vehicles make the same amount of pollution. So a traffic signal will just have more cars sitting there spewing pollutants into the area. (I have a list but I can't pronounce most of them, ozone and formaldehyde are two).

(ozone, acetal dehyde, acrolein, benzene, butadiene, formaldehyde, etc.).

Studies have shown that **Air and Noise Pollution** have bad effects on peoples health, worsening illnesses such as heart disease, asthma, diabetes, and lung cancer. Since children have developing immune systems and lungs, they are more affected, as are the elderly. A study in the **Journal of Environmental Health Perspectives** concluded that **Residential proximity to high traffic and traffic noise exposure showed a tendency toward higher Blood Pressure**. Surprise! Pollution and traffic stresses people out!

Recent studies have suggested that air pollution, **particularly traffic-related pollution**, is associated with infant mortality and the development of hyperallergic asthma.

We want the traffic to flow, the goal is to reduce pollution by reducing idling times.

I'm not saying that this one signal light will cause infant mortality rates to jump, or increase the incidents of heart attacks in the area, although cumulatively with other factors pollution is overwhelming harmful to us. What I am saying is that idling cars will stink up the area, and car noise will make it irritating.

So let's keep the vehicles moving rather than idling at a signal light spewing more pollutants into our air, and creating more noise on our streets. Work with the community to find a better solution, and start right away with a crossing guard during school times. After all, there's nothing quite as reassuring as the human factor when it comes to safety.

Best regards,

A handwritten signature in black ink that reads "Audrey Kiehtreiber". The signature is written in a cursive, flowing style.

Audrey Kiehtreiber

President

