



# *City Council Agenda*

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

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

**Tuesday, August 2, 2016 – 7:30 p.m.  
Council Chamber – 70 N. First Street**

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

### **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

- Campbell Based Crisis Stabilization Unit Outcomes**  
Recommended Action: Accept the presentation.

### **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.

- Minutes of Study Session of July 19, 2016**  
Recommended Action: Approve the study session minutes.
- Minutes of Regular Meeting of July 19, 2016**  
Recommended Action: Approve the regular meeting minutes.
- Approving Bills and Claims**  
Recommended Action: Approve the bills and claims in the amount of \$1,276,843.82.
- Monthly Investment Report – June, 2016**

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

6. **Second Reading of Ordinance 2206 Approving a City-Initiated Text (PLN2016-180) to Amend Campbell Municipal Code Chapters 21.20 and 21.24 Regarding Density Bonus Regulations (Second Reading Ordinance/Roll Call Vote)**

Recommended Action: Approved second reading and adopt Ordinance 2206 approving a city-initiated text amendment to Campbell Municipal Code Section 21.20 and 21.24 regarding Density Bonus Regulations.

7. **Authorize Issuance of Request for Proposal to Replace City Gas Pumps and Authorize the purchase of New Management Software (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the public Works Director to issue a request for proposals and enter into an agreement for the purchase and installation of gas pumps located at the City Service Yard and at the Police Department fleet parking area; and authorize the Public Works Director to execute a purchase agreement for the "FUELMASTER" fuel management software by "piggybacking" on the National Joint Power Alliance No. 051613-sys.

8. **A Resolution to Implement Stage 2 Potable Water Restrictions to Correspond with the Reductions of the Water Conservation Goal from 30% to 20% (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution to implement Stage 2 drought restrictions based on the Santa Clara Valley Water District and San Jose Water Company reduction of the water conservation goal from 30% to 20% of 2013 usage.

9. **Authorize City Manager to Execute an Agreement with EPCIT for Temporary Information Technology Professional Services (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the City Manager to execute an agreement with EPCIT to provide temporary professional services for the Information Technology Division.

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

10. **Placing the Cost of Abating Hazardous Vegetation on the Property Tax Assessment Roll (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution placing the cost of abating hazardous vegetation on the property tax assessment roll.

## **NEW BUSINESS**

11. **Authorization to Enter into Negotiations for Acquisition to Purchase and to Appoint a Negotiator**

Recommended Action: Authorize the City Manager to enter into negotiations for acquisition to purchase property and to appoint a negotiator.

12. **Water Tower Lighting Request**

Recommended Action: Review and provide direction related to Water Tower Lighting Requests from the Campbell Police Officers Association and the Teal Foundation.

**COUNCIL COMMITTEE REPORTS**

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

Recommended Action: Report on committee assignments and general comments.

**ADJOURN**

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**CITY COUNCIL EXECUTIVE SESSION**

**Tuesday, August 2, 2016 – Immediately Following Council Meeting  
Ralph Doetsch Conference Room - 70 N. First Street**

- A. Personnel - PUBLIC EMPLOYEE PERFORMANCE EVALUATION (California Government Code § 54957)  
Title: City Attorney
- B. Litigation
- C. Real Property
- D. Labor Negotiations - CONFERENCE WITH LABOR NEGOTIATORS (California Government Code § 54957.6) Agency Designated Representatives: Mayor Jason Baker and Vice-Mayor Elizabeth Gibbons Unrepresented Employee: City Attorney

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# City Council Report

Item: 1.  
Category: Special Presentations  
Date: August 2, 2016

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**TITLE: CAMPBELL BASED CRISIS STABILIZATION UNIT OUTCOMES**

## **RECOMMENDATION**

Observance of a special presentation from Laura Chapman, Regional Executive Director, Eastfield Ming Quong FamiliesFirst regarding the outcomes of the Campbell based Crisis Stabilization Unit.

## **BACKGROUND**

Eastfield Ming Quong Families First better known as EMQ FamiliesFirst, a private, nonprofit agency, originated from the merging of two children and family services agencies - the Eastfield Home of Benevolence (founded in San Jose in 1867) and Ming Quong Presbyterian Mission Home (founded in San Francisco in 1874). After these agencies merged in 1987, they then merged with Hollygrove (originally Los Angeles Orphans Home Society founded in 1880) and with FamiliesFirst (began in Davis in 1974 as the Praul Center). EMQ FamiliesFirst is now a statewide nonprofit whose main goal is to help children and families, build communities, and advocate for system change by working closely with county partners in children and family services to provide direct services through physicians, nurses, psychologists, social workers, counselors, and therapists.

Providing services to over 18,000 children and their families annually, EMQ FamiliesFirst is now one of the largest family-centered treatment in California. Over 90% of children and adolescents stay in school, live in the community, and remain out of trouble, after completing the programs offered to help them recover from trauma such as abuse, severe neglect, addiction and poverty.

## **DISCUSSION**

Laura Chapman, Regional Executive Director, Eastfield Ming Quong FamiliesFirst will present the outcomes of the Campbell-based Crisis Stabilization Unit and share the number of children served, those kept out of higher levels of care, and the number of lives changed as a result of their work.

**Reviewed and  
Approved by:**

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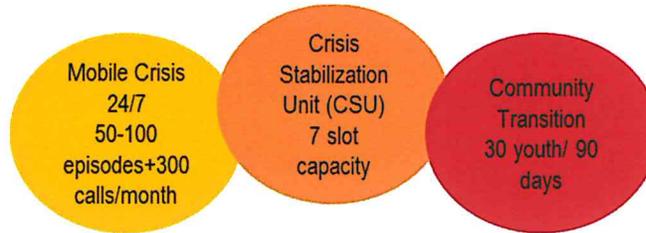
Mark Linder, City Manager

## Service Delivery Principles

- Strengths-based
- Family Centered
- Team-based
- Collaborative and Integrative
- Community-based
- Individualized
- Natural Supports
- Unconditional
- Needs Driven
- Flexible/Accessible
- Outcome-based
- Culturally Competent



## Santa Clara County Children's Crisis Continuum



- Crisis Continuum developed as a joint partnership with Santa Clara County Behavioral Health Department.
- Primary goal is to quickly stabilize children back home with parents.
- Mobile Crisis responding with 5150 assessments for over 20 years.
- Transition service opened in 2013
- Crisis Stabilization—2014



Successful, Non-emergency PD & Ambulance Access Plan – no neighborhood complaints

## Milestones

Year	Milestone
1867	Eastfield Home of Benevolence founded in San Jose.
1874	Ming Quong Presbyterian Mission Home founded in SF (1st charity to admit Chinese children).
1880	Hollygrove originally founded in downtown LA by Dr. Dan G. Stephens & Mrs. Frank A. Gibson.
1930's	Norma Jean Baker (Marilyn Monroe) comes to live at Hollygrove. Ming Quong opens another orphanage for younger girls in Los Gatos
1953	Ming Quong enrolls boys & needy children of all races and becomes independent of Presbyterian Church. Hollygrove provides residential services for abused & neglected children removed from their families by court order.
1974	The Praul Center Residential Treatment Program (RTP) - predecessor to FamiliesFirst, is founded in Davis.
1985	RTP changes name to FamiliesFirst to reflect importance of family in children's lives.
1987	Eastfield & Ming Quong merge = Eastfield Ming Quong — EMQ Children & Family Services.
1990's	FamiliesFirst Crisis Residential & Day Treatment programs started in Concord. EMQ adds Kids are Special drug & alcohol abuse prevention/education. FamiliesFirst starts Adoptions, Kinship, Shared Family Care & Transitional Living Programs.
1994	Partnering with Social Services, Juvenile Probation, and Mental Health, EMQ launched California's first Wraparound program.
1999	EMQ acquires SJ based sexual abuse treatment pioneer Giarretto Institute and also begins to provide Wraparound services in Sacramento.
2002	EMQ expands into Southern California, opening a Wraparound program in San Bernardino.
2004	MH Services Act (prop 63) is passed in California, making Wraparound available to children. Jerry Doyle chaired subcommittee that wrote children's portion of the legislation.
2005	Hollygrove closes residential program, concentrating on community-based MH services.
2006	Hollygrove and EMQ merge.
2009	EMQ and FamiliesFirst merge = EMQ FamiliesFirst. CEO Jerry Doyle retires after 39 years, Darrell Evora is named President/CEO.
2016	EMQ FamiliesFirst changes its name to Uplift Family Services.

# CITY COUNCIL MINUTES

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



## CAMPBELL CITY COUNCIL STUDY SESSION

Tuesday, July 19, 2016 - 6:30 p.m.  
Council Chamber – 70 N. First Street

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

This meeting was recorded and can be viewed in its entirety at [www.cityofcampbell.com/agendacenter](http://www.cityofcampbell.com/agendacenter).

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

The City Council of the City of Campbell convened this day in the Council Chambers of City Hall, 70 N. First Street, Campbell, California, to discuss the Envision Campbell General Plan Update with the consultants.

### CALL TO ORDER, 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; Paul Kermoyan, Community Development Director; and Todd Capurso, Public Works Director

### NEW BUSINESS

#### 1. **Envision Campbell General Plan Update with Consultants**

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

Ben Ritchie, De Novo Planning Group consultant explained the purpose of the General Plan, gave a summary of the process, and outlined the next steps.

### PUBLIC COMMENT

Susan Landry, Campbell resident and GPAC member, spoke about the first GPAC meeting, stated that she looks forward to providing input, and would like Council to reconsider the traffic impact fee.

Rebecca Byrne, representative from Housing Choices Coalition, spoke about the unmet housing need for disabled persons needing affordable housing and asked that the land use policy is reviewed and that they keep this group in mind.

T.J. Scimone, spoke about affordable housing for the disabled and would like to see more focus in this area.

Jo-Anne Fairbanks, Campbell resident and GPAC committee member, spoke about the GPAC meeting and gave positive comments about the consultants.

Council listened to the presentation, public comment and provided general feedback.

## **ADJOURN**

Mayor Baker adjourned the meeting at 7:23 p.m.

APPROVED:

ATTEST:

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Jason T. Baker, Mayor

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Wendy Wood, City Clerk

# CITY COUNCIL MINUTES

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



## CITY COUNCIL EXECUTIVE SESSION

Tuesday, July 19, 2016 – 6:00 p.m.

Ralph Doetsch Conference Room - 70 N. First Street

- A. **Personnel**
- B. **Litigation – Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to paragraph (2) of subsection (d) of California Government Code Section 54956.9: One case.**
- C. **Real Property – Conference with Real Property Negotiators – Property: 21 N. Second Street #31, Campbell, CA 95008; Agency Negotiator: HouseKeys**
- D. **Labor Negotiations**

Council met in Executive Session to discuss items B and C. Executive session adjourned at 6:26 p.m.

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

Tuesday, July 19, 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](http://www.cityofcampbell.com/agendacenter).

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

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

### Roll Call:

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

Absent: Councilmembers: None

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

### **Pledge: Ari Chen**

The Pledge of Allegiance was led by Ari Chen, Product Development Intern for Silicon Valley Talent Partnership. Mayor Baker presented her with a certificate of appreciation for leading the pledge and thanked her for all her work on the Envision Campbell App.

## **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

### **1. Recognize the South Bay Clean Creeks Coalition**

**Recommended Action:** Recognize Steve Holmes and the South Bay Clean Creeks Coalition for their trash and debris efforts along the Los Gatos Creek.

Public Works Director Capurso introduced Steve Holmes and the South Bay Clean Creeks Coalition.

Steve Holmes gave a presentation on the work the South Bay Clean Creeks Coalition has done in the Los Gatos Creek.

Mayor Baker thanked him and the organization for their services and presented him with a Certificate of Recognition.

## **COMMUNICATIONS AND PETITIONS**

Mayor Baker stated that he received a communication from Chris Brown, Deputy County Librarian wishing to introduce the new Campbell Librarian.

Chris Brown introduced Peggy Tomasso as the new Campbell Librarian.

## **ORAL REQUESTS**

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Susan Landry, Campbell resident, spoke about Barracuda's parking lot and stated that they are still in violation of their permit and would like to see the issues resolved.

Jim Stallman, Saratoga resident, spoke about the Valley Transit Authority bus service coverage reduction and would like the board representative to vote for 50 percent not the 90, 80, or 70.

## **COUNCIL ANNOUNCEMENTS**

### **Refinancing of City and Successor Agency Debt Update:**

For the past few months, the City of Campbell and the Campbell Successor Agency staff have been working on refinancing the City's outstanding debt. Two bond issues totaling \$30.7 million were successfully sold in separate public and private placement transactions which, when completed, will replace four separate debt obligations originally issued between 1997 and 2005.

The total reduction in debt service from the combined refinancing will save nearly \$14 million over the remaining life of the new debt and is largely the result of being able to capitalize on the low interest rate environment that currently exists.

The Campbell Police Department has launched the "Don't Rush to Flush" campaign. A safe medical disposal program to safely dispose of expired or un-needed prescription and over-the-counter drugs. A prescription drug drop-off box is now available in the Police Department's lobby. Pet medications are also accepted. For more information please visit [Don't Rush to Flush.org](http://Don'tRushToFlush.org).

Upcoming Below Market Rate Housing Orientation Workshops: The City's new BMR Administrator, HouseKeys, will hold orientations every other week to explain the process for purchasing a BMR home from initial application, lottery selection, financing and document signing to moving in. The meetings are scheduled for the Council Chambers on the following dates from 6:30 p.m. to 8:30 p.m. Those dates are: Wednesday, July 20; Thursday, August 4; Wednesday, August 17; and Wednesday, August 31.

The next History Happy Hour session at the Ainsley House will feature historian Barney Terrell on **Friday, July 22**, from 5:30 p.m. to 7:30 p.m. when he tells the story of over 200 men from Santa Clara County drafted into the U.S. armed forces during World War I. These men participated in the Argonne Forest Offensive along the Western Front. Call 408-866-2104 to register for this event.

Please join the City of Campbell for the dedication and celebration of the official opening of the East Campbell Avenue Portals Project on **Friday, August 5** at 11:00 a.m. More information will be available on the City's website in the coming weeks.

Join us Thursday nights for the 24<sup>th</sup> Annual Summer Concert Series presented by Kaiser Permanente from 6:30 p.m. to 8:00 p.m. at the Orchard City Green located between City Hall and the Campbell Library. This week's concert features the Houserockers. For more information about these and other events and information, visit the City's website at [www.cityofcampbell.com](http://www.cityofcampbell.com).

### **CONSENT CALENDAR**

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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.

The Consent calendar was considered as follows:

2. **Minutes of Regular Meeting of June 21, 2016**

Recommended Action: Approve the regular meeting minutes.

This action approves the minutes of the regular meeting of June 21, 2016.

3. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$2,342,410.13.

This action approves the payment of bills and claims in the amount of \$2,342,410.13 as follows: bills and claim dated June 13, 2016 in the amount of \$214,105.16; payroll checks dated June 16, 2016 in the amount of \$250,189.95; bills and claims checks dated June 20, 2016 in the amount of \$227,177.96; bills and claims checks dated June 27, 2016 in the amount of \$1,024,274.39; payroll checks dated June 30, 2016 in the amount of \$301,590.64; and bills and claims checks dated July 4, 2016 in the amount of \$275,132.03.

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

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

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

5. **Amendment to the Classification and Salary Plan – Planning Technician (Resolution/Roll Call Vote)**

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

Resolution 12014 amends the Classification and Salary Plan for Planning Technician.

6. **Resolution Declaring the Month of July as Parks Make Life Better Month (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution recognizing July as Parks Make Life Better Month in the City of Campbell.

Resolution 12015 recognizes July as Parks Make Life Better Month in the City of Campbell.

7. **Authorizing the City Manager to Execute the Thirteenth Amendment to the Master Agreement with Compass Group USA/Batemen Division 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 thirteenth amendment to the master agreement with Compass Group USA/Bateman Division to provide catered meals for the Senior Nutrition program for FY 16-17.

Resolution 12016 authorizes the City Manager to execute the thirteenth amendment to the master agreement with Compass Group USA/Bateman Division to provide catered meals for the Senior Nutrition program for FY 16-17.

8. **Adoption of Resolution to Issue a Request for Proposal (RFP) to Replace the City's Storage Area Network (SAN) and Associated Switching Equipment and Authorize the City Manager to Award the Contract (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the issuance of an RFP for a replacement Storage Area Network and associated switching equipment not to exceed \$160,000; and authorizing the City Manager to award the contract for this equipment to the vendor whose proposal is determined to be the most advantageous to the City.

Resolution 12017 authorizes the issuance of an RFP for a replacement Storage Area Network and associated switching equipment not to exceed \$160,000; and authorizes the City Manager to award the contract for this equipment to the vendor whose proposal is determined to be the most advantageous to the City.

9. **Authorization to Purchase Materials, Supplies, and Equipment through the State of California (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the City to purchase material, supplies, and equipment through the Office of Procurement, Department of General Services of the State of California.

Resolution 12018 authorizes the City to purchase material, supplies, and equipment through the Office of Procurement, Department of General Services of the State of California.

10. **Budget Adjustment of \$13,970 to Fund Portion of the Purchase of a Moving Lights System for the Heritage Theatre and Authorize the Recreation and Community Services Director to Execute the Contract for the Purchase and Approve the Changes to the Fee Schedule for Recreation and Community Services (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing a budget adjustment of \$13,970 for the purchase of a Moving Lights system for the Heritage Theatre and authorize the Recreation and Community Services Director to execute a contract for the purchase.

Resolution 12019 authorizes a budget adjustment of \$13,970 for the purchase of a Moving Lights system for the Heritage Theatre and authorizes the Recreation and Community Services Director to execute a contract for the purchase.

11. **Authorize an Agreement for Executive Search Services (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution to authorize the Human Resources Manager to execute an agreement for executive search services with Peckham and McKenney.

Resolution 12020 authorizes the Human Resources Manager to execute an agreement for executive search services with Peckham and McKenney.

12. **Accept Improvement for Miscellaneous Frontage Improvements – East Campbell Avenue Project No. 15-QQ (at Campbell Inn) and Direct the Filing of the Notice of Completion and Authorize the Finance Director to Execute a Budget Adjustment (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution accepting completion of the Miscellaneous Frontage Improvements – East Campbell Avenue Project 15-QQ (at Campbell Inn); direct the filing of the Notice of Completion; and authorize the Finance Director to execute a budget adjustment.

Resolution 12021 accepts the completion of the Miscellaneous Frontage Improvements – East Campbell Avenue Project 15-QQ (at Campbell Inn); directs the filing of the Notice of Completion; and authorizes the Finance Director to execute a budget adjustment.

13. **Resolution of the Campbell Industrial Development Authority Electing and Designating Officers and Establishing a Regular Meeting Schedule (Resolution/Roll Call Vote)**

Recommended Action: The Board of Directors of the Campbell Industrial Development Authority (IDA) adopt a resolution electing and designating officers and establishing the regular meeting schedule of the IDA.

Resolution 12022 of the Board of Directors of the Campbell Industrial Development Authority (IDA) elects and designates officers and establishes the regular meeting schedule of the IDA.

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

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

**NOES: Councilmembers: None**

**PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES**

14. **Public Hearing to Consider the Application of Steven Bonner for a Modification (PLN2016-105) to a Previously-Approved Conditional Use Permit (PLN2016-57/PLN2015-195) for an Existing Restaurant to Modify the Approved Alcohol Service From Beer and Wine to “General” (Distilled Spirits), Extend the Business Closing Time From 10:00 p.m. to 12:00 a.m. (“Late-Night Activity”), Increase the Number of Approved Bar Seats, Permit Amplified Live Entertainment, and Allow Occasional Outdoor seating and Service in the Rear Parking Lot for Special Events, on Property Located at 368 E. Campbell Ave. in the C-3 (Central Business District) Zoning District (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution approving a Modification (PLN2016-105) to a previously-approved Conditional Use Permit (PLN2016-57/PLN2015-195) to modify the approved alcohol service from beer and wine to “general” (distilled spirits), extend the business closing time from 10:00 p.m. to 11:30 p.m. (“late-night activity”), and allow amplified live entertainment for an existing restaurant.

This is the time and place for a public hearing to consider the application of Steven Bonner for a modification (PLN2016-105) to a previously-approved Conditional Use Permit (PLN2016-57/PLN2015-195) for an existing restaurant to modify the approved alcohol service from beer and wine to “General” (Distilled Spirits), extend the business closing time from 10:00 p.m. to 12:00 a.m. (“Late-Night Activity”), increase the number of approved bar seats, permit amplified live entertainment, and allow occasional outdoor seating and service in the rear parking lot for special events, on property located at 368 E. Campbell Ave. in the C-3 (Central Business District) Zoning District.

Interim Senior Planner Fama presented staff report dated July 19, 2016.

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

Michael Stevens, Campbell resident, stated support for the application.

Susan Landry, Campbell resident, referenced the letter she submitted as a desk item and spoke about ADA compliance issues.

Timothy and Kathy Misko, Campbell residents, spoke in support of the application.

Bev and Stefon Zschienger, Campbell residents, spoke in support of the application.

Mike Fenimore, Santa Clara resident, spoke in support of the application.

Cameron Peron, Campbell resident, spoke in support of the application.

Ryan Cooley, Los Gatos resident and employee of Socialight, spoke in support of the application.

Edgar Zalana, Gilroy resident and employee of Socialight, spoke in support of the application.

Matt Bell, Campbell resident, spoke in support of the application.

Rita Archer, Campbell resident, spoke in support of the application.

Rich Waterman, Campbell resident, stated concerns with restaurants “morphing” into bars.

Simon Lambert, Campbell resident, spoke in support of the application.

Kelly Young, Los Gatos resident, spoke in support of the application.

Mike Krisman, Campbell resident, stated concerns with the Conditional Use Permit staying with the property.

Joe Kasof, spoke in support of the application.

Lew Hess spoke in support of the application.

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

After discussion, **M/S: Gibbons/Resnikoff – that the City Council adopt Resolution 12023 approving a Modification (PLN2016-105) to a previously-approved Conditional Use Permit (PLN2014-57/PLN2015-195) to modify the approved alcohol service from beer and wine to “general” (distilled spirits), extend the business closing time from 10:00 p.m. to 11:30 p.m. (“late-night activity”), with an amendment to the condition stating that if there are two violations relating to the establishment’s hours of operation, the Community Development Director may immediately restrict the public closing time to 10:00 p.m., allow amplified live entertainment by a house amplification system, including desk item memo from staff to modify condition 4c the would require the accessible issue to be addressed regarding depth and include the accessible seating area as part of the count for the nine total bar seats . Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: None**

Mayor Baker called for a ten minute recess.

Council reconvened at 9:15 p.m.

15. **Public Hearing to Consider the Application of Zack Puckett for an Administrative Planned Development Permit (PLN2015-338) with a Request for an Exception to a Parking Setback Contained within the Winchester Boulevard Master Plan, to Allow for the Redevelopment of an Existing Building and Site (Formerly Michi Sushi) on Property Located at 2220 S. Winchester Boulevard, within the Planned Development (PD) Zoning District (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution incorporating findings, approving as Administrative Planned Development Permit to allow for the redevelopment of an existing building and site, with and exception to a parking setback contained within the Winchester Boulevard Master Plan, on property located at 2220 S. Winchester Boulevard, subject to Conditions of Approval.

This is the time and place for a public hearing to consider the application of Zack Puckett for an Administrative Planned Development Permit (PLN2015-338) with a request for an exception to a parking setback contained within the Winchester Boulevard Master Plan, to allow for the redevelopment of an existing building and site (formerly Michi Sushi) on property located at 2220 S. Winchester Boulevard, within the Planned Development (PD) Zoning District.

Associate Planner Rose presented staff report dated July 19, 2016.

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

Marv Bamburg, Project Architect, spoke in support of the project.

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

After discussion, **M/S: Cristina/Kotowski – that the City Council adopt resolution 12024 incorporating findings, approving as Administrative Planned Development Permit to allow for the redevelopment of an existing building and site, with and exception to a parking setback contained within the Winchester Boulevard Master Plan, on property located at 2220 S. Winchester Boulevard, subject to Conditions of Approval. Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: None**

\*\*Mayor Baker stated that Item 18 would be taken out of order.

## **NEW BUSINESS**

**\*\* Item taken out of order**

18. **Pre-Ballot Measure Recommendation**

Recommended Action: Postpone consideration for a revenue ballot measure for the November 2016 General Election and direct staff to perform additional analysis related to the development of a Civic Center project and to continue pre-ballot preparations for November 2018.

City Manager Linder presented staff report dated July 19, 2016.

Rosanne Macek, Campbell resident, spoke about the importance of the library, stated concerns with delaying the ballot measure, and would like it to go on the November ballot.

Jennifer Weeks, Children's Librarian at Santa Clara County Library District, spoke about the importance of the library, early literacy and the need for a larger and up-to-dated facility.

Margaret Mori, Campbell resident, would like a larger library with ADA accessibility and a more accessible meeting room.

Frances Emmanuel, Campbell resident, would like a larger library and stated that there is support for a new library.

Elizabeth Ward, Campbell resident, spoke about the importance of the library and would like a ballot measure for a new library.

Mike Krisman, Campbell resident, spoke about deferring maintenance on the library and focus on putting a measure on the November ballot to support the needs of public safety.

Nancy Howe, Director of the Santa Clara County Library District, spoke about the continuous expense and maintenance of the Campbell Library.

Rich Waterman, Campbell resident, spoke about the need to have a budgeting process to set aside money for building deterioration.

After discussion, **M/S: Cristina/Resnikoff – that the City Council postpone consideration for a revenue ballot measure for the November 2016 General Election and direct staff to perform additional analysis related to the development of a Civic Center project and to continue pre-ballot preparations for November 2018. Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: Gibbons, Baker**

16. **Public Hearing to Consider a City-initiated Text Amendment (PLN2016-180) to Amend Campbell Municipal Code Chapters 21.20 and 21.24 Regarding Density Bonus Regulations. (Introduce Ordinance/Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution finding the proposed Zoning Text Amendment is exempt from CEQA; and take first reading and introduce the Ordinance approving a Text Amendment amending Chapters 21.20 and 21.24 of the Campbell Zoning Code, regarding density bonus regulations.

This is the time and place for a public hearing to consider a City-initiated text amendment (PLN2016-180) to amend Campbell Municipal Code Chapters 21.20 and 21.24 regarding Density Bonus Regulations.

Senior Planner McCormick presented staff report dated July 19, 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 adopt resolution 12025 finding the proposed Zoning Text Amendment is exempt from CEQA; and take first reading and introduce Ordinance 2206 approving a Text Amendment amending Chapters 21.20 and 21.24 of the Campbell Zoning Code, regarding density bonus regulations with an amendment to include the desk item exhibit A. 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 2206.

**M/S: Gibbons/Kotowski – that the City Council waive further reading of Ordinance 2206. Motion was adopted unanimously.**

17. **Lighting and Landscaping District, Fiscal Year 2016/17 – Confirming Assessments (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution overruling protests, if any, approving the Engineer's Report, ordering the improvements, and confirming the diagram and assessments.

This is the time and place for a public hearing for comments regarding the levy of assessments for the City of Campbell Lighting and Landscaping District (LLA-1) for Fiscal Year (FY) 2016/17.

Senior Civil Engineer Storz – presented staff report dated July 19, 2016.

City Clerk Wood read the Clerk's Statement verifying public hearing notification and stated that no protests were received.

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: Cristina/Resnikoff– that the City Council adopt Resolution 12026 approving the Engineer's Report, ordering improvements, and confirming the diagram and assessments. Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: None**

### **COUNCIL COMMITTEE REPORTS**

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

--Councilmember Resnikoff attended the Downtown Campbell Business Association meeting and the Relay for Life.

--Councilmember Kotowski attended the Friends of the Heritage Theatre meeting and the Relay for Life.

--Vice Mayor Gibbons attended the Silicon Valley Clean Energy Authority Board of Directors meeting.

### **ADJOURN**

Mayor Baker adjourned the meeting at 11:03 p.m.

APPROVED:

ATTEST:

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

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



# City Council Report

Item: 4.  
Category: Consent Calendar  
Meeting Date: August 02, 2016

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

## RECOMMENDATION

Approve the attached lists of bills and claims for payment in the amount of \$1,276,843.82.

## DISCUSSION

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

<u>Type</u>	<u>Check Date</u>	<u>Amount</u>
Bills & Claims	July 11, 2016	\$407,427.40
Bills & Claims	July 07, 2016	\$17,255.35
Bills & Claims	July 15, 2016	\$223,080.25
Bills & Claims	July 18, 2016	\$315,234.57
Payroll	July 14, 2016	\$313,846.25
	<b>Total</b>	<b>\$1,276,843.82</b>

## FISCAL IMPACT

Adequate funding was available to cover all expenses as listed.

Prepared by:

Carolina Vargas, Accounting Clerk II

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: 5.  
 Category: Consent Calendar  
 Meeting Date: August 2, 2016

**Title: Monthly Investment Report – June, 2016**

**RECOMMENDATION**

That the attached Investment Report for June, 2016 be noted and filed.

**DISCUSSION**

The City invests primarily in the State of California Local Agency Investment Fund (LAIF) and US Government Agency securities to preserve the safety of the City's surplus funds while achieving a reasonable return on its portfolio. The City's strategy is one of buy-and-hold in which a portion of the portfolio is invested in fixed income securities of varying maturities that will provide sufficient cash flow to meet the City's operational needs.

During the month of June, there were no investment transactions. The total portfolio increased approximately \$2.2 million mainly due to receipts of approximately \$1.9 million from the County for Redevelopment Property Tax Trust Fund (RPTTF) payment and normal fluctuations in operating revenue and expenditures.

All investments are made in accordance with the City's established Investment Policy or as authorized pursuant to bond covenants. Presented within this report are the following:

- Investment balance and earnings for June, 2016
- Summary of investments by types as of June, 2016
- List of investments by institution as of June, 2016
- Reconciliation of pooled cash as of June, 2016
- Investment transactions as of June, 2016
- Actual Receipts and Disbursements for June, 2016
- Cash flow projections for the month of September, 2016

<u>Investment Balance and Earnings - June, 2016</u>						
<u>Bal. at Beg. of Month 06/01/16</u>	<u>Purchases/ Deposits</u>	<u>Maturities/ Withdrawals</u>	<u>Bal. at End of Month 06/30/16</u>	<u>Interest Earned this Month</u>	<u>Interest Earned YTD</u>	<u>% of Interest Earned YTD/Budget</u>
\$ 43,354,808	\$ 2,247,785	\$ -	\$ 45,602,593	\$ 21,124	\$ 181,655	82.20%

<u>Summary of Investments by Type - June, 2016</u>						
<u>Description</u>	<u>Current Month</u> 06/30/16	<u>% of Total</u> Portfolio	<u>Prior Month</u> 05/31/16	<u>% of Total</u> Portfolio	<u>Prior Year</u> 6/30/15	<u>% of Total</u> Portfolio
L.A.I.F.	\$ 37,797,703	82.89%	\$ 35,797,703	82.57%	\$ 34,793,756	85.17%
Agencies	\$ 5,500,000	12.06%	\$ 5,500,000	12.69%	3,999,200	9.79%
Money Market (U.S. Bank)	\$ 2,304,890	5.05%	\$ 2,057,105	4.74%	2,057,045	5.04%
<b>Total</b>	<u>\$ 45,602,593</u>	<u>100.00%</u>	<u>\$ 43,354,808</u>	<u>100.00%</u>	<u>\$ 40,850,001</u>	<u>100.00%</u>

**Cash Flow Projections**

The cash flow projection reflects there are sufficient funds available to meet the City of Campbell's anticipated expenditures for September, 2016 through February, 2017 (See Exhibit II).

<u>List of Investments by Institution - June, 2016</u>				
<u>Institution</u>	<u>Cost</u>	<u>% of Total</u> Portfolio	<u>Market</u> <u>Value</u>	<u>Diff. Bet. Cost</u> <u>&amp; Market</u>
L.A.I.F	\$ 37,797,703	82.89%	\$ 37,821,184	\$ 23,481
Federal National Mortgage Assn. (FNMA) *	2,000,000	4.39%	\$ 2,008,340	\$ 8,340
Federal Farm Credit Bank (FFCB)*	1,500,000	3.29%	\$ 1,502,865	\$ 2,865
Federal Home Loan Mortgage Corp (FHLMC) *	2,000,000	4.39%	\$ 2,000,780	\$ 780
U.S. Bank-Money Market Fund **	2,304,890	5.05%	\$ 2,304,890	\$ -
	<u>\$ 45,602,593</u>	<u>100.00%</u>	<u>\$ 45,638,059</u>	<u>\$ 35,466</u>

\* The City intends to hold treasury/agency securities to maturity or until they are called, as a result this is a paper gain and/or loss that will not be realized.

\*\* City and RDA COP and TAB bond proceeds held for program and reserve funds.

<u>Reconciliation of Pooled Cash per Ledgers to Investment Report</u>	
<u>June, 2016</u>	
Balance per ledger - June, 2016	\$ 45,602,593
June, 2016 interest to be Journalized	-
Adjusted General Ledger Balance	<u>45,602,593</u>
Balance Per Investment Report	<u>45,602,593</u>

<u>Summary of Total Cash Invested</u>			
<u>Description</u>	<u>Current Month</u> <u>06/30/16</u>	<u>Prior Month</u> <u>05/31/16</u>	<u>Prior Year</u> <u>06/30/15</u>
Cash on Deposit	\$ 1,193,179	\$ 1,192,539	\$ 2,668,927
Investments	<u>45,602,593</u>	<u>43,354,808</u>	<u>40,850,001</u>
Total Cash and Investments	<u>\$ 46,795,772</u>	<u>\$ 44,547,347</u>	<u>\$ 43,518,928</u>
% of Total Cash Invested	<u>97.45%</u>	<u>97.32%</u>	<u>93.87%</u>

Prepared by: *Sophie Kao*  
Sophie Kao, Accountant

Reviewed by: *Sharif Etman*  
Sharif Etman, Finance Manager

Reviewed by: *Jesse Takahashi*  
Jesse Takahashi, Finance Director

Approved by: *Mark Linder*  
Mark Linder, City Manager

- Attachment 1 - Monthly Schedule of Investments
- Attachment 2 - Cash Flow Projection
- Attachment 3 - Actual Receipts & Disbursements

**City of Campbell  
Monthly Schedule of Investments  
For the month ending June, 2016**

	Beginning Balance	Purchases/ Deposits	Maturities/ Calls/ Withdrawals	Ending Balance	% of Type	% of Assets	Par Value	* Market Value	Maturity Date	Remain Days To Mat	Interest Rate (Annual)	Interest Earned to Maturity	# of Days in Month	Int.Recv. Beginning Balance	Interest Earned This Mo.	Interest Received This Mo.	Int.Recv. Ending Balance	Interest Received To Date	Interest Bal. to Maturity
Local Agency Investment Fund (L.A.I.F.)	\$ 35,797,702.92	\$ 2,000,000.00		\$ 37,797,702.92	100.00%	82.88%	\$ 37,797,703	\$ 37,821,184	N/A	N/A	0.576% Q	N/A	30	\$ 31,755.05	\$ 14,946.26		\$ 46,701.31	\$ 103,947.34	N/A
<b>Cash &amp; Gov't Securities (Custodian-BNY Bank)</b>																			
Fed. Farm Credit Bank (FFCB) Fixed	1,500,000.00			1,500,000.00	27.27%	3.29%	1,500,000	1,502,865	11/30/18	883	1.340% S	59,859	30	-	1,652.05		1,652.05	10,050.00	49,809
Fed. Nat'l Mtg. Assoc. (FNMA) Fixed	2,000,000.00			2,000,000.00	36.36%	4.39%	2,000,000	2,008,340	05/25/21	1,790	1.750% S	175,096	30	2,972.60	2,876.71		5,849.31		175,096
Fed. Home Loan Mortgage (FHLMC)	2,000,000.00			2,000,000.00	36.36%	4.39%	2,000,000	2,000,780	03/30/18	638	1.000% S	49,973	30	3,397.26	1,643.84		5,041.10	10,000.00	39,973
<b>Subtotal-Gov't Securities</b>	<b>5,500,000.00</b>	<b>-</b>	<b>-</b>	<b>5,500,000.00</b>	<b>100.00%</b>	<b>12.06%</b>	<b>5,500,000</b>	<b>5,511,985</b>			<b>1.366%</b>	<b>284,928</b>		<b>6,369.86</b>	<b>6,172.60</b>	<b>-</b>	<b>12,542.46</b>	<b>20,050.00</b>	<b>264,878</b>
<b>Investments under the management of contracted parties:</b>																			
<b>Trustee: U.S. Bank</b>																			
<b>1997 COP</b>																			
Treasury Obligations - Lease Payment	-	-	-	-	0.00%	0.00%	0	0	N/A	N/A	0.000% M	N/A	30	-	-	-	-	2,873.71	N/A
Treasury Obligations	-	-	-	-	0.00%	0.00%	0	0	N/A	N/A	0.000% M	N/A	30	-	-	-	-	-	-
<b>2002 COP</b>																			
First American Treasury D - Lease Pmt	0.16	-	-	0.16	0.00%	0.00%	0	0	N/A	N/A	0.003% M	N/A	30	-	-	-	-	4,760.72	N/A
First American Treasury D - Improvement	-	-	-	-	0.00%	0.00%	0	0	N/A	N/A	0.000% M	N/A	30	-	-	-	-	152,311.90	N/A
<b>2002 RDA TABs</b>																			
First American Treasury D - Interest	0.70	-	-	0.70	0.00%	0.00%	1	1	N/A	N/A	0.003% M	N/A	30	-	-	-	-	3,755.22	N/A
First American Treasury D - Reserve	1,013,303.00	5.18	-	1,013,308.18	43.96%	2.22%	1,013,308	1,013,308	N/A	N/A	0.006% M	N/A	30	-	5.18	5.18	-	154,382.88	N/A
First American Treasury D - Principal	0.31	-	-	0.31	0.000%	0.00%	0	0	N/A	N/A	0.002% M	N/A	30	-	-	-	-	2,616.89	N/A
First American Treasury D - Redevelop	-	-	-	-	0.000%	0.00%	0	0	N/A	N/A	0.000% M	N/A	30	-	-	-	-	4,081.34	N/A
<b>2005 RDA TABs</b>																			
First American Treasury D - Interest	-	-	-	-	0.00%	0.00%	0	0	N/A	N/A	0.000% M	N/A	30	-	-	-	-	2,226.96	N/A
First American Treasury D - Principal	-	-	-	-	0.00%	0.00%	0	0	N/A	N/A	0.000% M	N/A	30	-	-	-	-	623.73	N/A
First American Treasury D - Reserve	1,043,800.77	247,780.00	-	1,291,580.77	56.04%	2.83%	1,291,581	1,291,581	N/A	N/A	0.001% M	N/A	30	-	-	-	-	111,418.63	N/A
<b>Subtotal-Trust A/C</b>	<b>2,057,104.94</b>	<b>247,785.18</b>	<b>-</b>	<b>2,304,890.12</b>	<b>100.00%</b>	<b>5.05%</b>	<b>2,304,890</b>	<b>2,304,890</b>			<b>N/A</b>	<b>N/A</b>		<b>-</b>	<b>5.18</b>	<b>5.18</b>	<b>-</b>	<b>439,051.97</b>	<b>-</b>
<b>Total Portfolio</b>	<b>\$ 43,354,807.86</b>	<b>\$ 2,247,785.18</b>	<b>\$ -</b>	<b>\$ 45,602,593.04</b>	<b>100.00%</b>	<b>\$ 45,602,593</b>	<b>\$ 45,638,059</b>			<b>Wgt Avg → 0.642%</b>	<b>\$ 284,928</b>		<b>\$ 38,124.91</b>	<b>\$ 21,124.04</b>	<b>\$ 5.18</b>	<b>\$ 59,243.77</b>	<b>\$ 563,049.31</b>	<b>\$ 264,878</b>	

Investment Portfolio Increased / (Decreased) by: **\$ 2,247,785.18**

Weighted Average to Maturity = **136.4 Days**

Note:	Month	Portfolio Balance		% of Total Cash Invested		Month	Wgt Avg	Rate/Annual Yield		Actual Interest Earned		Actual Interest Received	
		FY 15-16	FY 14-15	FY 15-16	FY 14-15			FY 15-16	FY 14-15	FY 15-16	FY 14-15		
S - Semi-Annual	July	\$ 37,670,072	\$ 38,342,028	95.78%	98.36%	July	Wgt Avg	0.415%	0.580%	\$ 13,268	\$ 19,276	\$ 20,071	\$ 25,480
Q - Quarterly	August	35,670,878	37,732,033	89.78%	97.33%	August	Wgt Avg	0.408%	0.570%	12,516	19,688	10,318	14,380
M - Monthly	September	35,247,357	37,012,606	94.65%	98.39%	September	Wgt Avg	0.341%	0.571%	9,550	17,510	6,568	17,705
	October	33,195,877	33,889,685	93.33%	96.06%	October	Wgt Avg	0.413%	0.604%	11,634	18,346	24,996	20,128
	November	33,195,882	33,689,670	91.10%	93.82%	November	Wgt Avg	0.426%	0.605%	11,635	17,143	5	19,280
	December	33,195,890	34,289,675	93.30%	95.10%	December	Wgt Avg	0.476%	0.603%	12,721	17,550	8	15,630
	January	37,220,681	37,296,177	92.07%	91.91%	January	Wgt Avg	0.517%	0.527%	16,347	18,049	24,792	26,062
	February	38,220,687	37,486,182	94.67%	95.86%	February	Wgt Avg	0.530%	0.473%	15,909	14,179	5	10,920
	March	37,620,138	35,412,660	92.13%	92.57%	March	Wgt Avg	0.467%	0.491%	14,933	14,563	19,784	22,705
	April	40,254,803	33,750,291	90.31%	82.38%	April	Wgt Avg	0.552%	0.392%	18,274	13,267	34,114	23,227
	May	43,354,808	37,750,296	97.32%	93.23%	May	Wgt Avg	0.629%	0.345%	23,744	13,072	10,055	8,443
	June	45,602,593	40,850,001	97.45%	93.87%	June	Wgt Avg	0.642%	0.389%	21,124	14,924	5	17,089
	<b>Average</b>	<b>\$ 37,537,472</b>	<b>\$ 36,458,440</b>	<b>Average 93.49%</b>	<b>Average 94.07%</b>	<b>Average</b>	<b>Wgt Avg</b>	<b>0.485%</b>	<b>0.513%</b>	<b>\$ 181,655</b>	<b>\$ 197,568</b>	<b>\$ 150,719</b>	<b>\$ 221,048</b>

Per Governmental Code requirements, this schedule of Investments complies with the City of Campbell's Investment Policy, and there are adequate funds available to meet the budgeted expenditures for the next six months.

\* Market prices are obtained from the monthly investment statements of the various institutions or the City's third-party custodian, BNY Mellon Bank.

## Cash Flow Projection for the Month of September 2016

Date	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
1	Community Center Leases/Rentals	\$ 235,000	1	Outstanding Checks	\$ 300,000
6	Environmental Services Fees	80,000	6	Bills & Claims	250,000
6	Franchise Fees	225,000	12	Bills & Claims	350,000
12	Property Taxes	33,000	19	Bills & Claims	750,000
12	Other Taxes	48,000	26	Bills & Claims	400,000
12	Licenses and Permits	220,000	8	Payroll	650,000
12	Fines/Forfeitures/Penalties	25,000	22	Payroll	650,000
19	Investment Interest	10,000			
19	Motor Vehicle in Lieu	-			
19	Highway Users Tax	-			
19	Intergovernmental	130,000			
19	Charges for Current Services	250,000			
26	Sales & Use Tax (incl. Meas.O)	1,070,000			
26	Park Dedication Fees	250,000			
26	Transient Occupancy Tax (monthly)	330,000			
26	Miscellaneous Receipts	150,000			
	<b>Sub-total (Receipts)</b>	<b>3,056,000</b>		<b>Sub-total (Expenditure)</b>	<b>3,350,000</b>
	<b>Amount expected to be withdrawn from Investments to cover this month's expenditures.</b>	<b>294,000</b>		<b>Amount of expected revenue available for investment.</b>	<b>-</b>
	<b>Total</b>	<b>\$ 3,350,000</b>		<b>Total</b>	<b>\$ 3,350,000</b>

**Note:**

The approximately \$37.8 million invested with the Local Agency Investment Fund (see Exhibit I) is highly liquid and available on any business day. It, therefore, can be reasonably estimated that sufficient funds are readily available to cover normal expenditures for the subsequent six-month period. More specifically, the monthly cash flow projection reflects that sufficient funds are available to meet the anticipated expenditures for the month.

## Actual Receipts &amp; Disbursements for the Month of June 2016

Fund / Account	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
4810, 4819	Community Center/Dev. Leases/Rentals	\$ 115,814	1	Outstanding Checks as of 5/31/2016	\$ 426,355
F209, 4720, 21, 22, 24	Environmental Services Fees	58,778	6	Bills & Claims	149,097
4120-4125	Franchise Fees	242,295	13	Bills & Claims	214,105
40XX, 4153	Property Taxes	1,595,319	20	Bills & Claims	278,751
4151,4152,4155	Other Taxes	66,726	27	Bills & Claims	1,024,274
42XX	Licenses and Permits	137,654	29	Bills & Claims-RDA Debt Reserve	247,780
43XX	Fines/Forfeitures/Penalties	25,672	31	Bills & Claims-manual & voided checks	(5,152)
4410,4431, 4450	Investment Interest	44	2	Bills & Claims-PR vendors' checks	297,404
4580	Motor Vehicle in Lieu	8,362	16	Bills & Claims-PR vendors' checks	250,190
4586	Highway Users Tax	-	30	Bills & Claims-PR vendors' checks	301,591
other 45XX	Intergovernmental--Other	102,145	2	Payroll	685,927
4510-4516	Intergovernmental--Gas Taxes	78,014	16	Payroll	664,719
4571, 4572	Intergovernmental--VTA Meas. B	-	20	Payroll-Holiday Pay	147,679
4590,4591,4592 F333	Intergovernmental--Successor Agency	1,716,219	30	Payroll	736,424
46XX-47XX, excl 4725	Charges for Current Services	341,543	7	Calpers Insurance Payment	153,336
4110-4115	Sales & Use Tax (incl. Meas.O)	1,293,165	30	Calpers Pension Payment	137,021
F295,4920	Park Dedication Fees	-			
4150	Transient Occupancy Tax (monthly)	429,728			
48XX-49XX, excl F798	Miscellaneous Receipts	(6,671)			
F366,368,4450,4966	Miscellaneous Receipts (from RDA)	-			
F207,236,367exc237,5XXX	Special Assessment	557,122			
	<b>Sub-total (Receipts)</b>	<b>6,761,929</b>		<b>Sub-total (Expenditure)</b>	<b>5,709,502</b>
	<b>Amount withdrew from Investments to cover this month's expenditures.</b>	<b>-</b>		<b>Amount of expected revenue available for investment.</b>	<b>1,052,427</b>
	<b>Total</b>	<b>\$ 6,761,929</b>		<b>Total</b>	<b>\$ 6,761,929</b>



# City Council Report

Item: 6.  
Category: Consent Calendar  
Meeting Date: August 2, 2016

**TITLE:** Second Reading of Ordinance 2206 Approving a City-Initiated Text (PLN2016-180) to Amend Campbell Municipal Code Chapters 21.20 and 21.24 Regarding Density Bonus Regulations (Ordinance Second Reading/Roll Call Vote)

**RECOMMENDATION:**

That the City Council approve the second reading and adopt Ordinance 2206 approving a city-initiated text amendment to Campbell Municipal Code Section 21.20 and 21.24 Regarding Density Bonus Regulations.

**DISCUSSION:**

On July 21, 2016, the City Council approved the first reading to Ordinance 2206. Second reading of Ordinance 2206 will approve an amendment to the Campbell Municipal Code Section 21.20 and 21.24 Regarding Density Bonus Regulations. Ordinance 2206 will become effective 30 days following the date of the second reading.

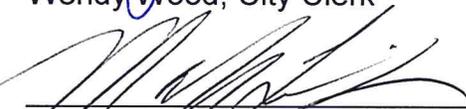
**FISCAL IMPACT:**

There is no fiscal impact associated with this action.

Prepared by:

  
Wendy Wood, City Clerk

Approved by:

  
Mark Linder, City Manager

Attachment – Ordinance 2206

**Ordinance No. 2206**

**BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL  
AMENDING CERTAIN SECTIONS OF TITLE 21 (Zoning) OF THE CAMPBELL  
MUNICIPAL CODE RELATING TO DENSITY BONUS**

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

**SECTION 1. – Purpose:** Campbell Municipal Code section 21.20.010 is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

The purposes of this chapter of the Campbell Municipal Code, Revised are: (1) to provide incentives for the production of housing for very low-income, low-income, moderate-income, and senior households; (2) to provide incentives for the creation of rental housing serving lower and moderate-income households; (3) to provide incentives for the construction of childcare facilities serving very low-, low-, and moderate-income households; and (4) to implement Sections 65915, 65915.5 and 65917 of the California Government Code as required by Government Code Section 65915(a). In enacting this chapter it is also the intent of the city of Campbell to implement the goals, objectives, and policies of the city's General Plan Housing Element, which includes a goal to encourage the provision of housing affordable to a variety of household income levels and identifies a density bonus policy as one method to encourage the development of affordable housing (~~Goal H-5.1~~ Policy H-5.2 Regulatory Incentives, Program 5.4(a) 5.2(a) Density Bonus).

**SECTION 2.** Campbell Municipal Code section 21.20.020 is amended to read as follows with underlining indicating new text:

**21.20.020 - Definitions.**

For purposes of this chapter, the following definitions shall apply. Unless specifically defined below, words or phrases shall be interpreted as to give this chapter its most reasonable interpretation.

"Affordable ownership cost" means average monthly housing costs, during the first calendar year of a household's occupancy, as determined by the city, including mortgage payments, loan issuance fees, if any, property taxes, reasonable allowances for utilities and property maintenance and repairs, homeowners insurance, and homeowners association dues, if any, which do not exceed the following:

1. For moderate-income households: one-twelfth of thirty-five percent of one hundred ten percent of area median income, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-

bedroom unit and one additional person for each additional bedroom thereafter;

2. For lower-income households: one-twelfth of thirty percent of seventy percent of area median income, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit and one additional person for each additional bedroom thereafter;
3. For very low-income households: one-twelfth of thirty percent of fifty percent of area median income adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit and one additional person for each additional bedroom thereafter.

"Affordable rent" means monthly rent, including utilities and all fees for housing services, which does not exceed the following:

1. For lower-income households: one-twelfth of thirty percent of sixty percent of area median income, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter;
2. For very low-income households: one-twelfth of thirty percent of fifty percent of area median, adjusted for assumed household size based on presumed occupancy levels of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter.

"Applicant" means a person or entity who applies for a residential project and, if the applicant does not own the property on which the residential project is proposed, also means the owner or owners of the property.

"Area median income" means area median income for Santa Clara County as published pursuant to California Code of Regulations, Title 25, Section 6932, (or its successor provision).

"Childcare facility" means a commercial child day care facility defined in Campbell Municipal Code, Revised Section 21.72.020 as a commercial or non-profit child day care facility not operated as a small or large child day care home and includes infant facilities, preschools, sick child facilities and school-age day care facilities.

"Density bonus" means a density increase, granted pursuant to this chapter, over the otherwise allowable maximum residential density on a site.

"Density bonus units" means living units granted pursuant to this chapter which exceed the otherwise allowable maximum residential density for a residential project.

"Development standard" means a condition that applies to the actual construction or physical site of a residential project (as opposed to standards for entitlement processing or fees) pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution or regulation.

"First approval" means the first of the following approvals to occur with respect to a residential project: building permit, planned development permit, tentative parcel map, tentative subdivision map, conditional use permit, site and architectural review permit, or other discretionary city land use approval.

"Household income" means the combined adjusted gross income for all adult persons living in a living unit as calculated for the purpose of the Section 8 Program under the United States Housing Act of 1937, as amended, or its successor.

"Incentives and concessions" means regulatory concessions as listed in Sections 21.20.050 and 21.20.110.

"Inclusionary unit" means an ownership or rental living unit which is required under Chapter 21.24 to be rented at affordable rents or sold at an affordable ownership cost to specified households.

"Living unit" means one or more rooms designed, occupied, or intended for occupancy as separate living quarters with cooking, sleeping and bathroom facilities.

"Lower-income household" means a household whose household income does not exceed the lower income limits applicable to Santa Clara County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

"Major transit stop" means an existing site, or a site included in the applicable regional transportation plan, containing a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

"Market rate unit" means a living unit, which is not a target unit or an inclusionary unit.

"Maximum residential density" means the maximum number of living units permitted by the zoning ordinance on the date an application for a residential project is deemed complete. This definition is used to calculate a density bonus pursuant to this chapter.

"Minor modification" means a modification that is technical in nature, as opposed to substantive or material.

"Moderate-income household" means a household whose household income does not exceed the moderate income limits applicable to Santa Clara County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50093 of the California Health and Safety Code.

"Qualifying resident" means a senior citizen or other person eligible to reside in a senior housing project.

"Replace" shall mean:

1. As to dwelling units that are occupied on the date of application, "replace" shall mean to provide at least the same number of units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy;
2. As to dwelling units have been vacated or demolished in the five-year period preceding the application, "replace" shall mean to provide at least the same number of units of equivalent size or type, or both, as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, then one-half of the required units shall be made available at affordable rent or affordable housing cost to, and occupied by, very low income persons and families and one-half of the required units shall be made available for rent at affordable housing costs to, and occupied by, low-income persons and families.

"Residential project" means any parcel map, subdivision map, conditional use permit, site and architectural review permit, building permit, or other city approval, which authorizes the construction of five or more living units.

"Senior housing project" means a senior citizen residential development of thirty-five living units or more as defined in California Civil Code Section 51.3, or a mobilehome park that limits residency based on age requirements for older persons pursuant to California Civil Code Section 798.76 or 799.5.

"Special needs housing" means any housing, including supportive housing, intended to benefit, in whole or in part, persons identified as having special needs relating to any of the following: Mental health; Physical disabilities; Developmental disabilities, including, but not limited to, intellectual disability, cerebral palsy, epilepsy, and autism; the risk of homelessness; or housing intended to meet the housing needs of persons eligible for

mental health services funded in whole or in part by the Mental Health Services Fund, created by Section 5890 of the Welfare and Institutions Code.

"Target units" means living units that will be restricted for sale or rent to qualifying residents or will be restricted for sale or rent to, and affordable to, very low-, lower- or moderate-income households thereby qualifying a residential project for a density bonus under this chapter. Inclusionary units may not be target units unless they are offered at a lower income category as explained in Section 21.20.100(6).

"Unobstructed access" means a resident is able to access a major transit stop from a residential project without encountering natural or constructed impediments.

"Within one-half mile of a major transit stop" means that all parcels within the project have no more than 25 percent of their area farther than one-half mile from the stop or corridor and not more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than one-half mile from the stop or corridor.

"Very low-income household" means a household whose household income does not exceed the very low income limits applicable to Santa Clara County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

**SECTION 3.** Campbell Municipal Code section 21.20.030 is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

**21.20.030 - Eligibility for density bonuses.**

1. A residential project is eligible for a density bonus if it:
  - 4 a. Creates at least five additional living units, not including any density bonus units;
  - 2 b. Includes a request for a density bonus as part of an application for the first approval of a residential project; and
  - 3 c. Meets the criteria for a density bonus established in Sections 21.20.030, 21.20.040, 21.20.060, 21.20.070 or 21.20.080.
  
2. A residential project shall be ineligible for a density bonus, incentive, concession, waiver, or modified parking provided by this Chapter unless it provides all replacement housing required in accordance with Section 21.20.080 of this Chapter.

**SECTION 4.** - Campbell Municipal Code section 21.20.080 is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

**21.20.080 - Density bonus for properties with existing rental units** ~~condominium conversions.~~

1. A residential project for a conversion of existing rental apartments to condominiums may be eligible for a density bonus or other incentives of equivalent financial value as specified in Government Code Section 65915.5.

2. A residential project shall be ineligible for a density bonus incentive, concession, waiver, or modified parking provided by this Chapter if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or have been (if the dwelling units have been vacated or demolished in the five-year period preceding the application) subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income, subject to any other form of rent or price control through the City's valid exercise of its police power, or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

a. The proposed housing development, inclusive of the units replaced pursuant to this Chapter contains affordable units at the percentages set forth in this Chapter.

b. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

3. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to the applicable provisions of this Chapter.

**SECTION 5. - Summary tables.** The Density Bonus Summary table in Campbell Municipal Code section 21.20.090 is amended to read as follows with underlining indicating new text and strikeouts (~~strikeout~~) indicating deleted text:

The following table summarizes the available density bonuses, incentives, and concessions.

<b><u>Density Bonus Summary</u></b>				
Types of Affordable Units Providing Eligibility for a Density Bonus	Minimum %	Bonus Granted	Additional Bonus for Each 1% Increase over the Minimum %	% Target Units Required for Maximum 35% Bonus
A density bonus may be selected from only one category, except that bonuses for land donation may be combined with others, up to a maximum of 35%, and an additional sq. ft. bonus may be granted for a childcare facility. As provided in Section 21.20.100(5), target units provided must be in addition to, or provided to a lower income category than, those required by the city's inclusionary housing requirements.				
Very low income	5%	20%	2.5%	11%
Lower income	10%	20%	1.5%	20%
Moderate income (ownership units only)	10%	5%	1%	40%
Senior housing project	100% senior	20%	—	—
Land donation for very low-income housing	10% of market-rate units	15%	1%	30% of market-rate units
Condominium conversion — moderate income	33%	25% <sup>(A)</sup>	—	—
Condominium conversion — lower income	15%	25% <sup>(A)</sup>	—	—
Childcare facility	—	Sq. ft. in childcare facility <sup>(A)</sup>	—	—

Notes:

(A) Or an incentive of equal value, at the city's option.

**Density Bonus Summary**

**1. Very Low Income.** If providing Very-Low-Income units, the density bonus shall be calculated as follows:

<b><u>Percentage Very Low Income Units</u></b>	<b><u>Percentage Density Bonus</u></b>
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

**2. Low Income.** If providing Low Income units, the density bonus shall be calculated as follows:

<b><u>Percentage Low-Income Units</u></b>	<b><u>Percentage Density Bonus</u></b>
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

**3. Moderate Income.** If providing Moderate Income units, the density bonus shall be calculated as follows:

<u>Percentage Moderate-Income Units</u>	<u>Percentage Density Bonus</u>
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29

35	30
36	31
37	32
38	33
39	34
40	35

**4. Senior Citizen Housing.** If providing senior citizen housing, the density bonus shall be 20 percent of the number of senior housing units.

**5. Conversion.** If converting apartments to a condominium project in compliance with Chapter 21.24, the density bonus shall be 25 percent when an applicant agrees to provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income or 15 percent of the total units of the proposed condominium project to lower income households.

**6. Land Donation.** If, as part of a tentative subdivision map, parcel map, or other residential development approval, the applicant dedicates land to the City for affordable housing, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

<u>Percentage Very Low Income</u>	<u>Percentage Density Bonus</u>
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24

20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

**SECTION 6. Calculation of density bonus.** Subsection 6 of Campbell Municipal Code section 21.20.100 is amended to read as follows with underlining indicating new text and ~~strikeouts~~ indicating deleted text:

6. ~~Inclusionary units will only be counted as target units qualifying a project for a density bonus, or incentives and concessions, if the inclusionary units are made available at a lower affordable rent income category or lower affordable ownership cost income category than mandated by the inclusionary requirements set forth in Chapter 21.24. Inclusionary units that are counted as target units shall remain affordable for the length of time required in Chapter 21.24, which is fifty five years for rental units and forty five years for owner-occupied units.~~

If an applicant desires affordable units to satisfy both the inclusionary requirements set forth in Chapter 21.24 and State density bonus requirements, the units must meet both the criteria of Chapter 21.24 and the State density bonus requirements as applied under this Chapter.

Example: An applicant proposes to develop a one hundred-unit residential ~~rental for-sale~~ project and seeks a twenty percent density bonus by reserving five percent of the living units, or five living units, for very low-income households.

The inclusionary requirements in Chapter 21.24 require that ~~six percent~~ 15% of the living units in a residential for-sale project shall be sold at affordable ownership cost to lower-income households and moderate-income households. ~~rental project be reserved for very low income households (the "required very low income inclusionary units") and~~

nine percent of the living units must be reserved for lower income households (the "required lower income inclusionary units"). Thus, in this one hundred unit residential project, the applicant is required to reserve six of the living units for very low income households and nine of the units for lower income households. Because the required inclusionary units do not count as target units qualifying a project for a density bonus unless the inclusionary units are reserved for a lower income category than required under Chapter 21.24, Therefore an additional 10 inclusionary units are needed to meet the 15% inclusionary requirement. ~~†~~The income unit break down for this one hundred-unit project would be as follows:

<u>Example</u>					
	Inclusionary Units	Target Units	DB Units	Remaining Units	Total
Very low income:	<del>6 (55 years)</del>	5 ( <del>30 years</del> )			11 <u>5</u>
Lower income:	9 ( <del>55 years</del> ) <u>2</u>				9 <u>2</u>
<u>Moderate income:</u>	<u>8</u>				<u>8</u>
Market rate:			20	80 <u>85</u>	400 <u>105</u>
				Total units	120

However, if the applicant reserves any of the required lower income inclusionary units for very low income households, then these units will qualify as target units qualifying the project for a density bonus. If five of the required lower income inclusionary units are reserved for very low income units, then those five units would be considered target units qualifying the project for a density bonus. In this scenario, the income unit break down would be as follows:

	Inclusionary Units	Target/ Inclusionary Units	DB Units	Remaining Units	Total
Very low income:	6 (55 years)	5 (55 years)			11
Lower income:	4 (55 years)				4
Market rate:			20	85	105
				Total units	120

**SECTION 7. - Standards for density bonus residential developments.** The term of affordability for rental projects specified in Subsection 1 of Campbell Municipal Code section 21.20.120 is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

1. Target units qualifying a residential project for a density bonus shall remain affordable as follows:
  - a. Rental target units shall remain affordable to the designated income group for a minimum of ~~thirty~~ 55 years or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program applicable to the living units, ~~or if they are inclusionary units being counted as target units pursuant to Section 21.20.100(6).~~
  - ~~b. Owner occupied target units shall remain affordable for forty five years.~~

**SECTION 8. Standards for density bonus residential developments.** Subsection 4 of Campbell Municipal Code section 21.20.120 is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

4. Parking Standards

- a. Upon the request of the developer, the city shall not require off-street parking for a residential project meeting the criteria of Sections 21.20.030 and 21.20.040~~(1)~~ ~~or (2)~~ that exceeds the following:
  - a. (1) Studio to one-bedroom units: one (1) on-site parking space;
  - ~~b.~~ (2) Two to three-bedroom units: two (2) on-site parking spaces;
  - e. (3) Four and more bedroom units: two and one-half (2.5) parking spaces.

b. Upon the request of the developer, the city shall not require a vehicular parking ratio that exceeds the following ratios for housing developments that are eligible for a density bonus and meet the criteria below. However, if the city, at its cost, has conducted an area wide or citywide parking study in the last seven years, then the city may find, based on substantial evidence, that a higher parking ratio is required than shown in the following table. In no event may the required parking be greater than the ratio provided in subsection (a) of this section. The parking study must conform to the requirements of Government Code Section 65915(p)(7).

<u>Type of development</u>	<u>Off-street parking spaces</u>
Rental or ownership housing development with: <ol style="list-style-type: none"> <li>1. <u>At least 11% very low income or 20% lower income units; and</u></li> <li>2. <u>Within one-half mile of a major transit stop; and</u></li> <li>3. <u>Unobstructed access to the major transit stop.</u></li> </ol>	<u>0.5 per bedroom</u>

<u>Rental housing development with:</u> 1. <u>All units affordable to lower income households except manager's unit(s); and</u> 2. <u>Within one-half mile of a major transit stop; and</u> 3. <u>Unobstructed access to the major transit stop.</u>	<u>0.5 per unit</u>
<u>Senior citizen rental housing development with All units affordable to lower income households except manager's unit(s); and either has paratransit service or is within one-half mile of fixed bus route service that operates 8 times per day, with unobstructed access to that service.</u>	<u>0.5 per unit</u>
<u>Special needs rental housing development with all units affordable to lower income households except manager's unit(s) and either has paratransit service or is within one-half mile of fixed bus route service that operates 8 times per day, with unobstructed access to that service.</u>	<u>0.3 per unit</u>

c. Guest parking and handicapped parking shall be included within the maximum number of spaces that may be required. If the total number of parking spaces required for a residential project is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a residential project may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

**SECTION 9.** Campbell Municipal Code section 21.20.130 is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

**21.20.130 - Affordable housing plan submittal; requirements for application for density bonus and other incentives.**

1. An application for a density bonus, incentive, concession, waiver, modification, or ~~revised~~ reduced parking standard pursuant to this chapter shall be submitted as part of the first approval of the residential project. It shall be included in an affordable housing plan and processed concurrently with all other applications required for the residential project.
2. Upon submittal, the community development director shall determine if the affordable housing plan is complete and conforms to the provisions of this chapter. No application for a first approval for a residential project requesting a density bonus, incentives, concessions, ~~or waivers,~~ or reduced parking standards may be deemed complete unless an affordable housing plan is submitted conforming to the provisions of this section.
3. The affordable housing plan shall include the following information:

- a. A description of any requested density bonuses, incentives, concessions, waivers, or modifications of development standards, or ~~modified~~ reduced parking standards;
- b. Identification of the base project without the density bonus, number and location of all target units qualifying the project for a density bonus, level of affordability of the target units, and identification of the bonus units;
- c. The preferences given in selecting occupants shall be set forth;
- d. For all incentives and concessions except those listed in Section 21.20.110(2), a pro forma demonstrating that the requested incentives and concessions result in identifiable, financially sufficient and actual cost reductions;
- e. For waivers or modifications of development standards: (a) a pro forma demonstrating that the waiver or modification is necessary to make the residential project economically feasible based upon appropriate financial analysis and documentation; and (b) evidence that the development standards for which a waiver is requested will have the effect of precluding the construction of the residential project at the densities or with the incentives or concessions permitted by this chapter;
- f. The cost of reviewing any required pro forma data submitted in support of a request for a concession, incentive, waiver or modification, including, but not limited to, the cost to the city of hiring a consultant to review the pro forma, shall be borne by the applicant. The pro forma shall also include: (a) the actual cost reduction achieved through the incentive, concession, waiver, or modification; and (b) evidence that the cost reduction allows the developer to provide affordable rents or affordable sales prices;
- g. If the applicant is proposing a modification of the requirement that the target units be constructed concurrently with the market rate units, the affordable housing plan shall describe the proposed phasing at the same level of detail as required in the application for the residential project, specify the security to be provided to the city to ensure that the target units will be constructed, and explain how the proposed phasing would provide greater public benefit than providing the target units concurrently with the market rate units;
- h. If a density bonus or concession is requested for a senior housing project, the application shall provide that units in the residential project shall be occupied by qualified residents;
- i. If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings in Government Code Section 65915(h) can be made;
- j. If a density bonus or concession is requested for a childcare facility, the application shall show the location and square footage of the childcare facility and provide evidence that the findings included in Government Code Section 65915(i) can be made;

- k. If a mixed use building or development is proposed, the application shall provide evidence that the findings included in Section 21.20.110(4)(g) can be made;
  - l. For residential projects subject to the inclusionary housing requirements set forth in Chapter 21.24, the affordable housing plan shall also incorporate the requirements of Section 21.24.060(A), and only one affordable housing plan need be submitted;
  - m. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size, if known, of residents occupying dwelling units when the site contained the maximum number of dwelling units;
  - n. Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very low or lower income households in the five- year period preceding the date of submittal of the application;
  - o. A statement that the project will provide all replacement housing required in accordance with Section 21.20.080 of this Chapter;
  - p. If a parking reduction is requested, a table showing parking required by the zoning ordinance and proposed parking. If a parking reduction is requested, evidence that the project is eligible for the requested parking reduction.
4. Upon submittal, the community development director shall determine if the affordable housing plan submitted in support of a request for a density bonus, incentive, concession, waiver, modification, or revised reduced parking standard is complete and conforms to the provisions of this chapter and Chapter 21.24. No application for a first approval for a residential project requesting a density bonus, incentives, concessions, or waivers may be deemed complete unless an affordable housing plan is submitted conforming to the provisions of this chapter.

**SECTION 10. City review of application for density bonuses and other incentives.**

Subsection 1 of Campbell Municipal Code section 21.20.140 is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

- 1. An application for a density bonus, incentive, concession, waiver, modification, or revised reduced parking standard pursuant to this chapter shall be reviewed as part of the first approval of the residential project by the approval body with authority to

approve the residential project, unless additional review by the planning commission or City Council is required by Chapter 21.62. Any decision regarding a density bonus, incentive, concession, waiver, modification, or ~~revised~~ reduced standard may be appealed as part of an appeal of the residential project as provided in Chapter 21.62. In accordance with state law, neither the granting of a concession or incentive, nor the granting of a density bonus, shall be interpreted, in and of itself, to require a general plan amendment, zoning change or other discretionary approval.

**SECTION 11. Developer affordable housing agreement.** Campbell Municipal Code section 21.20.150 is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

- A. Developers requesting a density bonus, incentive, concession, waiver, modification, or ~~revised~~ reduced standard granted pursuant to this chapter, shall agree to enter into a developer affordable housing agreement with the city. A developer affordable housing agreement shall be made a condition of the discretionary planning permits for all residential projects pursuant to this chapter and shall be recorded as a restriction on any parcels on which the target units will be constructed. When the inclusionary requirements of Chapter 21.24 apply, one affordable housing agreement will be recorded incorporating the requirements of both chapters.
- B. The developer affordable housing agreement shall be recorded prior to final or parcel map approval, or, where the residential project does not include a map, prior to issuance of a building permit for any structure in the residential projects. The developer affordable housing agreement shall run with the land and bind all future owners and successors in interest.
- C. The developer affordable housing agreement shall be in a form provided by the city and shall include, without limitation, the following:
  - 1. The total number of units approved for the residential project;
  - 2. The number, location, and level of affordability of the target units and the inclusionary units;
  - 3. The number of replacement units in accordance with Section 21.20.080 of this Chapter;
  - 4. Standards for determining affordable rent or affordable ownership cost for the target units and any inclusionary units;
  - 5. The location, unit size in square feet, and number of bedrooms of target units and any inclusionary units;
  - 6. Provisions to ensure initial and continuing affordability in accordance with the requirements of this chapter and Chapter 21.24, including the execution and recordation of subsequent agreements ensuring continued affordability pursuant to Sections 21.20.120 and 21.24.060;

7. A schedule for completion and occupancy of target units and inclusionary units in relation to construction of market rate units;
  8. A description of any incentives, concessions, waivers, or reductions being provided by the city;
  9. A description of remedies for breach of the agreement by either party. The city may identify tenants or qualified purchasers as third party beneficiaries under the agreement;
  10. Procedures for qualifying tenants and prospective purchasers of target units, including preferences;
  11. Provisions requiring maintenance of records to demonstrate compliance with this chapter;
  12. Other provisions to ensure implementation and compliance with this chapter and Chapter 21.24, if applicable.
- D. In the case of senior citizen housing developments, the developer affordable housing agreement shall provide that units in the residential development shall be occupied by qualified residents.
- E. Developer affordable housing agreements for land dedication, childcare facilities, and condominium conversion shall ensure continued compliance with all conditions included in Sections 21.20.060, 21.20.070 and 21.20.080 respectively.
- F. Fees. The building permit application shall be accompanied by the processing fees or deposits established by the city's schedule of fees and charges. All fees shall cover the costs of BMR eligibility determination and BMR document preparation, processing and administration, as established in Sections 21.20.160 and 21.20.180.

**SECTION 12. Continued affordability and initial occupancy.** Subsection A of Campbell Municipal Code section 21.20.160 is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

- ~~A. Owner Occupied Target Units. A resale restriction, covenant, deed of trust and/or other documents acceptable to the community development director or the director's designee, shall be recorded against each affordable for sale unit. These documents shall, in the case of target units, which are initially sold, be for a term of forty five years and shall be renewed at each change of title for a period of forty five years. The resale restriction, or other documents authorized by this subsection, and any change in the form of any such documents which materially alters any policy in the documents, shall be approved by the community development director or his or her designee prior to being executed with respect to any residential project.~~
- A. **For-Sale Target Units.** An applicant shall agree to, and the city shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or

moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The City shall enforce any equity sharing agreement, unless it is in conflict with the requirement of another public funding source or law. The following apply to the equity sharing agreement:

1. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy and its proportionate share of appreciation, which amount shall be used within five (5) years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.
2. For purposes of this Subsection, the city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.
3. For purposes of this Subsection, the city's proportionate share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the home at the time of initial sale.

**SECTION 13. Continued affordability and initial occupancy.** Subsection B of Campbell Municipal Code section 21.20.160 is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

- B. Rental Target Units. A regulatory agreement, covenant, deed of trust, and/or other documents acceptable to the community development director or the director's designee, shall be recorded against each residential project containing affordable rental units for a minimum term of ~~thirty~~ 55 years or more. A longer period of time may be specified if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the residential project.

**SECTION 14. GENERAL REQUIREMENTS.** Subsection B of Campbell Municipal Code Section 21.24.040 is amended to read as follows with underlining indicating new text and ~~strikeout~~ indicating deleted text:

- B. **Exceptions.** ~~For purposes of calculating the number of affordable units required by this section, any additional units authorized as a density bonus pursuant to Chapter 21.20, (Density Bonus and Affordable Housing Incentives) of this code shall not be counted in calculating the required number of affordable units. Additionally, t~~The community development director may grant exceptions to the requirements of this chapter to residential projects located within the redevelopment project area, upon a finding that such exception is necessary to effective implementation of the

redevelopment plan, while maintaining overall compliance with affordable housing production requirements set forth in Health and Safety Code Section 33413.

**SECTION 15.** 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: 7.  
Category: Consent  
Meeting Date: August 2, 2016

---

**TITLE:** Authorize Issuance of a Request for Proposals to Replace City Gas Pumps and Authorize the Purchase of New Fuel Management Software (Resolution/Roll Call Vote)

## **RECOMMENDATION**

That the City Council adopt the attached resolution authorizing the following:

1. Authorize the Public Works Director to issue a request for proposals and enter into an agreement for the purchase and installation of gas pumps located at the City Service Yard and at the Police Department fleet parking area.
2. Authorize the Public Works Director to execute a purchase agreement for the "FUELMASTER" fuel management software by "piggybacking" on the National Joint Power Alliance Contract No. 051613-sys.

## **BACKGROUND**

The City uses and maintains three fuel pumps; two are located in the City's Service Yard (one for unleaded gas and one for diesel) and the third is located in the Police Department's secured parking area. The existing gas pumps were installed in 1999 and are used to fuel more than 100 vehicles and 70 pieces of various types of machinery and equipment. Combined, the pumps dispense nearly 4,000 gallons of fuel per month.

Maintaining the existing pumps has become more difficult due to age and the limited availability of replacement parts. For example, in 2014, the fuel pump that was being used to fuel the PD vehicles was out of service for nearly three months while staff was waiting for a fuel handle replacement part to be located and delivered.

The software currently being used to manage fuel dispensing is out of date and has become problematic. The software requires a user to manually input vehicle data before it will allow fuel to be dispensed into vehicles or equipment. The system lends itself to frequent user error and frustration, often requiring administrative staff to override the lockout feature and reset fueling data and criteria for vehicles to be fueled. Additionally, staff must often contact the software provider for assistance in troubleshooting software bugs. Pumps have been rendered inactive for days at a time until software issues could be addressed.

## **DISCUSSION**

The existing pumps and fuel management software are over 17 years old, which makes the service and repair of them very challenging. When the pumps are out of service for any length of time, staff is forced to use commercial gas stations to fuel their City vehicles.

The Service Yard fuel station is required to have a Healey tank to assist in the capture of escaping fuel vapors because the maintenance fleet (that fuels at the Service Yard) does not meet the Onboard Vapor Recovery (OVR) environmental requirements. Ninety percent of a fleet must be equipped with an OVR system in order to eliminate the Healey tank requirement. Currently, less than 70 percent of the City fleet is equipped with an OVR system and it will be several years before the fleet meets the 90 percent target. The new fuel pumps will have an integrated vapor recovery system, eliminating the need for a separate vapor recovery pump to be installed at the Service Yard.

The current fuel management software is ineffective in supporting the present fueling system for the City's fleet and equipment. It is also obsolete, making it incompatible with any new pump equipment. Staff has considered a wide variety of fueling equipment and software that is available on the market and has reviewed other fueling systems currently used by other agencies. The "FUELMASTER" software is the staff recommendation to meet the City's fueling system needs. Staff further recommends that the City "piggyback" on a National Joint Powers Alliance (NJPA) contract to purchase the software from Syntech Systems, Inc., the designer of the "FUELMASTER" software.

The NJPA is a public agency serving as a national municipal contracting agency with the authority to develop and offer, among other services, cooperative procurement services to its membership. Eligible membership and participation includes states, cities, counties, all government agencies, both public and non-public educational agencies, colleges, universities and non-profit organizations.

NJPA facilitates a competitive bidding and contracting process on behalf of the needs of current and potential member agencies nationally. This process results in national procurement contracts with various vendors of products/equipment and services which NJPA Member agencies desire to procure.

In 2013 the NJPA conducted a National Request for Proposals for a fuel management system and awarded a four year contract to Syntech Systems, Inc. (NPJA Contract No.051613-sys). The NJPA process meets the City of Campbell's purchasing requirements.

The "FUELMASTER" management system includes installation of a fuel management kit on each City Vehicle to eliminate the need for users to manually input vehicle data when fueling and will alert City mechanics to service the vehicles for scheduled maintenance. The cost for the "FUELMASTER" system, including fuel management kits, is estimated at \$55,000.

Research on fuel pump equipment has not uncovered a suitable existing government contract locally or nationally; therefore staff is requesting authorization to initiate a Request

**Authorize a Request for Proposals to Replace City Gas Pumps  
and Purchase of New Fuel Management Software  
August 2, 2016**

for Proposals for the purchase and installation of new gas pumps. Preliminary cost estimates for the purchase of new pumps and related installation costs amount to approximately \$35,000.

**FISCAL IMPACT**

Funding is available through the adopted FY 2014/2015 Capital Improvement Project (CIP) Budget, which included \$90,000 for the purchase of gas pumps and the appropriate supporting fueling software.

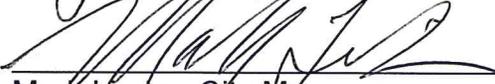
**ALTERNATIVES**

1. Defer this purchase and continue using the current pumps and software system. Staff does not recommend this since the current equipment and software needs to be replaced in order to provide continued and uninterrupted fueling service for the City fleet.
2. Direct Staff to conduct the City's own RFP for a fuel management system. It is highly unlikely that a new RFP will result in a lower cost since no volume discount will be considered as compared to the NJPA contract.

Prepared by:   
Alex Mordwinow, Public Works Superintendent

Reviewed by:   
Todd Capurso, Public Works Director

Reviewed by:   
Jesse Takahashi, Finance Director

Approved by:   
Mark Linder, City Manager

Attachment: Resolution

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL  
APPROVING ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE PURCHASE  
AND INSTALLATION OF NEW GAS PUMPS, THE PURCHASE OF FUEL  
MANAGEMENT SOFTWARE AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO  
EXECUTE THE PURCHASE AGREEMENT**

**WHEREAS**, the current gas pumps and supporting software for the City's fueling system are over 17 years old; and

**WHEREAS**, nearly 48,000 gallons of fuel are dispensed at the City's Service Yard per year; and

**WHEREAS**, the existing gas pumps are outdated and replacement parts are difficult to locate; and

**WHEREAS**, the current software used to support the City's fueling system is problematic and obsolete; and

**WHEREAS**, the adopted FY 2014-2015 Capital Improvement Plan (CIP) Budget included \$90,000 for the purchase of a new fueling system and supporting software; and

**WHEREAS**, the National Joint Powers Alliance (NJPA) has conducted a National Request for Proposals; and

**WHEREAS**, Syntech Systems, Inc. was awarded the NPJA contract to provide and support the "FUELMASTER" fuel management systems; and

**WHEREAS**, the City Council may authorize staff to piggyback on the NJPA contract with Syntech Systems, Inc.; and

**WHEREAS**, the need for a Request for Proposals for the purchase and installation of new gas pump equipment is needed.

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

1. The Public Works Director to issue a request for proposals and enter into an agreement for the purchase and installation of gas pumps located at the City Service Yard and at the Police Department fleet parking area.
2. The Public Works Director to execute a purchase agreement for the "FUELMASTER", fuel management software with Syntech Systems, Inc. by "piggybacking" on the National Joint Power Alliance Contract No. 051613-sys.

**PASSED AND ADOPTED** this 2nd day of August, 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: 8.  
Category: Consent Calendar  
Meeting Date: August 2, 2016

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**TITLE: A Resolution to Implement Stage 2 Potable Water Restrictions to Correspond with the Reduction of the Water Conservation Goal from 30% to 20% (Resolution/Roll Call Vote)**

## **RECOMMENDATION**

That the City Council adopt the attached resolution to implement Stage 2 drought restrictions based on the Santa Clara Valley Water District and the San Jose Water Company reduction of the water conservation goal from 30% to 20% of 2013 usage.

## **BACKGROUND**

In March 2015, the Santa Clara Valley Water District (SCVWD) requested residents and businesses to reduce water use by 30%, compared to 2013 usage, through December 2015. In November 2015, this reduction goal was extended to June 2016. The City of Campbell's water retailer, the San Jose Water Company (SJWC), required all customers to meet this goal by implementing restrictions that focus on outdoor water use which accounts for half of the total water use of an average household. The City adopted a resolution at that time to implement the potable water use restrictions established by the SJWC.

In September 2015, the City created a new framework for implementing water use restrictions by adopting Ordinance 2190 (Attachment 2) amending Chapter 8.34 of Campbell's Municipal Code – Potable Water Use Restrictions. The new Chapter 8.34 produced permanent potable water use restrictions and drought measures that required additional restrictions to water use when droughts are declared. Chapter 8.34 also gives the City Council the authority to adjust the stage of water restrictions by resolution when appropriate to correspond with conservation requirements established by the SCVWD and the SJWC.

With the amending of Chapter 8.34 of Campbell's Municipal Code, the City entered Stage 3 drought reductions of 30% of 2013 water usage to meet the conservation goal of the SCVWD and the SJWC. In June of 2016, in response to above average rainfall and successful water conservation by businesses and residents, the SCVWD and the SJWC reduced the reduction target goal from 30% to 20% starting July 1, 2016 through January 31, 2017.

**A Resolution to Implement Stage 2 Potable Water  
Restrictions to Correspond with the Reduction of the  
Water Conservation Goal from 30% to 20%  
August 2, 2016**

**Page 2**

**DISCUSSION**

A reduction in the water conservation goal from 30% to 20% requires the City to move from Stage 3 to Stage 2 drought restrictions. In addition to restrictions presented in Stage 2, the adoption of Stage 2 drought restrictions require water users to adhere to all permanent and Stage 1 water conservation measures set forth in Chapter 8.34 of the City of Campbell's Municipal Code. A decrease in potable water restrictions from Stage 3 to Stage 2 comes with the following changes in restrictions:

1. Watering or irrigating of lawns, landscape or other vegetated area with potable water will be limited to three days per week instead of two days per week as previously allowed under Stage 3 restrictions. Irrigation will be allowed Monday, Wednesday, and Friday for odd numbered and numberless addresses, and will be allowed on Tuesday, Thursday and Saturday for even numbered addresses.
2. Customers must fix leaks, broken irrigation systems, or broken fixtures within three days (seventy-two hours) if notified to do so by the San Jose Water Company. Under Stage 3 conditions, customers had two days (forty-eight hours) to fix leaks and broken systems.
3. Customers can now use potable water for the filling or re-filling of decorative fountains, ornamental lakes or ponds, and swimming pools.

The change in restrictions is minor to correspond with the minimal reduction in the conservation goal. It is recommended that the City adopt a resolution to establish Stage 2 drought restrictions. This would reduce certain water restrictions while still adhering to the conservation goal presented by the SCVWD and the SJWC.

**FISCAL IMPACT**

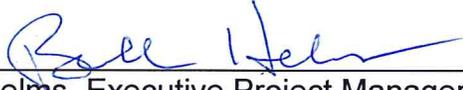
There is no fiscal impact associated with this action.

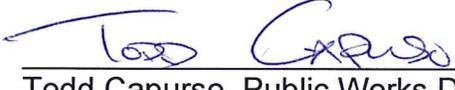
**ALTERNATIVES**

Do not approve the proposed resolution.

**A Resolution to Implement Stage 2 Potable Water  
Restrictions to Correspond with the Reduction of the  
Water Conservation Goal from 30% to 20%  
August 2, 2016**

Prepared by:   
\_\_\_\_\_  
Aaron Peth, Management Intern

Reviewed by:   
\_\_\_\_\_  
Bill Helms, Executive Project Manager

Reviewed by:   
\_\_\_\_\_  
Todd Capurso, Public Works Director

Approved by:   
\_\_\_\_\_  
Mark Linder, City Manager

- Attachments:
1. Resolution
  2. Ordinance 2190

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL TO ESTABLISH STAGE 2 POTABLE WATER RESTRICTIONS TO CORRESPOND WITH THE REDUCTION OF THE WATER CONSERVSTION GOAL FROM 30% TO 20%**

**WHEREAS**, on January 17, 2014, the Governor of the State of California declared a state of emergency in California, asking all Californians to reduce their water usage by 20% and on April 25, 2014, announced a continued state of emergency in California due to continuing drought conditions; and

**WHEREAS**, on March 24, 2015, wholesale water provider the Santa Clara Valley Water District increased the conservation target from 20% to 30% based on 2013 usage, in addition to limiting outdoor irrigation to two days per week through December 31, 2015; and

**WHEREAS**, on May 19, 2015, the City of Campbell urged its residents and businesses to adopt water conservation practices to achieve the 30% reduction in water usage based on 2013 water usage as implemented by both the Santa Clara Valley Water District and the San Jose Water Company; and

**WHEREAS**, on September 1, 2015, the City of Campbell amended Chapter 8.34 of the Campbell Municipal Code – Potable Water Use Restrictions to set a framework for permanent water restrictions and restrictions based on the drought stage adopted by the City Council in accordance with rules and conservation goals set by the Santa Clara Valley Water District and the San Jose water Company; and

**WHEREAS**, on November 25, 2015, the Santa Clara Valley Water District extended the conservation target of 30% through June 30, 2016; and

**WHEREAS**, on June 30, 2016, the Santa Clara Valley Water District and the San Jose Water Company decreased the water conservation target from 30% to 20% based on 2013 usage, in addition to increasing outdoor irrigation to three days per week through January 31, 2017.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Campbell does hereby as follows:

The City of Campbell City Council adopts Stage 2 drought restrictions as presented in Chapter 8.34 if the Campbell Municipal Code – Potable Water Use Restrictions, with the goal of water use reductions of 20% of 2013 water usage:

**PASSED AND ADOPTED** this 2<sup>nd</sup> day of August, 2016 by the following roll call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED:

---

Jason T. Baker, Mayor

ATTEST:

---

Wendy Wood, City Clerk

ORDINANCE NO. 2190

BEING AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF CAMPBELL AMENDING CHAPTER 8.34 OF THE CAMPBELL  
MUNICIPAL CODE ENTITLED POTABLE WATER USE RESTRICTIONS  
AND SECTION 6.10.020 OF THE CAMPBELL MUNICIPAL CODE

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

**SECTION ONE:** Section 8.34.020 of Chapter 8.34 of the Campbell Municipal Code be amended to read as follows:

**8.34.020 – Permanent Potable water use restrictions.**

It shall be unlawful to make any of the following uses of potable water:

- A. Water waste by flooding or runoff on sidewalks, streets, gutters or other paved areas;
- B. Cleaning of sidewalks, driveways, patios, parking lots, or other paved or hard-surfaced areas in a manner which results in excessive run-off or waste;
- C. Use of water through a hose for washing cars, buses, boats, trailers, or other vehicles without a positive automatic shutoff valve on the outlet end of the hose. Exceptions include washing vehicles at commercial or fleet vehicle washing facilities operated at fixed locations where equipment using water is properly maintained to avoid wasteful use.

**SECTION TWO:** Section 8.34.022 is hereby added to Chapter 8.34 of the Campbell Municipal Code to read as follows:

**8.34.022 – Drought Measures.**

**A. Drought Stages.** For purposes of this Chapter, drought conditions shall be categorized as follows:

1. **Stage 1.** A Stage 1 drought is characterized by a water use reduction goal of ten to fifteen (10-15) percent;
2. **Stage 2.** A Stage 2 drought is characterized by a water use reduction goal of fifteen to twenty five (15-25) percent;
3. **Stage 3.** A Stage 3 drought is characterized by a water use reduction goal of twenty five to forty (25-40) percent;

4. **Stage 4.** A Stage 4 drought is characterized by a water use reduction goal of forty (40) percent or greater;

**B. Declaration of Drought.** When the City Council finds that one of the four stages of drought affects the City, the City Council may adopt a resolution declaring the existence of the drought, and the applicable stage of the drought.

**C. Drought Restrictions.** When the City Council adopts a resolution declaring the existence of a drought the following provisions shall immediately apply in addition to the permanent restrictions set forth in section 8.32.020:

**Stage 1 – Conservation.** During Stage 1 – Conservation, the following mandatory conservation measures must be followed:

- a. No watering between 10:00 a.m. and 8:00 p.m.; and irrigation cannot exceed fifteen minutes in any landscape zone on any parcel, unless the zone is exclusively using drip irrigation, low precipitation sprinkler heads that apply water at or less than 1.0 inches per hour, a hose with a positive shutoff device, or hand held bucket or similar container;
- b. Customers must fix leaks, broken irrigation systems, or broken fixtures within 5 business days if notified to do so by San Jose Water Company.
- c. Operation of decorative fountains, or the filling or topping off of decorative lakes or ponds is prohibited, except for maintenance purposes or fountains, lakes, or ponds which utilize recycled (recirculated) water;
- d. Restaurant water service is prohibited except upon request;
- e. Hotels and motels must provide guests with the option of not having towels and linens laundered daily and promptly display notice of this option; and
- f. No irrigation shall occur for forty-eight hours after measurable rainfall of one-quarter of an inch or more;

**Stage 2 – Water Reduction Needed.** During Stage 2 – Water Reduction Needed, the following mandatory conservation measures must be followed in addition to the measures required for Stage 1:

- a. Use of potable water for construction purposes, including washing streets, backfill, and dust control is prohibited, unless no other source of water or other method can be used;
- b. Watering or irrigating of lawns, landscape or other vegetated area with potable water is limited to three days per week. Irrigation will be allowed Monday, Wednesday, and Friday for odd numbered and numberless addresses and will be allowed on Tuesday, Thursday and Saturday for even numbered addresses.; and
- c. Customers must fix leaks, broken irrigation systems, or broken fixtures within 3 days (72 hours) if notified to do so by San Jose Water Company;

In the event of a conflict between the restrictions of Stage 1 and Stage 2, the most restrictive measures shall apply;

**Stage 3 – Critical Water Reduction.** During Stage 3 – Critical Water Reduction, the following mandatory conservation measures must be followed in addition to the measures required for Stage 1 and Stage 2:

- a. Watering or irrigating of lawns, landscape or other vegetated area with potable water is limited to two days per week. Irrigation will be allowed on: Monday and Thursday for odd numbered and numberless addresses and on Tuesday and Friday for even numbered addresses;
- b. Use of water for the filling or refilling of swimming pools is prohibited, except for topping off pools up to one (1) foot from the top of the pool. Leaking pools that need repair are exempt from this paragraph;
- c. Customers must fix leaks, broken irrigation systems, or broken fixtures within 2 days (48 hours) if notified to do so by San Jose Water Company.
- d. Customers shall not use potable water for the filling or re-filling of decorative fountains, ornamental lakes or ponds except to the extent needed to sustain aquatic life, provided that such animals are of significant value.

In the event of a conflict between the restrictions of Stage 1, Stage 2 or Stage 3, the most restrictive measures shall apply;

**Stage 4 – Emergency Water Reduction.** During Stage 4 – Emergency Water Reduction, the following mandatory conservation measures must be followed in addition to the measures required for Stage 1, Stage 2 and Stage 3:

- a. Watering or irrigation of lawn, landscape or other vegetated area with potable water is prohibited. This restriction does not apply to the following categories of use:
  - i. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, hand-held hose equipped with a positive action shut-off nozzle or device;
  - ii. Maintenance of existing landscape necessary for fire protection;
  - iii. Maintenance of existing landscape for soil erosion control;
  - iv. Maintenance of plant materials identified to be rare or essential to the well-being of a protected species;
  - v. Maintenance of landscape within active public parks or playing fields, day care centers, golf course greens, and school grounds, provided that such irrigation does not exceed two days per week;
- b. Customers must fix leaks, broken irrigation systems, or broken fixtures within one day (24 hours) if notified to do so by San Jose Water Company;

In the event of a conflict between the restrictions of Stage 1, Stage 2, Stage 3, or Stage 4, the most restrictive measures shall apply.

**SECTION THREE:** Section 8.34.030 of Chapter 8.34 of the Campbell Municipal Code be amended to read as follows:

**8.34.030 - Penalty.**

A. It is unlawful for any person, firm or corporation to violate any provision, or fail to comply with any mandatory requirement of this chapter. Except as otherwise provided in subsection (b) of this section, any entity violating any provision, or failing to comply with any mandatory requirement of this chapter is guilty of an infraction, and upon conviction shall be punished by a fine of not more than one hundred dollars.

B. Notwithstanding any provision to the contrary, any person, firm or corporation committing any act made unlawful pursuant to subsection (a) of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars and/or imprisonment of not more than six months, if any of the following circumstances exists:

1. The violation was committed willfully or with knowledge of its illegality;
2. The violator does not cease or otherwise abate the violation after receiving notice of such violation; or
3. The violator has previously been convicted of violating the same provision of this title within one year of the currently charged violation;

C. Each person, firm or corporation violating any provision, or failing to comply with the mandatory requirements of this chapter shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such person, firm or corporation, and shall be punishable as provided in this section.

D. The administrative penalties of Chapter 6.10 of the Campbell Municipal Code shall apply to a violation of this Chapter.

**SECTION THREE:** Paragraph (6)(Q) of subsection (a) of section 6.10.020 of the Campbell Municipal Code is hereby amended to read as follows:

(Q) A violation of any of the provisions of Campbell Municipal Code Chapters 5.24, 5.28, 5.29, 5.30, 5.36, 5.48, 5.58, 6.11, 6.20, 6.30, 8.34, 11.04, 11.08, 11.12, 11.16, 11.32, 13.04, or 14.02,

**SECTION FOUR:** The provisions of this ordinance are intended to amend, codify and supersede the provision contained in Ordinance 1745.

**SECTION FIVE:** This Ordinance shall become effective (30) days following its passage and adoption and shall be published once within fifteen (15) days upon passage and



# *City Council Report*

Item: 9.  
Category: Consent Calendar  
Date: August 2, 2016

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**TITLE: AUTHORIZE CITY MANAGER TO EXECUTE AN AGREEMENT WITH EPCIT FOR TEMPORARY INFORMATION TECHNOLOGY PROFESSIONAL SERVICES (Resolution/Roll Call Vote)**

## **RECOMMENDATION**

That the City Council adopt the attached resolution authorizing the City Manager to execute an agreement with EPCIT to provide temporary professional services for the Information Technology Division.

## **BACKGROUND**

As part of the FY17 budget, the City Council approved a limited term Information Technology Administrator for the Information Technology Division as well as funding for professional services. In the budget study session, staff informed Council that there would be an attempt to fill the limited term Information Technology Administrator position and if not successful in filling the position, staff would ask for authorization to use the funding for professional services to obtain assistance on major projects.

## **DISCUSSION**

Currently, no candidates with the expertise necessary to assist the Division have been identified. The Information Technology Division will work with Human Resources in the second half of the calendar year to recruit for the position.

Assistance provided by EPCIT in FY16 was very valuable to the Division and continuing to use this firm will provide continuity on projects in progress and not require orienting a new firm on the City's technology environment.

Council Administrative Policies (Section 10.7 – Retaining of Consultants) directs staff to seek authorization from the City Council when entering into an agreement for professional services when the cost of the engagement exceeds \$15,000. Although a three month extension of agreement with EPCIT would be below this threshold (\$14,900 for the three month term), because the recruitment process for the limited term Information Technology Administrator may take longer than three months, and the need for expert services is critical for the Division's Work Plan Items, it is likely that there will be a need to enter into an extension of the agreement for the remainder of the calendar year (up to six months).

For this reason, staff is requesting that the City Council authorize the City Manager to enter into agreements/extensions with EPCIT, the length of which will not exceed six (6) months, and the value of which will not exceed \$30,000.

**FISCAL IMPACT**

Costs associated with the professional services provided by EPCIT are included in the FY17 Budget.

**ALTERNATIVES**

1. Do not approve the professional services agreement at this time.
2. Provide other direction to Staff.

Prepared by:   
Jeffrey Gershaneck, Information Technology Manager

Reviewed by:   
Jesse Takahashi, Finance Director

Approved by:   
Mark Linder, City Manager

Attachment: Council Resolution

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL  
AUTHORIZING AN AGREEMENT WITH EPCIT FOR TEMPORARY INFORMATION  
TECHNOLOGY PROFESSIONAL SERVICES**

**WHEREAS**, the City desires to obtain temporary part-time professional services to assist the Information Technology Division with major technology projects; and

**WHEREAS**, EPCIT has qualified individuals with the expertise, means and ability to provide the City's Information Technology Division with such assistance; and

**WHEREAS**, Pursuant to Section 10.7 of the City's Council Administrative Policies, the City Council reserves the ability to authorize the hiring of consultants whose charges will exceed \$15,000; and

**WHEREAS**, the Division included the cost for these professional services in the FY17 budget; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby authorizes the City Manager to execute an agreement between the City of Campbell and EPCIT for Information Technology professional services for a period of up to six (6) months not to exceed \$30,000.

PASSED AND ADOPTED this 2<sup>nd</sup> day of August 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: Public Hearing  
Date: August 2, 2016

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**TITLE**      **Placing the Cost of Abating Hazardous Vegetation on the Property Tax Assessment Roll (Resolution/Roll Call Vote)**

## **RECOMMENDATION**

Staff recommends that the City Council take the following action:

1. **Adopt a resolution**, placing the cost of abating hazardous vegetation on the property tax assessment roll.

## **DISCUSSION**

Abatement of hazardous vegetation (weeds) is managed through the Weed Abatement Division of the Santa Clara County Department of Agriculture and Environmental Management, upon action of the City to notice and authorize abatement.

On December 1, 2015, the City Council declared weeds to be a public nuisance, allowing the County to send notices to property owners whose properties were overgrown with weeds. The notice advised that the weeds must be voluntarily removed or that removal would be performed by the County at the owner's expense.

On January 5, 2016, the City Council held a public hearing to receive protests from property owners whose properties were identified as having a weed problem and to direct the County to proceed with abatement on those properties where weeds were not voluntarily removed by the owners. At that meeting, Vivian Bracher, owner of 1766 White Oaks Road addressed the Council asking that her property be removed from the list. After further review, County Weed Abatement removed the property from the abatement list.

County Weed Abatement Division informs staff that of the 33 properties identified as having overgrown weeds as of the January 5th Council meeting, abatement was ordered for nine properties, with the other properties being cleared by the owners. Exhibit A of Attachment 1 identifies the nine properties where weed abatement services were ordered and the cost of the service (the assessment). The list also identifies the remaining properties where weeds were voluntarily removed (incurring a \$55 administrative fee). The assessments for the properties will be placed on the property tax roll as a lien and collected together with all other property taxes.

## **FISCAL IMPACT**

None to the City, if placed on the assessment roll.

**ALTERNATIVES**

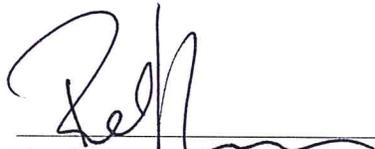
- 1) Bill each property owner separately.

Prepared by:



\_\_\_\_\_  
Daniel Fama, Acting Senior Planner

Reviewed by:



\_\_\_\_\_  
Paul Kermoyan, Community Development Director

Approved by:



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

Attachments:

1. Draft Abatement Assessment Resolution

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

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL PLACING THE COST OF ABATING HAZARDOUS VEGETATION ON THE PROPERTY TAX ASSESSMENT ROLL.

WHEREAS, the City Council of the City of Campbell did on the 19th day of July, 2016, hold a Public Hearing for the purpose of hearing any objections by any of the property owners liable to be assessed for the work of abating hazardous vegetation on their property; and

WHEREAS, the Santa Clara County Department of Agriculture and Environmental Management recommended that the cost of abating nuisance of hazardous vegetation on such property shall constitute special assessments against such property and shall constitute a lien on such property for the amount of such assessments, as outlined in **Exhibit A** and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED that the Santa Clara County Department of Agriculture and Environmental Management shall cause the amount of assessment to be entered on the City assessment roll opposite the description of the particular property and the amount shall be collected together with all other taxes thereon upon the property. Thereafter, such amounts shall be collected at the same time and in the same manner as general City taxes. All laws and ordinances applicable to the levy, collection and enforcement of City taxes are hereby made applicable to such special assessment.

BE IT FURTHER RESOLVED that the property owners have the option, if they so desire, of paying the assessment directly to the Collector's Office before said entry on said assessment roll as outlined in **Exhibit A** and attached hereto.

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

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAINED:	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:** August 1, 2016

**From:** Wendy Wood, City Clerk 

**Via:** Mark Linder, City Manager 

**Subject:** Desk Item 10 – Exhibit A

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It has been brought to my attention that Exhibit A for the draft resolution was inadvertently omitted.

Attached is Exhibit A for Council consideration.

**2016 Weed Abatement Program  
Assessment Report  
City of Campbell**

Exhibit A

	<b>Situs</b>		<b>APN</b>	<b>OWNER ADDRESS</b>				<b>TAX ROLL AMT</b>	<b>TRA</b>
1	95	Hamilton	279-27-096	<b>95 Hamilton Llc</b>	101 S. Santa Cruz Ave	LOS GATOS	95030-6701	\$1,308.88	<b>10025</b>
2	675	Creekside	288-01-025	<b>Hamilton Campbell Llc</b>	1690 Dell Ave	CAMPBELL	95008	\$55.00	<b>10090</b>
3	2295	Winchester	305-34-004	<b>Gabilan Street Llc</b>	389 First St	LOS ALTOS	95022	\$495.00	<b>10005</b>
4	2305	Winchester	305-34-005	<b>Gabilan Street Llc</b>	389 First St	LOS ALTOS	95022	\$495.00	<b>10005</b>
5	1115	Denver	307-43-031	<b>O Leary Michael J And Kaye K</b>	1115 Denver Dr	CAMPBELL	95008-0308	\$55.00	<b>10003</b>
6	1335	Campbell	307-50-062	<b>Chengson David P Trustee &amp; Et Al</b>	511 Calle Serra	APTOS	95003	\$55.00	<b>10003</b>
7		No Situs	403-09-098	<b>Lee Fon-chen And Fran Whei-fang</b>	10935 Miramonte Rd	CUPERTINO	95014-3971	\$55.00	<b>10005</b>
8		No Situs	403-09-099	<b>Lee Fon Chen And Whei Fang</b>	10935 Miramonte Rd	CUPERTINO	95014-3971	\$55.00	<b>10005</b>
9		No Situs	403-09-100	<b>Lee Fon Chen And Whei Fang</b>	10935 Miramonte Rd	CUPERTINO	95014-3971	\$55.00	<b>10005</b>
10	1440	Elam	403-10-070	<b>Benevento William R And Betty J</b>	12270 Kirkdale Dr	SARATOGA	95070-3149	\$55.00	<b>10005</b>
11	1445	Westmont	403-10-116	<b>Pfister Kristine Trustee</b>	834 Mayo Ct	BENICIA	94510	\$55.00	<b>10005</b>
12	1411	Westmont	403-10-125	<b>Degan Development Corp</b>	2959 S Winchester Blvd, 200a	CAMPBELL	95008	\$55.00	<b>10005</b>
13		San Tomas	403-14-016	<b>Barnes David A Trustee</b>	18180 Bayview Dr	LOS GATOS	95033-0000	\$55.00	<b>10005</b>
14		No Situs	403-18-102	<b>Kraja Ali N And Hava Et Al</b>	10171 Hillcrest Rd	CUPERTINO	95014-1049	\$495.00	<b>10005</b>
15	1660	Hacienda	403-18-111	<b>Williams Kraig</b>	1418 Shaffer Dr	SAN JOSE	95132-3616	\$55.00	<b>10005</b>
16	651	Budd	404-24-033	<b>Zhang Hongqing</b>	651 Budd Ave	CAMPBELL	95008-4642	\$55.00	<b>10005</b>
17	510	Budd	404-26-036	<b>Phillips Mark S</b>	510 Budd Ave	CAMPBELL	95008-4611	\$55.00	<b>10005</b>
18	555	Emory	404-26-037	<b>Donnard Jerry T</b>	555 Emory Ave	CAMPBELL	95008-4639	\$55.00	<b>10005</b>

**2016 Weed Abatement Program  
Assessment Report  
City of Campbell**

Exhibit A

Situs		APN	OWNER ADDRESS				TAX ROLL AMT	TRA
19	944 Virginia	404-33-038	Pastre Ernie And Grace	302 Laurel Ave	MENLO PARK	94025-2819	\$495.00	10005
20	587 Virginia	406-01-006	Tagatac Ernest M And Sandra S	587 Virginia Ave	CAMPBELL	95008-4605	\$55.00	10005
21	625 Virginia	406-01-009	Altus Christina M And Stephen S	625 Virginia Ave	CAMPBELL	95008-4605	\$495.00	10005
22	955 Linda	406-05-017	Tremain Matt	955 Linda Dr	CAMPBELL	95008-4505	\$55.00	10005
23	965 Linda	406-05-018	Lu Eddie C And Lilien T Et Al	965 Linda Dr	CAMPBELL	95008-4505	\$55.00	10005
24	999 Linda	406-05-021	Magerian Sirop O	7330 Jellico Ave	LAKE BALBOA	91406	\$55.00	10005
25	891 Connie	406-05-045	Schumacher Richard	891 Connie Dr	CAMPBELL	95008-4501	\$495.00	10005
26	870 Sunnyoaks	406-12-047	Khosraviani Esfandiar And	870 W Sunnyoaks Ave	CAMPBELL	95008-6046	\$495.00	10005
27	705 Hacienda	406-12-054	Sai Homes Inc	20601 Oak Creek Ln	SARATOGA	95070-3070	\$55.00	10005
28	700 Hacienda	406-19-036	Almasi Azita Trustee	965 Laurel Glen Dr	PALO ALTO	94304-1323	\$1,423.68	10005
29	1425 Capri	406-23-004	Yoffe Orly And Dmitry	1425 Capri Dr	CAMPBELL	95008-6818	\$55.00	10005
30	1229 Pollard	406-25-011	Overhouse Richard G And Diana M	1243 Pollard Rd	LOS GATOS	95030	\$55.00	10005
31	1420 Burrows	406-25-039	Brown Hugh O	1420 Burrows Rd	CAMPBELL	95008-6303	\$55.00	10005
32	1500 Camden	414-04-005	Kobata Toragusu And Kimiyo	3426 Kathleen St	SAN JOSE	95124-2135	\$55.00	10001
33	1700 White Oaks	414-40-016	Spivey Frank L Trustee	1700 White Oaks Rd	CAMPBELL	95008-7118	\$55.00	10009
<b>TOTAL</b>							<b>\$7,517.56</b>	



# City Council Report

Item: 11.  
Category: New Business  
Meeting Date: August 2, 2016

**TITLE:** Authorization to enter into negotiations for acquisition to purchase property and to appoint a negotiator

## RECOMMENDATION

That the City Council authorize the City Manager to enter into negotiations for acquisition to purchase property and to appoint a negotiator.

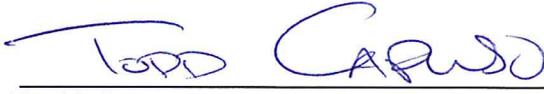
## DISCUSSION

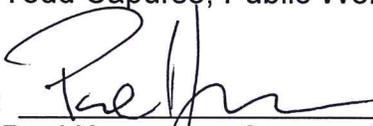
The City receives a development impact fee associated with the improvement of residential housing units in the form of a “park fee.” Over the years, the City has accumulated a balance of approximately \$3.9 million in park fees that are dedicated to the acquisition of lands for park and recreational improvements or may be used to perform improvements to existing parks and recreational facilities.

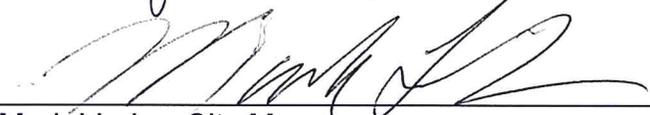
One of the City Council’s Strategic Priorities for FY17 is to begin programming the park impacts fees to either improve the City’s existing parklands or acquire new land for parkland development. As a result of this directive, it was requested that staff return to the City Council no later than September 2016 to identify potential areas for improvement or acquisition.

Since that time, staff has identified two parcels that may be ripe for consideration as new parkland. One of the parcels is located at 209 Railway Avenue (APN 412-07-05) and contains an historic dining hall (constructed in approximately 1900). It is located immediately south of the downtown VTA Light Rail stop. The second property is located along the Los Gatos Creek (APN 288-03-003) and is immediately adjacent to the trail, north of the Pruneyard Shopping Center, just off of Campisi Way, street address unknown.

Both sites are viable as recreational spaces. However, to move forward with either property in this regard, it would require the City to purchase the property and perform improvements to convert them into public spaces. In this regard, staff is requesting that the City Council authorize the City Manager to enter into negotiations to purchase property and appoint a negotiator. The negotiator would then be authorized to contact the property owners or their agents on behalf of the City and enter into property negotiations. Should the Council accept the staff recommendation, a closed session will be scheduled for August 16, 2016 to discuss the properties in question. More details will be provided to Council at that time.

Prepared by:   
Todd Capurso, Public Works Director

Reviewed by:   
Paul Kermoyan, Community Development Director

Approved by:   
Mark Linder, City Manager



*City  
Council  
Report*

Item: 12.  
Category: New Business  
Date: August 2, 2016

**TITLE: WATER TOWER LIGHTING REQUESTS**

**RECOMMENDATION**

City Council review and provide direction (approval/decline) related to Water Tower Lighting Requests from the Campbell Police Officers Association and the Teal Foundation.

**BACKGROUND AND DISCUSSION**

Council Policy 1.29 established a process for individuals and/or organizations to submit special Water Tower lighting requests to the City Council for review and consideration. In accordance with this policy, staff has received the following two requests which we are forwarding to Council for discussion:

<b>Requested by</b>	<b>Lighting Date</b>	<b>Requested Color</b>	<b>In support of...</b>
Campbell Police Officers Association (POA)	a. No specific date; at Council discretion and/or b. May 14-20, 2017 (any night) during National Police Week	Blue	Campbell Police Officers
Teal Foundation	Friday, September 23	Teal	"The Teal Run" and raising awareness of Ovarian Cancer

The Campbell POA request comes during a time where police departments are not always feeling supported by their community. The Campbell Police Department has received tremendous support from individual members of the Campbell community, the Campbell Police Foundation, and the City Council. The POA feels that lighting the tower blue for one night would be an extension of this support and not a political statement. Another date option for "blue" tower lighting is during National Police Week observed in May, 2017.

The San Jose based Teal Foundation made a similar request in 2015, but the City did not have the capacity to light the tower teal. Since we could not light it teal we turned off the tower lights for one hour to raise ovarian cancer awareness. The Teal

Foundation requests that the City light its water tower in teal on the night of September 23 to promote its annual fundraiser "The Teal Run" and ovarian cancer awareness. The Teal Foundation application is included as **Attachment 2**.

The Teal Foundation is a 501 (c) 3 non-profit organization that provides funding for ovarian cancer research and support services for women with ovarian cancer and their families. The organization is entirely operated by volunteers without paid staff.

### **FISCAL IMPACT**

There is no additional fiscal impact associated with the review of the Water Tower Lighting Requests. In the event special lighting requests are made by third parties, the vendor would charge a fee of \$200 per visit to manually program custom themed lighting. This \$200 fee would cover such services for up to two hours per visit.

### **ALTERNATIVES**

1. Approve both requests.
2. Approve one of the requests.
3. Approve none of the requests.

Prepared and  
approved by:

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

Attachment:

1. Attachment 1 – City of Campbell Water Tower Lighting Policy
2. Attachment 2 – Application and supporting documents from the Teal Foundation
3. Attachment 3 – Application and written request from Campbell Police Officers Association

**Council Policy 1.29**  
**Campbell Water Tower Lighting Policy**

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

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

Responsibility:

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

Dates and Duration of Illumination:

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

Event	Date*	Type	Color(s)
New Year's Day	January	Federal Holiday	White
Martin Luther King, Jr. Day	January	Federal Holiday	Red, White & Blue
Valentine's Day & Fun Run	February 14	National Custom / City Event	Red & White
Presidents' Day	February	Federal Holiday	Red, White & Blue
St. Patrick's Day	March 17	National Custom	Green
Earth Day	April 22	National Event	Green & Blue
Memorial Day	May	Federal Holiday	Red, White & Blue
Independence Day	July	Federal Holiday	Red, White & Blue
Labor Day	September	Federal Holiday	Red, White & Blue
Columbus Day	October	Federal Holiday	Red, White & Blue
Halloween	October 31	National Custom	Orange
Veteran's Day	November	Federal Holiday	Red, White & Blue
Thanksgiving	November	Federal Holiday	Orange, Brown, Yellow and White
Christmas Day	December	Federal Holiday	Red & Green

\*Dates for federal holidays will follow dates published in the federal holiday schedule.

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

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

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

Third Party Requests:

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

Themed lighting must not reflect the following:

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

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

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

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

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

Special Circumstances and Other Displays of Recognition:

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



Requested date to light the water tower\*: September 23, 2016

*\*If approved by the City Council, specialty themed lighting will occur for one evening and overnight period from sundown to sunrise. Please note that if your requested and alternate dates conflict with established federal holidays and other dates of themed lighting officially scheduled by the City, your request will not be granted. For questions regarding the current year water tower lighting schedule, please contact our office at the number listed below.*

Please list two alternate dates to light the water tower in case your desired date is not available.

September 22, 2016

September 21, 2016

Please list the color(s) you wish to request. Up to 12 different colors can be requested. All requested colors will remain static and not feature any special effects. Black is unavailable due to technical limitations.

Teal

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has your organization been previously approved for a past lighting request?

Yes  No

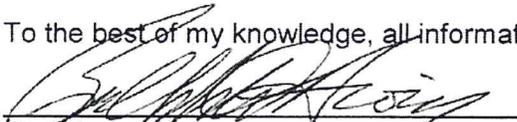
If yes, please provide dates: \_\_\_\_\_

Disclaimer: The City Council may consider special lighting requests by third parties on a case-by-case basis subject to majority vote. Submitting a lighting request application does not guarantee the City Council will either grant a request or consider such a request.

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

- There is no automatic agreement renewal for lighting requests as third parties must submit requests for consideration each time they wish to illuminate the Water Tower.
- The applicant will receive written response, stating a request's approval or denial via e-mail.

To the best of my knowledge, all information presented herein is correct and complete.

  
Signature

7/21/2016  
Date

Submit signed applications to the City Manager's Office. Walk-in or mailed applications go to: Attention- Al Bito, Deputy City Manager  
Campbell City Hall – 70 N. First. Street. Campbell, CA 95008.  
Electronic submissions to: [alb@cityofcampbell.com](mailto:alb@cityofcampbell.com)  
Phone: (408) 866-2125

Thank you for your interest in submitting a request to light the Campbell Water Tower.



# THE *Teal* RUN

CAMPBELL PARK, CAMPBELL | SEPTEMBER 24, 2016

**INFORMATION AND SPONSORSHIP OPPORTUNITIES**



Laurie and her grandson, Emerson, in 2013

## THE STORY OF THE TEAL RUN

The Teal Run is an annual 5K run/walk hosted by The Teal Foundation. What makes the event unique is that direct support is provided to women dealing with ovarian cancer, as well as their families. Many people are brought together in one place, providing a day of love, hope, and support for all attendees, and an emotional and empowering experience for the ovarian cancer survivors who participate in the event.

The Teal Run was started by Laurie DeSimone and a select group of dedicated volunteers. In December, 2012, Laurie was diagnosed with Stage IV ovarian cancer. After undergoing her first round of chemotherapy, she was looking for a way to provide support for other women facing the same challenges of living with ovarian cancer. Her daughter, Sarah Hawkins, suggested that the family take part in a 5K run/walk held in Los Angeles. Upon entering the event site, Laurie was emotionally overcome and moved to tears by the “sea of teal.” People with signs offered their encouragement and support along the route, which gave her the strength to continue. Although the family finished in last place, Laurie was empowered by the experience and proud to have met the challenge. She wanted to bring the same feeling to the women of the San Francisco Bay Area, and this led to the start of The Teal Run. More than 250 participants attended the inaugural event in 2015, and almost \$40,000 was raised for ovarian cancer research and local ovarian cancer support services.



## EVENT DETAILS

The Teal Run will be held on September 24, 2016 at Campbell Park in Campbell. Race day registration will begin at 7:30 a.m. and a pre-race ceremony will start at 8:30 a.m. The run/walk will begin at 9:00 a.m. Following the 5K, a free raffle will be held for the registered participants still in attendance.

Eco-friendly tote bags, along with coupons from local Campbell merchants, will be given to all registered participants. Dogs are also welcome and bandanas will be available for an additional \$10. There will be a kids' activity center and an open photo booth to capture memories of the event. The Teal Tent will also be set up to provide information and support services, as well as honor the courageous women in our lives - past and present - who have had to fight this insidious disease.

Pre-race registration will be available at The Sports Basement, located in The Pruneyard Shopping Center in Campbell, on September 23, 2016.

Additional information will also be made available on the event website, [www.thetealrun.org](http://www.thetealrun.org).



## SPONSORSHIP OPPORTUNITIES

We are looking for a few select sponsors to help underwrite the cost of the event so that the maximum amount raised by The Teal Run goes toward our mission. The chart below summarizes the levels of sponsorship and the benefits of each level. For more information and a more detailed description of the benefits, please contact Terry Snowden at [terry@thetealfoundation.org](mailto:terry@thetealfoundation.org).

Sponsorship Level	Sponsorship Amount	Event Day Recognition	Logo on Website and Facebook	Email Blast	Small Logo on T-Shirts and Promotional Material	Large Logo on T-Shirts and Promotional Material	Event Table	Optional Corporate Presence
<b>Teal</b>	\$10,000	ℓ	ℓ	ℓ		ℓ	ℓ	ℓ
<b>Gold</b>	\$5,000	ℓ	ℓ	ℓ	ℓ		ℓ	
<b>Silver</b>	\$2,500	ℓ	ℓ	ℓ	ℓ			
<b>Bronze</b>	\$1,000	ℓ	ℓ					



## **WHO WE ARE**

The Teal Foundation is a 501(c)(3) non-profit organization founded by Laurie DeSimone and her family in October, 2014. The mission of the organization is to provide funding for local ovarian cancer support groups and ovarian cancer research, especially research for an early detection test for the disease. The Teal Foundation is completely staffed by volunteers to ensure that the greatest percentage of funds go toward its stated mission.

## **WHY WE NEED YOUR HELP**

According to the National Cancer Institute, over 22,000 women are expected to be diagnosed with ovarian cancer in 2016, and over 14,000 women will die from the disease. Although the number of women diagnosed with ovarian cancer is less than one-tenth of the number diagnosed with breast cancer, the number of women dying from ovarian cancer is more than one-third of the number of women dying of breast cancer. Yet the funding for breast cancer - estimated to be over \$6 billion annually - is far greater than the amount raised for ovarian cancer. It is because of a lack of attention and funding that very little improvement has been made in ovarian cancer survival over the past 40 years. A reliable early detection test for ovarian cancer still does not exist. We are working to change this through the funding of additional research.

In the meantime, while the world is awash in pink during the month of October, women with ovarian cancer sometimes feel alone and neglected during September, which is National Ovarian Cancer Awareness Month. The color for ovarian cancer is teal, which is rarely seen during the month. By holding the run/walk in September, the primary goal is to let these women and their families know that they are not alone in their fight.

## **ADDITIONAL INFORMATION**

Our tax identification number is 47-2179048. For more information or to find out how you can help, please visit our website at [www.thetealfoundation.org](http://www.thetealfoundation.org) or send an email to [info@thetealfoundation.org](mailto:info@thetealfoundation.org).

# FACTS TO KNOW ABOUT OVARIAN CANCER

## ***Fact 1: All women are at risk for ovarian cancer***

Approximately 22,000 women in the United States will be diagnosed with ovarian cancer and more than 14,000 will die from the disease every year. It is the fifth leading cause of cancer death among women.

## ***Fact 2: There is no reliable diagnostic test for ovarian cancer***

A Pap test DOES NOT detect ovarian cancer. It detects pre-cancerous changes to cells of the cervix, which can be treated much more successfully than ovarian cancer.

## ***Fact 3: Ovarian cancer is often diagnosed at a late stage***

Ovarian cancer is most often diagnosed when the cancer is already at an advanced stage due to the fact that there is no diagnostic test and symptoms are often common enough to dismiss. A woman might think her symptoms are due to “the time of the month,” “something I ate,” menopause, or confused with other common abdominal complaints.

## ***Fact 4: Diagnosis at an early stage vastly improves a woman’s chance of survival***

When ovarian cancer is detected at an early stage, up to 90% of women are likely to survive for more than five years.

The most common symptoms and signs of ovarian cancer are:

- **Bloating (a rounded appearance to the abdomen, not something that comes and goes)**
- **Pelvic or abdominal pain, gas and/or indigestion**
- **Loss of appetite or a feeling of fullness, even after a light meal**
- **Urinary urgency and/or frequency**

Women with ovarian cancer may also experience the following symptoms:

- **Constipation or diarrhea**
- **Vaginal bleeding**
- **Shortness of breath**
- **Fatigue**
- **Back Pain**
- **Pain with intercourse**

A woman who has symptoms suggestive of ovarian cancer should be referred directly to a specialist to obtain an accurate diagnosis. If she is diagnosed with ovarian cancer, a gynecologic oncologist is the best person to manage her care.





CITY OF CAMPBELL

WATER TOWER THEMED LIGHTING REQUEST APPLICATION FORM

\*\* Applications must be submitted at least 30 days before requested date\*\*

Themed lighting requests must not reflect the following:

- Promote or advance religion;
- Promote or advance unlawful discrimination based on race, ethnicity, gender, national origin, or sexual orientation and,
- For profit and private businesses and organizations.

NAME OF CONTACT PERSON MAKING REQUEST: David Livingston on behalf of

ORGANIZATION / APPLICANT NAME: Campbell Police Officers' Association

ADDRESS: 70 N. First Street  
Campbell, CA 95008

PHONE: ( ) None

E-MAIL: DPlivingston@cityofcampbell.com

WEBSITE (OPTIONAL): None

Please include a description of your organization.

We support the Campbell community through our charitable giving and the promotion of programs that enhance public safety.

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Explain the reason(s) for this request. Describe the event associated with your organization's request.

Campbell police officers have always felt a close connection with the citizens they serve. In light of recent events that have had an impact on all our brothers and sisters in blue, I would like to request on behalf of the Campbell Police Officers' Association, that you consider illumination of the Campbell Water Tower.

Given recent impacts to our Police community, we are requesting an exemption from the 30-day notice. We would like to respectfully request that the Council choose a date to light the tower in royal blue as soon as possible and/or convenient.

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Requested date to light the water tower\*: At Council's choice, as soon as possible

*\*If approved by the City Council, specialty themed lighting will occur for one evening and overnight period from sundown to sunrise. Please note that if your requested and alternate dates conflict with established federal holidays and other dates of themed lighting officially scheduled by the City, your request will not be granted. For questions regarding the current year water tower lighting schedule, please contact our office at the number listed below.*

Please list two alternate dates to light the water tower in case your desired date is not available.

National Police Week (May 16-22, 2017) \_\_\_\_\_

Please list the color(s) you wish to request. Up to 12 different colors can be requested. All requested colors will remain static and not feature any special effects. Black is unavailable due to technical limitations.

Royal Blue \_\_\_\_\_

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\_\_\_\_\_

Has your organization been previously approved for a past lighting request?

Yes

No

If yes, please provide dates: \_\_\_\_\_

Disclaimer: The City Council may consider special lighting requests by third parties on a case-by-case basis subject to majority vote. Submitting a lighting request application does not guarantee the City Council will either grant a request or consider such a request.

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

- There is no automatic agreement renewal for lighting requests as third parties must submit requests for consideration each time they wish to illuminate the Water Tower.
- The applicant will receive written response, stating a request's approval or denial via e-mail.

To the best of my knowledge, all information presented herein is correct and complete.

/s/ David Livingston

Signature

7-18-2016

Date

Submit signed applications to the City Manager's Office. Walk-in or mailed applications go to: Attention- Al Bito, Deputy City Manager  
Campbell City Hall – 70 N. First. Street. Campbell, CA 95008.  
Electronic submissions to: [alb@cityofcampbell.com](mailto:alb@cityofcampbell.com)  
Phone: (408) 866-2125

Thank you for your interest in submitting a request to light the Campbell Water Tower.

**Mark Linder**

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**From:** David Livingston  
**Sent:** Monday, July 18, 2016 2:38 PM  
**To:** Jason Baker  
**Cc:** Mark Linder; David Carmichael  
**Subject:** POA request

Honorable Mayor Baker,

Campbell Police Officers have always felt a close connection with the citizens we serve, the other departments within the City and our elected officials. A similar connection is felt among law enforcement officers worldwide. In light of recent events that have had an impact on all of our brothers and sisters in blue, I would like to request on behalf of the Campbell Police Officer's Association that you consider illuminating the water tower royal blue for one or more nights. I think this would be a wonderful gesture as a continued show of support for our own officers and our law enforcement community as a whole.

Thank you for your consideration,

David Livingston  
President Campbell POA



# City Council Report

Item: 13.  
Category: Council Committee Reports  
Meeting Date: August 2, 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**