

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, January 5, 2016 – 7:30 p.m.
Council Chamber – 70 N. First Street

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

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

CALL TO ORDER/ROLL CALL

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

Roll Call:

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

Absent: Councilmembers: None

Pledge: Sherrie Doherty

The pledge was led by Sherrie Doherty, retired City of Campbell employee. Mayor Baker thanked her for leading the pledge and presented her with a certificate of appreciation.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

There were no presentations and proclamations.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

ORAL REQUESTS

Richard McMurtry, representative from the Santa Clara County Creeks Coalition, stated that he would like a partnership with the City of Campbell, the Creeks Coalition, and the Santa Clara Water District to implement a section of the General Plan to protect animal and plant species and plant trees along the creek corridor.

Diane Dalton, representative from St. Thomas of Canterbury Catholic Church, spoke about the emergency situation with the homeless during El Nino and would like the City to allow the church to have a permit allowing the homeless to stay in their cars in the church parking lot.

COUNCIL ANNOUNCEMENTS

The Silicon Valley Community Choice Energy Partnership will share and discuss the results of its technical feasibility study at Orchard City Banquet Hall at the community center on Monday, January 25 from 6:30 PM to 8:00 PM. Registration begins at 6:00 PM and light refreshments will be served. Visit the Silicon Valley Clean Choice Energy website at www.SVCleanEnergy.org for more information. For specific questions related to the City of Campbell, contact Margarita Mendoza, at 408.866.2182 or margaritam@cityofcampbell.com.

Registration is now open for the "Super" Valentine Fun Run scheduled for Saturday, February 6th at Campbell Park. The 10K race begins at 9:00 AM followed by the 5K race at 9:10. Registration is \$42 for adults and \$22 for participants under 20 years of age. Register by Friday, January 29th to receive a race shirt and commemorative medal. After this deadline, registration will only be available on race day between 8:00 AM and 8:45 AM.

Don't miss Celtic Nights Spirit of Freedom on Saturday, January 30th at 8:00 PM in the Heritage Theatre. This show will feature authentic Irish music, songs and dances. Contact the Heritage Theatre box office to purchase tickets for this and other performances at 408-866-2700 or boxoffice@cityofcampbell.com.

City offices will be closed Monday, January 18th in observance of Martin Luther King, Jr. Day. City offices will re-open January 19th at 8:00 AM. Police and emergency services will be available as usual during the holiday.

Campbell residents are invited to participate in a joint clean-up project hosted by the Cities of Campbell and San Jose at Hamann Park on Monday, January 18th. To register, or for more information about this event contact the Public Works Director, Todd Capurso at 408-866-2197.

CONSENT CALENDAR

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

City Manager Linder stated that he would like to continue item five to the January 19th Council Meeting.

Councilmember Resnikoff asked to pull item four.

The Consent Calendar was considered as follows:

1. **Minutes of Regular Meeting of December 1, 2015**

This action approves the minutes of the regular meeting of December 1, 2015.

2. **Approving Bills and Claims**

This action approves the Bills and Claims in the amount of \$3,027,543.51 as follows: payroll checks dated November 19, 2015 in the amount of \$244,002.81; bills and claims checks dated November 23, 2015 in the amount of \$1,495,099.73; bills and claims checks dated November 30, 2015 in the amount of \$428,059.00; payroll checks dated December 3, 2015 in the amount of \$287,919.75; bills and claims checks dated December 7, 2015 in the amount of \$238,962.97; and bills and claims checks dated December 14, 2015 in the amount of \$333,543.51.

3. **Monthly Investment Report – November, 2015**

This action is to note and file the monthly investment report for November, 2015.

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

Resolution 11927 authorizes the City Manager to execute an agreement with EPCIT to provide temporary services for the Information Technology Division.

7. **Annual Status Report on Project Development Fees (AB-1600) (Resolution/Roll Call Vote)**

Resolution 11928 accepts the annual status report on project development fees (AB-1600).

M/S: Cristina/Kotowski - that the City Council approve the Consent Calendar with the exception of items four and five. Motion was adopted by the following roll call vote:

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

NOES: Councilmembers: None

ITEMS CONSIDERED SEPARATE FROM THE CONSENT CALENDAR

4. **Authorization to Submit a Transportation Fund for Clean Air (TFCA) Program Grant Application for the Campbell Electronic Bike Lockers Project (Resolution/Roll Call Vote)**

Councilmember Resnikoff requested clarification on the deadline for the grant application and possible grant management and tracking services.

After discussion, **M/S: Resnikoff/Cristina** – that the City Council adopt **Resolution 11926** authorizing the Public Works Director to submit a Transportation Fund for Clean Air (TFCA) Program grant application to the Bay Area Quality Management District (Air District) for the Campbell Electronic Bike Lockers Project. Motion was adopted by the following roll call vote:

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

NOES: Councilmembers: None

5. **Approval to Carryover Unspent Capital Budget Appropriations and Operating Encumbrances (Resolution/Roll Call Vote)**

City Manager Linder asked to continue this item to the January 19, 2016 City Council meeting.

M/S: Gibbons/Cristina – that the City Council continue this item to the January 19, 2016 City Council meeting. 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

8. **Public Hearing – Resolution Directing the Community Development Director to Proceed with the Abatement of Hazardous Vegetation (Resolution/Roll Call Vote)**

This is the time and place for a public hearing to direct the Community Development Director to proceed with the abatement of hazardous vegetation by the Santa Clara County Agricultural Commissioner's office.

Community Development Director, Kermoyan, presented the staff report dated January 5, 2016.

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

Vivian Bracher, Campbell resident, asked to have her property removed from the list.

Ray Moreno, representative from Santa Clara County Agricultural Commissioner's Office, stated that once a property is placed on the list it will

remain there until it has been in compliance for three consecutive years, after which time the property can then be removed from the list.

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

After discussion, **M/S: Gibbons/Kotowski – that the City Council adopt Resolution 11929 directing the Community Development Director to proceed with the abatement of hazardous vegetation by the Santa Clara County Agricultural Commissioner’s Office. Motion was adopted by the following roll call vote:**

AYES: Councilmembers: Kotowski, Resnikoff, Gibbons, Baker

NOES: Councilmembers: Cristina

9. Public Hearing to Consider a City-initiated Zoning Text Amendment (PLN2015-294) to Amend the Campbell Zoning Ordinance to Create Regulations for Payday Lenders (Resolution/Ordinance/Roll Call Vote)

This is the time and place for a public hearing to consider a City-initiated Zoning Text Amendment (PLN2015-294) to amend the Campbell Zoning Ordinance to create regulations for payday lenders.

Project Planner, Pouya, presented the staff report dated January 5, 2016.

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

Rafael Morales, Program Officer for Economic Security at Silicon Valley Community Foundation, stated support for the ordinance, spoke about the issues with the payday loans, and stated that he would like the number of payday lenders operating in Campbell be consistent with the recommended cap.

Wendy Ho, representative from United Way Silicon Valley, stated support for the ordinance, spoke about issues with payday loans, and stated that existing businesses should not be allowed to relocate if the total number exceeds the cap of three.

Ana Rosa Camacho, representative from United Way Silicon Valley, spoke about an individual’s experience with payday loans, stated support for the cap of payday lenders in Campbell, and would not like existing businesses to relocate.

Marcus Guaracha spoke about his negative experience using payday loans and stated concerns with vehicle title loans.

Sumant Jeswani, business owner of a payday loan establishment, stated concerns with the ordinance, spoke about payday loans, and upcoming federal regulations.

Diane Dalton stated concerns about the ordinance in regards to businesses relocating.

After discussion, **M/S: Resnikoff/Gibbons – that the City Council adopt Resolution 11930 finding that the proposed Zoning Text Amendment is exempt from CEQA; and give first reading of Ordinance 2196 approving a Zoning Text Amendment (PLN2015-294) amending Campbell Zoning Code: Chapter 21.10 (Commercial and Industrial Districts); Chapter 21.12 (Special Purpose Districts); Section 21.72.020 (Definitions); and Chapter 21.36 (Provisions Applying to Special Uses) of the Zoning Ordinance to create regulations for payday lenders. 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 2196.

M/S: Gibbons/Resnikoff – that the City Council waive further reading of Ordinance 2196. Motion was adopted unanimously.

NEW BUSINESS

10. Resolution of the Housing Task Force of the County of Santa Clara

City Manager, Linder, made opening remarks.

Deputy City Manager, Bito, presented the staff report dated January 5, 2016.

Mayor Baker spoke about the Santa Clara Housing Task Force and the resolution they created to help jurisdictions in the county consider policy options for funding affordable housing for the homeless.

Diane Dalton stated concerns with the immediate crisis of homelessness during the El Nino.

After discussion, **M/S: Cristina/Gibbons – that the City Council adopt Resolution 11931 of the Housing Task Force of the County of Santa Clara, finding that the problem of homelessness in Santa Clara County constitutes a crisis and urging jurisdictions within the county to consider policy options for funding the affordable housing for the purpose of housing the homeless. Motion was adopted by the following roll call vote:**

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

NOES: Councilmembers: None

11. Revised Neighborhood Association Assistance Grant Policy (Resolution/Roll Call)

Deputy City Manager, Bito, gave a brief introduction of the item.

Graduate Intern, Thomas, presented the staff report dated January 5, 2016 and a desk item to include the Neighborhood Assistance Grant Application form for 2015/16.

After discussion, **M/S: Resnikoff/Gibbons – that the City Council adopt Resolution 11932 approving the Civic Improvement Commission’s revisions to the Neighborhood Association Assistance Grant Policy; made an amendment the General Guideline of Recusal and Disclosure to remove the provision that an elected or appointed official must recuse themselves if they reside within the grant applicant’s neighborhoods and is a dues-paying member of the applicant’s association and remove the section that states “Has a property interest within 500 feet of a grant-funded project or event OR the grant would affect the Commissioner’s personal finance by \$250 or more.” Motion was adopted by the following roll call vote:**

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

NOES: Councilmembers: None

12. 2016 Council Meeting Schedule

City Clerk, Wood, presented the staff report dated January 5, 2016.

After discussion, **M/S: Resnikoff/Kotowski – that the City Council approve the 2016 City Council meeting schedule as presented. Motion was adopted unanimously.**

COUNCIL COMMITTEE REPORTS

13. City Councilmember Reports/Updates on Committee Assignments

Mayor Baker stated that an item was missing from the desk item for the Mayor’s Committee Appointments and would like to add the appointment of Councilmember Resnikoff to the State Route 85 Corridor Policy Advisory Board and Vice Mayor Gibbons as the alternate.

Councilmember Kotowski stated that he will not be continuing his services on the League of California Cities Community Services Policy Committee.

--Councilmember Resnikoff attended a meeting to discuss a Below Market Rate Housing Administrator and gave an update on the Silicon Valley Animal Control Authority.

--Vice Mayor Gibbons stated that the Museum had a successful holiday season, spoke about the special opening of the Museum in February with new exhibits, attended the Education Subcommittee meeting, spoke about the County Women's Club scholarships for a youth leadership weekend, and the General Plan consultant selection process.

--Councilmember Kotowski attended the CDBG Program Committee meeting, the Recycling Waste Reduction Commission meeting, West Valley Sanitation District meeting, Youth Commission meeting, Friends of the Heritage Theatre meeting, and spoke about the upcoming Super Bowl 50 run.

ADJOURN

Mayor Baker adjourned the meeting at 10:00 p.m.

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk