

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, February 2, 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, 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

SPECIAL PRESENTATIONS AND PROCLAMATIONS

There were no special presentations or proclamations.

COMMUNICATIONS AND PETITIONS

There were no 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.

Glenn Hanzlick, Campbell resident, stated concerns with the rental mediation process and asked that Council revise the Municipal Code Chapter 6.09 to allow for recourse when a rent increase is found to be unreasonable.

Joanne Fairbanks, Campbell resident, spoke about a movie screening she attended in Campbell and thanked the City for the event.

COUNCIL ANNOUNCEMENTS

Campbell will be celebrating Super Bowl week with various events including the First Friday of the month featuring various live musicians at downtown businesses. Then on Saturday, February 6th the “Super” Valentine Fun Run is coming to Campbell Park. The 10K race begins at 9:00 a.m. followed by the 5K race at 9:10 a.m. Although preregistration has closed, those interested can still sign up on race day between 8:00 a.m. and 8:45 a.m. Lastly, check out the Super Farmer’s Market and enjoy the community atmosphere and fresh produce grown locally by California farmers. The Farmer’s Market is this Sunday from 9:00 a.m. to 1:00 p.m.

Reservations are now being accepted for Campbell Heritage Day on Monday, February 15th celebrating the 124th anniversary of Campbell’s early settlers. This event takes place at Orchard City Banquet Hall with lunch at noon. Tickets cost \$17 each and must be purchased by February 8th. For tickets and information contact the Early Settlers Committee or visit www.brownpapertickets.com. Event reservation forms are available at the table up at the front.

City staff successfully tested the Campbell water tower’s newly installed LED light fixtures last night. Councilmembers attended last night’s successful test. The new LED fixtures were installed last Thursday replacing the 15 year old fluorescent light fixtures. The new LED fixtures enable the City the option to change color themes as desired for special occasions, holidays, and events. Due to the successful test, the water tower will remain illuminated in gold light this week in support of Super Bowl 50 and to celebrate Campbell as a Super Community.

The City’s website has a new feature to help users find commercial, industrial, retail and office space in Campbell. Users can access this information by using the mapping tool on the Economic Development Division’s “Doing Business” page.

For more information about news and events in Campbell at www.cityofcampbell.com.

CONSENT CALENDAR

NOTE: All matters listed under consent calendar are considered by the City Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a request is made by a member of City Council, City staff, or a member of the public. Any person wishing to speak on any item on the consent calendar should ask to have the item removed from the consent calendar prior to the time the Council votes to approve. If removed, the item will be discussed in the order in which it appears.

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

Item eight was removed from the consent calendar.

The Consent calendar was considered as follows:

1. **Minutes of Study Session of January 19, 2016**
Recommended Action: Approve the Study Session Minutes.

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

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

Recommended Action: Approve the Regular Meeting Minutes.

This action approves the minutes of the regular meeting of January 19, 2016.

3. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$1,750,875.58.

This action approves the Bills and Claims in the amount of \$1,750,875.58 as follows: bills and claims checks dated January 11, 2016 in the amount of \$476,124.69; payroll checks dated January 14, 2016 in the amount of \$250,881.76; and bills and claims checks dated January 18, 2016 in the amount of \$360,582.02.

4. **Monthly Investment Report – December, 2015**

Recommended Action: Note and file the monthly investment report for December, 2015.

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

5. **Resolution Commending City Engineer Michelle Quinney for Her 26 Years of Service with the City of Campbell (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution commending Michelle Quinney upon her retirement after 26 years of service with the City of Campbell.

Resolution 11942 commends Michelle Quinney upon her retirement after 26 years of service with the City of Campbell.

6. **Approval of the Vacation of a Portion of El Patio Drive, Authorizing the Public Works Director to Sign the Quitclaim Deed, and Directing the City Clerk to Record the Resolution – 580 El Patio Drive (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution summarily vacating a portion of El Patio Drive; authorizing the Public Works Director to sign the Quitclaim Deed; and direct the City Clerk to record the resolution.

Resolution 11943 summarily vacates a portion of El Patio Drive; authorizes the Public Works Director to sign the Quitclaim Deed; and directs the City Clerk to record the resolution.

7. **Ordinance 2196 Approves a Zoning Text Amendment (PLN2015-294) to the 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 (Ordinance Second Reading/Roll Call Vote)**

Recommended Action: Approve the second reading of Ordinance 2196 approving a City-initiated Zoning Text amendment (PLN2015-294) to amend certain sections of Title 21 (Zoning) of the Campbell Municipal Code to create regulations for payday lending establishments.

This action approves the second reading of Ordinance 2196 approving a City-initiated Zoning Text amendment (PLN2015-294) to amend certain sections of Title 21 (Zoning) of the Campbell Municipal Code to create regulations for payday lending establishments.

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

8. **Ordinance 2197 Adding Chapter 8.38 (Medical Marijuana) to the Campbell Municipal Code Imposing an Express Ban on Marijuana Processing, Marijuana Delivery, and Marijuana Dispensaries in the City of Campbell (Ordinance Second Reading/Roll Call Vote)**

Recommended Action: Approve second reading of Ordinance 2197 adding Chapter 8.38 (Medical Marijuana) to the Campbell Municipal Code to impose an express ban on marijuana processing, marijuana delivery, and marijuana dispensaries in the City of Campbell.

Kale Schulte, Campbell resident, stated support of the use of medical marijuana and spoke against the ban.

Grant Atwell, Campbell resident, stated support of the use of medical marijuana and spoke against the ban.

Andrew Piccott, Campbell resident, provided a handout for Council and spoke against the ban.

Viktoria Foxx, Campbell resident, provided a handout for Council and spoke against the ban.

Alex Smirnov, Campbell resident, stated support of the use of medical marijuana and spoke against the ban.

After discussion, **Gibbons/Resnikoff – that the City Council defer voting on the second reading of Ordinance 2197 to the next regularly scheduled Council meeting of February 16, 2016. Motion was adopted by a 4-1 vote (Councilmember Cristina voted no).**

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

NOTE: Members of the public may be allotted up to two (2) minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of five (5) minutes for opening statements and up to a total of three (3) minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.

9. **Public Hearing to Consider a Mills Act Application request for Property located at 146 Alice Avenue in the Alice Avenue Historic District by Property Owners, Ron and Monica Grandia (Resolution/Roll Call Vote)**
Recommended Action: Adopt a resolution authorizing the City Manager to enter into a Mills Act contract with property owners of 146 Alice Avenue.

Senior Planner McCormick presented staff report dated February 2, 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 be heard, Mayor Baker closed the public hearing.

M/S: Cristina/Resnikoff – that the City Council adopt Resolution 11944 authorizing the City Manager to enter into a Mills Act contract with the property owners of 146 Alice Avenue. Motion was adopted by the following roll call vote:

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

NOES: Councilmembers: None

10. **Public Hearing to Consider the Appeal of a Planning Commission Approval of a Modification (PLN2015-311) to a Previously Approved Administrative Planned Development Permit (PLN2014-159) and a Parking Modification Permit (PLN2015-312) to Allow Outdoor Seating, an Increase in the Number of Approved Seats, and a Reduction in the Number of Required On-site Parking Spaces, for an Existing Restaurant on Property Located at 2125 S. Winchester Boulevard, Suite 120 in the P-D (Planned Development) Zoning District (Resolution/Roll Call Vote)**
Recommended Action: Adopt a resolution denying the appeal and upholding the Planning Commission approval of a Modification (PLN2015-311) to a previously approved Administrative Planned Development Permit (PLN2014-159) and a Parking Modification Permit (PLN2015-312).

Associate Planner Fama presented staff report dated February 2, 2016.

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

Russell Pfirrmann, appellant, spoke about parking standards and stated that the parking modification permit should have gone to Council.

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

After discussion, **M/S: Cristina/Resnikoff – that the City Council adopt Resolution 11945 denying the appeal and upholding the Planning Commission approval of a Modification (PLN2015-311) to a previously approved Administrative Planned Development Permit (PLN2014-159) and a Parking Modification Permit (PLN2015-312). Motion was adopted by the following roll call vote:**

AYES: Councilmembers: Resnikoff, Cristina, Baker

NOES: Councilmembers: Kotowski, Gibbons

11. **Authorization to Proceed with a General Plan Amendment for the Property Located at 973 Apricot Avenue to consider a Change in the Land Use Designation from High Density Residential (21-27 Units per Gross Acre) to General Commercial and a Request to Waive All Associated Development Application Fees (Resolution/Roll Call Vote)**

Recommended Action: Authorize the application with an amendment to the Land Use Element of the General Plan from High Density to General Commercial on the project site located at 973 Apricot Avenue and deny the request to waive all associated development application fees.

Project Planner Pouya presented staff report dated February 2, 2016.

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

Roy Watson, applicant, spoke about the new canopy and asked to have the property grandfathered.

Sandie Vargas, employee of Maki Swim School, stated concerns about the fees.

Heidi Perry, instructor at the Maki Swim School, asked that Council consider waving the fees.

Campbell resident stated that she would like Maki Swim School to stay as is.

Maggie Eyerman, business owner, stated that she would like the business to continue and asked that Council waive the fees.

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

After discussion, **M/S: Gibbons/Cristina** – that the City Council authorize the applicant to proceed with a variance; comply with all appropriate permits and fees to bring the pool facility and canopy up to current building code; and recognize that it is a nonconforming use in the current zoning. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Cristina, Gibbons, Baker

NOES: Councilmembers: Resnikoff

12. **Community Choice Energy Program**

Recommended Action: Introduce an Ordinance authorizing the implementation of a Community Choice Aggregation (CCA) program, and find that the program is exempt from CEQA; adopt a Resolution approving the Joint Powers Authority Agreement establishing the Silicon Valley Clean Energy Authority, and find that the program is exempt from CEQA; appropriate \$150,000 from the Capital Improvement Plan Reserve to the Silicon Valley Clean Energy Authority to support the initial costs of the Authority; authorize the City Manager to remit up to \$150,000 to the SVCEA to support the initial costs of the SVCEA (including a contingency); appoint a regular director and alternate director to the SVCEA's Board of Directors; direct staff to return to Council with an update and potential action regarding bridge financing for the Authority; and direct staff to return to Council with a proposal to provide interim project and/or staffing support to the Authority via separate services agreement, if needed.

Deputy City Manager Bito presented staff report dated February 2, 2016.

Paul Ledesma, Campbell resident, spoke in favor of adopting the ordinance and would like an efficient permitting process for solar installations.

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

After discussion, **M/S: Cristina/Gibbons** – that the City Council adopt Resolution 11946 approving the Joint Powers Authority Agreement establishing the Silicon Valley Clean Energy Authority, and find that the program is exempt from CEQA; appropriate \$150,000 from the Capital Improvement Plan Reserve to the Silicon Valley Clean Energy Authority to support the initial costs of the Authority; authorize the City Manager to remit up to \$150,000 to the SVCEA to support the initial costs of the SVCEA (including a contingency); direct the Mayor to appoint a regular director and alternate director to the SVCEA's Board of Directors; direct staff to return to Council with an update and potential action regarding bridge financing for the Authority; direct staff to return to Council with a proposal to provide interim project and/or staffing support to the Authority via separate services agreement, if needed; and introduce an Ordinance 2198 authorizing the implementation of a Community Choice Aggregation (CCA) program. 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 2198.

M/S: Kotowski/Gibbons – that the City Council waive further reading of Ordinance 2198. Motion was adopted unanimously.

NEW BUSINESS

13. Regional Transportation Update – Envision Silicon Valley

Recommended Action: Receive an update regarding regional transportation issues; endorse the draft allocation of revenue of a potential transportation sales tax measure; and authorize the Mayor to sign a letter in conjunction with the West Valley and North County cities supporting the proposed allocation methodology.

Public Works Director Capurso presented staff report dated February 2, 2016.

Mary Robertson, stated concerns with the Valley Transportation Plan 2040 and the proposed VTA sales tax measure.

Carl Guardino, CEO of the Silicon Valley Leadership Group, stated concerns with the dollar amounts allocated for the different categories.

After discussion, **M/S: Cristina/Resnikoff – that the City Council receive the update regarding regional transportation issues; endorse the draft allocation of revenue of a potential transportation sales tax measure; and authorize the Mayor to sign a letter in conjunction with the West Valley and North County cities supporting the proposed allocation methodology. Motion was adopted unanimously.**

14. Acceptance of 2014-15 Comprehensive Annual Financial Report and Auditors Written Communication on Internal Control Structure and Audit

Recommended Action: Accept the 2014-15 Comprehensive Annual Financial Report (CAFR) and Auditor's written communication on internal control structure and the audit process as submitted.

Finance Director Takahashi presented staff report dated February 2, 2016.

After discussion, **M/S: Resnikoff/Gibbons – that the City Council accept the 2014-15 Comprehensive Annual Financial Report (CAFR) and Auditor's written communication on internal control structure and the audit process as submitted. Motion was adopted by the following roll call vote:**

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

NOES: Councilmembers: None

COUNCIL COMMITTEE REPORTS

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

This item was continued to the February 16, 2016 City Council meeting.

ADJOURN

Mayor Baker adjourned the meeting at 12:04 a.m.

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk