

# CITY COUNCIL MINUTES

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



## CITY COUNCIL EXECUTIVE SESSION

Tuesday, March 15, 2016 – 6:00 p.m.

Ralph Doetsch Conference Room - 70 N. First Street

- A. **Personnel - Pursuant to G.C. Section 54957: Public Employee Performance Evaluation – City Manager (Item continued from February 16, 2016)**
- B. **Litigation**
- C. **Real Property**
- D. **Labor Negotiations**

Council met in executive session to discuss item A. Executive session adjourned at 7:26 p.m.

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## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, March 15, 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](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

**Pledge: Ann Herosy**

The pledge was led by Ann Herosy, representative for the American Red Cross of Silicon Valley. Mayor Baker thanked her for leading the pledge.

## **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

1. **Proclamation declaring the month of March “American Red Cross Month” in the City of Campbell**

Recommended Action: Present proclamation.

Mayor Baker presented Ann Herosy with a proclamation declaring the month of March as “American Red Cross Month” in the City of Campbell.

2. **Envision Campbell Mobile Application**

Recommended Action: Accept presentation.

City Manager Linder gave a brief introduction of this item.

Matthew Chavez, Program Manager for Silicon Valley Talent Partnership, spoke about the development of the application and introduced Ari Chen, Product Development Intern for Silicon Valley Talent Partnership. Ari helped develop the application and gave a brief overview of the features.

## **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.

Debbie Boitano, Campbell resident, spoke about sewer issues with her property and stated that the process is being held up and would like Council to help resolve the issues.

Community Development Director Kermoyan stated that they are aware of the issues with this property and are working to correct the sewage issue.

Mark Dunkle, President of the Campbell CERT, submitted an article from the Mercury News regarding the Campbell CERT program and spoke about the goals for the program.

## **COUNCIL ANNOUNCEMENTS**

The Recreation and Community Services Department will be hosting a free conference for families and friends who care for aging loved ones. The conference will be held on

Saturday, April 16<sup>th</sup>, from 9:00 a.m. - 2:00 p.m. in the Orchard City Banquet Hall and includes a resource fair with over 20 agencies providing services for caregivers.

The author of "Surviving Alzheimer's," Paula Spencer Scott, will be the keynote speaker.

For more information, please call the Recreation and Community Services Department at (408) 866-2147 or visit the City's website at [www.cityofcampbell.com](http://www.cityofcampbell.com)

Register early for Campbell Day Camps, Sports Camps and Swim Lessons. Descriptions and schedules are available on the city's website at [www.cityofcampbell.com](http://www.cityofcampbell.com).

Early Bird summer registrations begin, Tuesday, March 22<sup>nd</sup>, at 8:00 a.m.

Campbell Kiwanis presents the 36<sup>th</sup> annual Campbell Eggstravaganza event on Saturday, March 26<sup>th</sup>, from 9 - 11:00 a.m. Festivities will include face painting, a mini petting zoo, baton dance demonstrations, craft projects and jump houses.

Following the Eggstravaganza, the public is invited to Downtown Campbell's 18<sup>th</sup> annual Bunnies and Bonnets parade. The parade will begin at 12:00 p.m. and will feature marching bands, baton dancers, classic cars and more. This is a wonderful Campbell tradition for the entire family.

For more information about any City project or event, please visit the City's website at [www.cityofcampbell.com](http://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.

Councilmember Cristina asked to remove item five.

The Consent calendar was considered as follows:

3. **Minutes of Study Session of March 1, 2016**  
Recommended Action: Approve the study session minutes.

This action approves the minutes of the study session of March 1, 2016.

4. **Minutes of Regular Meeting of March 1, 2016**  
Recommended Action: Approve the regular meeting minutes.

This action approves the minutes of the regular meeting of March 1, 2016.

6. **Resolution Congratulating Janie Harris Kelly on Being Selected “Citizen of the Year” by the Campbell Chamber of Commerce (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution congratulating Janie Harris Kelly on being selected Campbell’s 2015 “Citizen of the Year.”

Resolution 11955 congratulates Janie Harris Kelly on being selected Campbell’s 2015 “Citizen of the Year.”

7. **Resolution Congratulating Chiropractic Wellness Center on Being Selected “Business of the Year” by the Campbell Chamber of Commerce (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution congratulating Chiropractic Wellness Center on being selected Campbell’s 2015 “Business of the Year.”

Resolution 11956 congratulates Chiropractic Wellness Center on being selected Campbell’s 2015 “Business of the Year.”

**M/S: Gibbons/Kotowski - that the City Council approve the Consent Calendar with the exception of item five and includes desk item three. 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**

Councilmember Cristina asked for clarification on a payment.

5. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$1,242,578.83.

After discussion, **M/S: Cristina/Resnikoff – that the City Council approve the bills and claims in the amount \$1,242,578.83 as follows: bills and claims check dated February 22, 2016 in the amount of \$857,537.54; payroll checks dated February 25, 2016 in the amount of \$243,489.51; and bills and claims checks dated February 29, 2016 in the amount of \$141,551.78. 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 to Consider a City-initiated Zoning Text Amendment (PLN2013-13) to Amend the Campbell Zoning Code to Reclassify Restaurants and Motor Vehicle Sale Establishments (Within an Enclosed Building) as Conditionally Permitted Uses Subject to Approval of a Conditional Use Permit and Specifically Prohibiting Drive-through and Drive-in Restaurants Within the C-3 (Central Business District) Zoning District (Introduction of Ordinance/Roll Call Vote)**

Recommended Action: Take first reading of an ordinance amending the Campbell Zoning Code to reclassify restaurants and motor vehicle sale establishments (within an enclosed building) as conditionally permitted uses subject to approval of a Conditional Use Permit and specifically prohibiting drive-through and drive-in restaurants within the C-3 (Central Business District) Zoning District.

This is the time and place for a public hearing to consider City-initiated Zoning Text Amendment (PLN2013-13) to amend the Campbell Zoning Code to reclassify restaurants and motor vehicle sale establishments (within an enclosed building) as conditionally permitted uses subject to approval of a conditional use permit and specifically prohibiting drive-through and drive-in restaurants within the C-3 (Central Business District) zoning district.

Community Development Director Kermoyan gave a brief introduction of this item.

Associate Planner Fama presented staff report dated March 15, 2016.

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

Jessica Lynam, Director of Local Government Affairs – Bay Area with the California Restaurant Association, stated the restaurant community wants to work with the City and would like to be involved in the process.

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 continue this item and have staff bring it back as two separate items; one focused on the motor vehicle portion and the other being focused on the restaurants; with the restaurant portion having two options: one is to only to remove of the finding stating “diversification of eating establishments;” the other is to incentivize retail instead of using the Conditional Use Permit (CUP) with a list of negative reasons why we wouldn’t want to use any of the current uses that are not in there and would be a part of the review of the mix of uses and include an ideal of day and evening use balance as well as “pop-ups.”**

After discussion, **Vice Mayor Gibbons made a friendly amendment to require a CUP for any conversion to restaurant including side streets and office space.**

Amendment was accepted by Councilmember Cristina and Councilmember Resnikoff.

After further discussion, **Vice Mayor Gibbons made another friendly amendment to remove the return of any discussion on indoor motor vehicle sale establishments.**

Amendment was accepted by Councilmember Cristina and Councilmember Resnikoff.

**Amended motion was adopted unanimously.**

9. **Public Hearing to Consider a City-initiated Text Amendment (PLN2015-365) to Amend the Campbell Municipal Code Regulations for Massage Establishments (Resolution/Introduction of Ordinances/Roll Call Vote)**

Recommended Action: Adopt a resolution finding that the proposed Zoning Text Amendment (PLN2015-365) is exempt from CEQA; take first reading of an ordinance approving a Text Amendment amending Chapter 21.10 (Commercial and Industrial District); Chapter 21.12 (Special Purpose District); Chapter 21.36 (Provisions Applying to Special Uses); and Section 21.72.020 (Definitions) of the Campbell Zoning Code; and take first reading of an ordinance approving a Text Amendment amending Chapter 5.48 (Business Regulations) and Chapter 6.10 (Inspections of Property) of the Campbell Municipal Code.

This is the time and place for a public hearing to consider a City-initiated Text Amendment (PLN2015-365) to amend the Campbell Municipal Code regulations for massage establishments.

Senior Planner McCormick presented staff report dated March 15, 2016.

Police Chief Carmichael provided additional comments regarding police enforcement for the massage establishments.

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

A member of the public spoke about her husband's massage establishment Pure Massage Therapy. She stated that sometimes he is the only person in the facility and if he is required to hire an additional person that would be a hardship for his business.

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 11957** finding that the proposed **Zoning Text Amendment (PLN2015-365)** is exempt from CEQA; take first reading of **Ordinance 2199** approving a Text Amendment amending **Chapter 21.10 (Commercial and Industrial Districts); Chapter 21.12 (Special Purposes Districts); Chapter 21.36 (Provisions Applying to Special Uses); and Section 21.72.020 (Definitions)** of the Campbell Zoning Code; and take first reading of **Ordinance 2200** approving a text amendment amending **Chapter 5.48 (Business Regulations) and Chapter 6.10 (Inspection of Property)** of the Campbell Municipal Code with an amendment to subsection K of Municipal Code section 5.48.210, section 12 to state “At all times that a massage establishment is open for business, the massage establishment shall have on the premise at least one person who is not actively engaged in the performance of a massage to ensure that the premises remains open.” Motion was adopted by the following roll call vote:

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

**NOES: Councilmembers: Cristina**

City Clerk Wood read the title of Ordinance 2199.

**M/S: Gibbons/Kotowski** – that the City Council waive further reading of **Ordinance 2199. Motion was adopted unanimously.**

City Clerk Wood read the title of Ordinance 2200.

**M/S: Gibbons/Kotowski** – that the City Council waive further reading of **Ordinance 2200. Motion was adopted unanimously.**

## **NEW BUSINESS**

10. **Affirm the Revised Fiscal Year 2015-16 City Council Strategic Priorities and Confirm or Provide Direction Regarding Fiscal Year 2016-17 Strategic Priorities**

Recommended Action: Affirm or provide direction related to the revised Fiscal Year 2015-16 City Council Strategic Priorities and proposed 2016-17 Strategic Priorities.

City Manager Linder presented staff report dated March 15, 2016.

After discussion, Council provided general feedback and would like additional information for discussion during the budget process.

## **COUNCIL COMMITTEE REPORTS**

Councilmember Cristina made a motion to agendize a review of the contract with Lew Edwards for the next regularly scheduled council meeting. Councilmember Resnikoff seconded the motion. Motion approved by a 3-2 vote (Vice Mayor Gibbons and Mayor Baker voted no)

Councilmember Cristina stated that he had a work related meeting to attend and left at 10:43p.m.

### **11. City Councilmember Reports/Updates on Committee Assignments**

Recommended Action: Report on committee assignments and general comments.

--Councilmember Resnikoff thanked Councilmember Kotowski for filling in for him at the Valley Transportation Authority Policy Advisory Committee meeting; and stated that he attended the opening day ceremony for the Campbell Little League.

-- Councilmember Kotowski attended the Valley Transportation Authority Policy Advisory Committee meeting; attended the Recycling Waste Reduction Commission meeting; spoke about the Youth Commission special meeting; and attended the West Valley Sanitation District meeting.

-- Vice Mayor Gibbons spoke about the Anisley House and Historical Museum events: Downtown Abby Tea weekend, upcoming Mother's Day teas; continuation of the History Happy Hour starting on April 1<sup>st</sup>, with the "History of the Universe" and on May 13<sup>th</sup>, "Exploring the Impacts of the Prohibition on Santa Clara Valley;" spoke about the new exhibits at the Museum; attended the AARP meeting at the Community Center; and spoke about an upcoming community meeting of neighborhood associations at the Community Center.

-- Mayor Baker spoke about the Envision Silicon Valley Ad Hoc Subcommittee of Valley Transportation Authority meetings.

## **ADJOURN**

Mayor Baker adjourned the meeting at 10:57 p.m.

APPROVED:

ATTEST:

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Jason T. Baker, Mayor

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Wendy Wood, City Clerk