

CITY COUNCIL MINUTES

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



CITY COUNCIL EXECUTIVE SESSION

Tuesday, April 5, 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**
- B. **Litigation**
- C. **Real Property**
- D. **Labor Negotiations**

Council met in Executive Session to discuss item A. Executive session adjourned at 6:36 p.m.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL/SUCCESSOR AGENCY

Tuesday, April 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, PLEDGE OF ALLEGIANCE

The City Council/Successor Agency 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.

Meeting convened at 7:41 p.m. due to the late adjournment of the Study Session.

Roll Call:

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

Absent: Councilmembers: None

SPECIAL PRESENTATIONS AND PROCLAMATIONS

There were no special presentations and 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.

LeeAnn Kuntz, Campbell resident, spoke about a request for a lot division at 44 El Camanito Avenue and stated that she would like this matter to be addressed at a public forum.

Judy Pisano, Campbell resident, commented on the February 2, 2016 appeal of Scrambl'z restaurant and felt that there was incomplete information regarding a permit for a yoga studio in the same building; she would like the appeal to be reheard with all the information, as well as a re-noticing of the permit for Flex Fusion to allow public comment.

COUNCIL ANNOUNCEMENTS

The Campbell Police Department will be hosting the next "Coffee with a Cop" event at Frost Cupcake Factory in Downtown Campbell on Monday, April 11 at 6:30 p.m. This is a great opportunity for residents to meet our officers and professional staff, and to engage in good conversation.

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 from 9:00 a.m. - 2:00 p.m. at the Orchard City Banquet Hall. It will include a resource fair with over 20 agencies providing resources 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/adultcenter.

Register early for Campbell Day Camps, Sports Camps and Swim Lessons. Descriptions and schedules are available on the city's website at cityofcampbell.com/recreation.

The City of Campbell will be hosting its annual Great American Litter Pickup event on Saturday, April 23 from 9:00 a.m. to 1:00 p.m. This year's cleanup will focus on five

locations. To register for this event, please call (408) 866-2145, or visit cityofcampbell.com.

The Clint Black show at the Heritage Theatre scheduled for April 23 has sold out.

On May 7 and 8 the Ainsley House will host a Mother's Day Tea and Tour event with features to include: a butler to greet and seat guests, a special Ainsley House tea blend and special prizes and contests. Guests will also tour the Ainsley House to the sound of live piano music. For reservations and more info, contact Laura Moore at (408) 460-7048 or laura@campbellmuseums.com.

Contractors for the San Jose Water Company are performing roadwork during daylight hours related to construction and installation of a new water main near Capri Elementary School which is expected to conclude this week. The water main construction on Theresa Avenue will begin on April 11 and will last for three weeks. This construction work will also impact Virginia Avenue, Chapman Avenue and Cora Court. The construction will be performed on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

For more information about any City project or event, please visit the City's website 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.

The Consent calendar was considered as follows:

1. **Minutes of Regular Meeting of March 15, 2016**
Recommended Action: Approve the Regular Meeting Minutes.

This action approved the minutes of the regular meeting of March 15, 2016.

2. **Approving Bills and Claims**
Recommended Action: Approve the bills and claims in the amount of \$1,679,950.63.

This action approves the Bills and Claims in the amount of \$1,679,950.63 as follows: bills and claims checks dated March 7, 2016 in the amount of \$224,989.83; payroll checks dated March 10, 2016 in the amount of 284,936.10; bills and claims checks dated March 14, 2016 in the amount of \$371,962.73; and bills and claims checks dated March 21, 2016 in the amount of \$798,061.97.

3. **Monthly Investment Report – February, 2016**

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

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

4. **Accept Donation of \$5,000 from Kaiser Permanente for 2016 Summer Concert Series**

Recommended Action: Accept a donation of \$5,000 from Kaiser Permanente for the 2016 Summer Concert Series.

This action is to accept a donation of \$5,000 from Kaiser Permanente for the 2016 Summer Concert Series.

5. **Authorize Submittal of Proposed 2016/2017 Storm Water Management Program Budget to West Valley Sanitation District (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing submittal of the proposed 2016/2017 Storm Water Management Program to West Valley Sanitation District.

Resolution 11958 authorizes the submittal of the proposed 2016/2017 Storm Water Management Program Budget to West Valley Sanitation District.

6. **Approval of Tract Map No. 10340 including Acceptance of Street Dedication and Public Service Easement Shown on Said Map – 280 Dillon Avenue Phase II (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution approving the Tract Map for Tract No. 10340 and accept the street dedication and public service easement as shown on the map for the property located at 280 Dillon Avenue.

Resolution 11959 approves the Tract Map for Tract No. 10340 and accepts the street dedication and public easement for the property located at 280 Dillon Avenue.

7. **Initiate Proceedings of the Campbell Lighting and Landscaping District, Fiscal Year 2016/17(Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution initiating proceedings, describing the improvements, and directing staff to prepare the Engineer's Report for the Campbell Lighting and Landscaping Assessment District for Fiscal Year 2016/17.

Resolution 11960 initiates proceedings, describes the improvements, and directs staff to prepare the Engineer's Report for the Campbell Lighting and Landscaping District for Fiscal Year 2016/17.

8. **Authorization to Purchase One Marked Police Vehicle and Approval of a Budget Adjustment (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the Public Works Director to purchase one marked police vehicle from Serramonte Ford and approve a budget adjustment in the amount of \$33,000 to the Vehicle & Equipment Maintenance Fund.

Resolution 11961 authorizes the Public Works Director to purchase one (1) marked police vehicle from Serramonte Ford and approves a budget adjustment in the amount of \$33,000 to the Vehicle & Equipment Maintenance Fund.

9. **Second Reading of Ordinance 2199 and 2200 Approves the City-initiated Text Amendments (PLN2015-365) to Amend the Campbell Municipal Code Regulations for Massage Establishments. (Ordinances Second Reading/Roll Call Vote)**

Recommended Action: Approve the second reading and adopt the Ordinance 2199 approving a Text Amendment amending Chapter 21.10 (Commercial and Industrial Districts); Chapter 21.12 (Special Purpose Districts); Chapter 21.36 (Provisions Applying to Special Uses); and Section 21.72.020 (Definitions) of the Campbell Zoning Code; and approve the second reading and adopt the Ordinance 2200 approving a Text Amendment amending Chapter 5.48 (Business Regulations) and Chapter 6.10 (Inspections of Property) of the Campbell Municipal Code.

This action approves the second reading of Ordinance 2199 approving a Text Amendment amending Chapter 21.10 (Commercial and Industrial Districts); Chapter 21.12 (Special Purpose Districts); Chapter 21.36 (Provisions Applying to Special Uses); and Section 21.72.020 (Definitions) of the Campbell Zoning Code; and approves the second reading of Ordinance 2200 approving a Text Amendment amending Chapter 5.48 (Business Regulations) and Chapter 6.10 (Inspections of Property) of the Campbell Municipal Code. 4-1 vote (Councilmember Cristina voted no)

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

AYES: Councilmembers: Kotowski, Resnikoff, Cristina (voted no on Item nine), Gibbons, Baker

NOES: Councilmembers: None

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.

10. **Appeal of the Planning Commission Approval of a Conditional Use Permit (PLN2015-352) and Administrative Planned Development Permit (PLN2015-354) to Allow Establishment of a New 45-seat Restaurant (Kalye Hits) with Beer and Wine Service, Outdoor Seating, Live Entertainment No**

Dancing), and "Late-night" Operational Hours (11:00 PM Public Closing); and a Parking Modification Permit (PLN2015-355) to Allow a Reduction in the Number of Required Parking Spaces on Property Located at 2145 S. Winchester Boulevard 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 Conditional Use Permit (PLN2015-352), Administrative Planned Development permit (PLN2015-354), and Parking Modification Permit (PLN2015-355).

This is the time and place for a Public Hearing to consider the appeal of a Conditional Use Permit (PLN2015-352) and Administrative Planned Development Permit (PLN2015-354) to allow establishment of a new 45-seat restaurant (Kalye Hits) with beer and wine service, outdoor seating, live entertainment (no dancing), and "late-night" hours (11:00 p.m. public closing); and Parking Modification Permit (PLN2015-355) to allow a reduction in the number of required parking spaces on property located at 2145 S. Winchester Boulevard in the P-D (Planned Development) Zoning District.

Associate Planner Fama presented staff report dated April 5, 2016.

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

Steve Gandy, appellant, stated concerns with late night hours; noise; parking; proximity to residence; service of alcohol; live entertainment; and outdoor seating.

Cliff Reese, Campbell resident, supported the appeal and spoke about parking issues.

Clarissa Clark, Campbell resident, supported the appeal and stated concerns with noise and late night hours.

Russell Pfirrmann, Campbell resident, supported the appeal and spoke about zoning and parking issues.

LeeAnn Kuntz, Campbell resident, supported the appeal and spoke about concerns with zoning, parking, and pedestrian safety.

Lowen Cast, co-owner of proposed restaurant, spoke about the restaurant.

Judy Pisano, Campbell resident, spoke about the limited sidewalk space for outdoor seating.

Pat Lawson, Campbell resident, spoke about parking issues.

Scott Plautz, partner in the property and president of Stems Sustainable Systems, spoke about the site and stated that they would work to try to address the neighborhood concerns.

Debbie Marino, Campbell resident, supported the appeal and stated concerns with late night hours, live entertainment, and parking.

Campbell resident spoke about parking issues and late night hours.

Campbell resident supported the appeal; stated that she is opposed to development that doesn't preserve the neighborhood; spoke about traffic concerns; and doesn't feel this restaurant is a good fit for Campbell.

Steve Grandy, appellant, stated concerns with the combination of the live music, alcohol service, restricted parking, and late night hours.

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 uphold the appeal with the appropriate finding to return to Council at the May 3, 2016 City Council meeting. Motion was adopted by the following roll call vote:**

AYES: Councilmembers: Kotowski, Gibbons, Baker

NOES: Councilmembers: Resnikoff, Cristina

Mayor Baker stated that items 11, 12, and 13 would all be presented as one item and public comment would be taken on all those items at one time; and the voting on the items would be taken out of order, starting with item 12, then 11, and then 13.

Finance Director Takahashi presented staff report dated April 5, 2016, for items 12, 11, and 13.

11. **Introduction of Ordinance Forming the Campbell Industrial Development Authority (First Reading of Ordinance/Roll Call Vote)**

Recommended Action: Introduce an Ordinance forming the Campbell Industrial Development Authority.

M/S: Cristina/Resnikoff – that the City Council introduce Ordinance 2201 forming the Campbell Industrial Development Authority. 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 2201.

M/S: Kotowski/Resnikoff – that the City Council waive further reading of Ordinance 2201. Motion was adopted unanimously.

SUCCESSOR AGENCY NEW BUSINESS

- *12. **Authorizing Preparation of Proceeding for the Proposed Issuance of Bonds to Refund Outstanding Obligations of the Former City of Campbell Redevelopment Agency, Approving a Financing Team and Providing Other Matters Relating Thereto (Resolution/Roll Call Vote)**

Recommended Action: Successor Agency adopt resolution authorizing the retention of consultants in connection with the proposed issuance of bonds to refund indebtedness of the former City of Campbell Redevelopment Agency.

*Item voted on out of order.

After discussion, **M/S: Cristina/Gibbons – that the City of Campbell Successor Agency adopt Resolution 11962 authorizing the retention of consultants in connection with the proposed issuance of bonds to refund indebtedness of the former City of Campbell Redevelopment Agency. Motion was adopted by the following roll call vote:**

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

NOES: Board Members: None

NEW BUSINESS

13. **Authorizing Preparation of Proceedings for the Refinancing of Outstanding Certificates of Participation, Approving a Financing Team and Providing Other Matters Relating Thereto (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the refinancing of outstanding certificates of participation and approval of a financing team and related agreements.

M/S: Resnikoff/Cristina – that the City Council adopt Resolution 11963 authorizing the refinancing of outstanding certificates of participation and approval of a financing team and related agreements. Motion was adopted by the following roll call vote:

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

NOES: Councilmembers: None

14. **BMR Administrator Proposal Update**

Recommended Action: Authorize staff to schedule interviews with the Subcommittee and the recommended candidates for the expanded scope of services; authorize the City Manager to negotiate a contract with the highest-

ranked candidate, as recommended by the Subcommittee following interviews; and direct staff to return to the City Council with a draft contract for review and approval by the City Council.

Senior Planner McCormick presented staff report dated April 5, 2016.

Christine Nguyen, Program Manager for the Housing Department for West Valley Community Services, spoke about their qualifications.

After discussion, **M/S: Cristina/Gibbons – that the City Council authorize staff to schedule interviews with the subcommittee and the recommended candidates for the expanded scope of services; authorize the City Manager to negotiate a contract with the highest-ranked candidate, as recommended by the subcommittee following interviews; and direct staff to return to the City Council with a draft contract for review and approval by the City Council. Motion was adopted by the following roll call vote:**

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

NOES: Councilmembers: None

15. **Authorize City Manager to Award and Execute Contract for Pre-Ballot Polling Services (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the City Manager to award and execute an agreement with Godbe Research for pre-ballot polling services.

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

Charles Hester, representative from Godbe research, spoke about the history of the firm and past measure results.

John Richards, Campbell resident, spoke about the survey questions and the possibility of using City issued bonds to help with funding.

After discussion, **M/S: Cristina/Resnikoff – that the City Council adopt resolution 11964 authorizing the City Manager to award and execute an agreement with Godbe Research for pre-ballot polling services including receiving the information with the staff report before a publicly scheduled meeting. Motion was adopted by the following roll call vote:**

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

NOES: Councilmembers: None

16. **Lew Edwards Group Consultant Services (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution that will release The Lew Edwards Group from its current services contract; and authorize the City Manager to

negotiate, award and execute a new contract for pre-electoral consulting services.

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

After discussion, **M/S: Gibbons/Kotowski** – that the City Council adopt **Resolution 11965** that will release The Lew Edwards Group from its current services contract; and authorize the City Manager to negotiate, award and execute a new contract for pre-electoral consulting services. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Gibbons, Baker

NOES: Councilmembers: Resnikoff, Cristina

17. **Appropriate up to \$231,000 from the Civic Center Master Plan Reserve to Fund Expenditures Related to Placing a Ballot Measure on the 2016 General Election Ballot (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution to appropriate up to \$231,000 from the Civic Center Master Plan Reserve to fund expenditures related to placing a measure on the 2016 General Election ballot.

City Manager Linder presented staff report dated April 5, 2016.

After discussion, **M/S: Cristina/Gibbons** – that the City Council adopt **Resolution 11966** to appropriate up to \$231,000 from the Civic Center Master Plan Reserve to fund expenditures related to placing a measure on the 2016 General Election ballot. Motion was adopted by the following roll call vote:

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

NOES: Councilmembers: None

COUNCIL COMMITTEE REPORTS

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

Recommended Action: Report on committee assignments and general comments.

-- Councilmember Cristina stated that the Saint Lucy's golf tournament will be on May 16th and to register call (408) 378-2463.

-- Vice Mayor Gibbons thanked the Downtown Campbell Business Association and all the organizations involved for putting on a great Bunnies and Bonnets parade.

ADJOURN

Mayor Baker adjourned at 11:32 p.m.

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk