

# CITY COUNCIL MINUTES

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



## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL/SUCCESSOR AGENCY

Tuesday, April 19, 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/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.

#### **Pledge: Janie Kelly**

The pledge of allegiance was led by Janie Kelly, Campbell Chamber of Commerce 2015 Citizen of the Year. Mayor Baker thanked her and presented her with a certificate of appreciation.

#### **Roll Call:**

Present: Councilmembers/Board Members: Kotowski, Resnikoff, Cristina, Gibbons, Baker

Absent: Councilmembers/Board Members: 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.

There were no oral requests.

## **COUNCIL ANNOUNCEMENTS**

Want to know what everyone is saying about Campbell? Check out the Economic Development's new 'Brag Page' and find out why Campbell ranks high as a desirable community with many great places to dine. To access the "Let's Talk about Campbell" page, visit the City's website at [cityofcampbell.com](http://cityofcampbell.com).

On Wednesday, April 20, Safe Routes to School of Santa Clara County is teaming up with Capri Elementary School to host a walking school bus event traveling along Hacienda Avenue towards the school. The Mayor, school leaders and parents will celebrate the improvements along Hacienda Avenue and have an opportunity to view student art work displayed throughout the walking route. Participants are asked to meet in the Effie's Restaurant parking lot at 7:20 a.m. The walking school bus will leave promptly at 7:30 a.m.

On Thursday, April 21, the City Council will host a Volunteer Recognition Luncheon at Villa Ragusa restaurant to honor the many volunteers for their valuable service they contributed to City programs and the Campbell community this past year.

The City of Campbell will host 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 the City's website at [cityofcampbell.com](http://cityofcampbell.com).

On May 7 and 8, the Ainsley House will host a Mother's Day Tea and Tour event. Features 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](mailto:laura@campbellmuseums.com).

On Friday, May 13, historian Ray Cosyn will explore Prohibition's impacts on the Santa Clara Valley during History Happy Hour at the Ainsley House. Mr. Cosyn will discuss how wine making was a viable industry for valley fruit canners, who were allowed to make "fruit juice" during Prohibition.

On Friday, June 10, Opera San Jose General Director Larry Hancock will return to the Ainsley House to discuss the upcoming 2016-17 season. Joining Mr. Hancock will be a soprano and pianist to perform for guests. History Happy Hour events begin at 5:30 p.m. with the main program at 6:00 p.m. To register for either event, call 408-866-2104. For more information, contact Kerry Perkins at 408-866-2718.

## **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.

Vice Mayor Gibbons asked to remove Item 5.

The Consent calendar was considered as follows:

1. **Minutes of Study Session of April 4, 2016**

Recommended Action: Approve the Study Session Minutes.

This action approves the study session minutes of April 4, 2016.

2. **Minutes of Study Session of April 5, 2016**

Recommended Action: Approve the Study Session Minutes.

This action approves the study session minutes of April 5, 2016.

3. **Minutes of Regular Meeting of April 5, 2016**

Recommended Action: Approve the Regular Meeting Minutes.

This action approves the regular meeting minutes of April 5, 2016.

4. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$1,862,362.89.

This action approves the Bills and Claims in the amount of \$1,862,362.89 as follows: payroll checks dated March 24, 2016 in the amount of \$244,946.19; bills and claims checks dated March 28, 2016 in the amount of \$1,151,244.87; and bills and claims checks dated April 4, 2016 in the amount of \$466,171.83.

6. **Destruction of Certain City Records (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the destruction of certain City records.

Resolution 11967 authorizes the destruction of certain City records.

7. **Second Reading of Ordinance 2201 Approves Forming the Campbell Industrial Development Authority (Ordinance Second Reading/Roll Call Vote)**

Recommended Action: Approve the second reading and adopt Ordinance 2201 approving the formation of the Campbell Industrial Development Authority.

This action approves the second reading of Ordinance 2201 approving the formation of the Campbell Industrial Development Authority.

**M/S: Kotowski/Cristina - that the City Council approve the Consent Calendar with the exception of item 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**

5. **Accept Donation of \$5,000 from the Campbell Community Endowment Fund for the Campbell Historical Museum & Ainsley House Education Field Trip Programs**

Recommended Action: Accept a donation of \$5,000 from the Campbell Community Endowment Fund for the Campbell Historical Museum & Ainsley House Education Field Trip Programs.

Vice Mayor Gibbons stated that this money is essential to allow schools that can't afford to visit the museum an opportunity and thanked the organization for the donation.

**M/S: Gibbons/Resnikoff – that the City Council accept the donation of \$5,000 from the Campbell Community Endowment Fund to fund scholarship admissions. Motion was adopted unanimously.**

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

8. **Public Hearing to Consider the City-initiated Zoning Text Amendment (PLN2016-32) to Amend Campbell Municipal Code Sec. 21.18.140 (Undergrounding of Utilities) to Exempt Development of Single-Family Residential Properties Located Along Local Streets from the Utility Undergrounding Requirements ( Introduction of Ordinance/Roll Call Vote)**

Recommended Action: Introduce an Ordinance amending Campbell Municipal Code Sec. 21.18.140 (Undergrounding of Utilities) to exempt development of single-family residential properties located along local streets from the utility undergrounding requirements.

This is the time and place for a public hearing to consider the City-initiated Zoning Text Amendment (PLN2016-32) to amend Campbell Municipal Code Sec. 21.18.140 (Undergrounding of Utilities) to exempt development of single-family residential properties located along local streets from the utility undergrounding requirements.

Associate Planner Fama presented staff report dated April 19, 2016.

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

Brian Horton, Campbell resident, spoke about his construction project and the cost of undergrounding the utilities.

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

After discussion, **M/S: Gibbons/Resnikoff – that the City Council take first reading of Ordinance 2202 amending the Campbell Municipal Code Sec. 21.18.140 (Undergrounding of Utilities) to exempt development of single-family residential properties located along local streets from the utility undergrounding requirements with an amendment to include residential collector streets. 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 2202.

**M/S: Gibbons/Resnikoff – that the City Council waive further reading of Ordinance 2202. Motion was adopted unanimously.**

9. **Approval of 2016-17 Schedule of Fees and Charges (Resolution/Roll Call Vote)**

Recommended Action: Approve resolution adopting the FY 2016-17 (FY 17) Schedule of Fees and Charges to be effective July 1, 2016.

This is the time and place for a public hearing to approve the 2016-17 schedule of fees and charges.

Finance Manager Etman presented staff report dated April 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/Cristina – that the City Council adopt Resolution 11968 approving the FY 2016-17 Schedule of Fees and Charges to be effective July 1, 2016. Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: None**

10. **Public Hearing and Introduction of an Ordinance Amending Provisions of the Campbell Municipal Code to Revise the Business Tax Rates (First Reading of Ordinance/Roll Call Vote)**

Recommended Action: Introduce an Ordinance amending provisions of the Municipal Code to revise business license tax rates.

This is the time and place for a public hearing to introduce an Ordinance amending provisions of the Campbell Municipal Code to revise the Business Tax Rates.

Finance Manager Etman presented staff report dated April 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: Cristina/Gibbons – that the City Council take no action on this item. Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: None**

### **SUCCESSOR AGENCY NEW BUSINESS**

11. **Adopt a Resolution of the City of Campbell Successor Agency Approving Issuance of Refunding Bonds in Order to Refund Outstanding Bonds and Other Indebtedness of the Dissolved Redevelopment Agency, Approving Execution and Delivery of an Indenture of Trust and Other Documents Relating Thereto (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution of the City of Campbell Successor Agency approving the issuance of refunding bonds in order to refund outstanding bonds and other indebtedness of the dissolved City of Campbell Redevelopment Agency, approving the execution and delivery of an Indenture of Trust, Escrow Deposit and Trust Agreement and other related documents.

Finance Director Takahashi presented staff report dated April 19, 2016.

After discussion, **M/S: Gibbons/Kotowski – that the City of Campbell Successor Agency adopt Resolution 11969 approving the issuance of refunding bonds in order to refund outstanding bonds and other indebtedness of the dissolved City of Campbell Redevelopment Agency, approving the execution and delivery of an Indenture of Trust, Escrow Deposit and Trust Agreement and other related documents. Motion was adopted by the following roll call vote:**

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

**NOES: Board Members: None**

### **NEW BUSINESS**

Mayor Baker stated that item 12 would follow item 15.

13. **BMR Eligibility Determination (Resolution/Roll Call Vote)**

Recommended Action: Deny the application for the below market rate home, finding that the Le/Nguyen household is ineligible to qualify for a below market rate home; and direct staff to advise the developer to allocate the home to an eligible household.

Senior Planner McCormick presented staff report dated April 19, 2016.

Phong Le, spoke about the family's income, cost of health care and stated that because they are self-employed the income can vary from year to year.

After discussion, **M/S: Cristina/Resnikoff – that the City Council adopt Resolution 11970 denying the application for a below market rate home, finding that the Le/Nguyen household is ineligible to qualify for a below market rate home; and direct staff to advise the developer to allocate the home to an eligible household. Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: None**

14. **Authorize the City Manager to Execute a Professional Service Agreement with De Novo Planning Group for Facilitation and Preparation of the Envision Campbell Plan (Resolution/Roll Call Vote)**

Recommended Action: Review the final contract which includes the previously approved changes to the consultant Scope of Work; review financial cost breakdown for the total estimated project cost; adopt a resolution authorizing the City Manager to execute a Professional Services Agreement with De Novo Planning Group for facilitation and preparation of Envision Campbell Plan in an amount not to exceed \$95,877 for a total contract amount not to exceed \$1,054,542; and approve a budget adjustment in the amount of \$914,642.

Community Development Director Kermoyan presented staff report dated April 19, 2016.

Ben Ritchie, Project Manager from De Novo Planning Group, introduced himself and spoke briefly about the company.

After discussion, **M/S: Cristina/Gibbons – that the City Council review the final contract, which includes the previously approved changes to the consultant Scope of Work; review financial cost breakdown for the total estimated project cost; adopt Resolution 11971 authorizing the City Manager to execute a Professional Services Agreement with De Novo Planning Group for facilitation and preparation of Envision Campbell Plan in an amount not to exceed \$95,877 for a total contract amount not to**

exceed \$1,054,542; and approve a budget adjustment in the amount of \$914,642. Motion was adopted by the following roll call vote:

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

**NOES: Councilmembers: None**

15. **Authorize the Expansion of Property Assessed Clean Energy (PACE) Financing Providers in the City of Campbell (Resolutions/Roll Call Vote)**

Recommended Action: Adopt resolutions consenting to the inclusion of properties within the City of Campbell incorporated area for the following Property Assessed Clean Energy (PACE) programs to assist property owners with financing renewable energy generation, energy and water efficiency improvements and electric vehicle charging infrastructure in the California Statewide Communities Development Authority (CSCDA) Open PACE Programs; the California HERO Program and approving an Amendment to the Joint Powers Agreement approving associate membership in the Western Riverside Council of Governments; the California Home Finance Authority (CHF) Community Facilities District No. 2014-1 (Clean Energy) and approving associated membership in CHF; and the CHF PACE Program and approving associated membership in CHF.

Administrative Analyst Mendoza presented staff report dated April 19, 2016.

Carl San Miguel, representative from Santa Clara County Association of Realtors, stated that they have a bill going to Sacramento to discuss issues with the PACE program; and he requested that Council not approve this program at this time or at least exempt the one to four units.

Emily Goodwin, District Development Director for Ygrene Energy Funds, spoke about the PACE program and education outreach workshops.

Leah Rowell, Community Development Manager for HERO program, spoke about outreach efforts to educate buyers and realtors.

Rachel Hobbs, Finance Program Manager for PACE Funding Group, spoke about consumer protection policies.

Charles Bona, commercial property owner in Campbell, stated that he wanted to explore options for financing and would like Council to approve this program.

After discussion, **M/S: Gibbons/Kotowski – that the City of Campbell adopt resolutions consenting to the inclusion of properties within the City of Campbell incorporated area for the following Property Assessed Clean Energy (PACE) programs to assist property owners with financing renewable energy generation, energy and water efficiency improvements and electric vehicle charging infrastructure; Resolution 11972 approves the California Statewide Communities Development Authority (CSCDA) Open**

**PACE Programs; Resolution 11973 approves the California HERO Program and approving an Amendment to the Joint Powers Agreement approving associate membership in the Western Riverside Council of Governments; Resolution 11974 approves the California Home Finance Authority (CHF) Community Facilities District No. 2014-1 (Clean Energy) and approving associated membership in CHF; and Resolution 11975 approves the CHF PACE Program and approving associated membership in CHF. Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: Resnikoff, Cristina**

Mayor Baker stated that they would take a ten minute recess.

Council reconvened the meeting at 9:55 p.m.

12. **New Campbell Water Tower Lighting Policy (Resolution/Roll Call Vote)**  
Recommended Action: Adopt a resolution to approve the new policy on lighting the Campbell Water Tower.

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

Council directed staff to revise the policy and bring it back to Council with the following changes: remove the Downtown Campbell Business Association and Campbell Chamber of Commerce events from the lighting schedule; state that the colors should be fixed not rotating; do not use black as a color choice; state that in the event of a major tragedy the Mayor can request that the tower be lit in appropriate colors for one night; state that other nationally recognized events may be allowed; and in general third party request should not be taken but in the event that an organization approaches Council with a request it may be considered by a majority vote.

## **COUNCIL COMMITTEE REPORTS**

16. **City Councilmember Reports/Updates on Committee Assignments**  
Recommended Action: Report on committee assignments and general comments.
- Councilmember Cristina stated that the Campbell Police Foundation might have a dunk tank at the Boogie on the Avenue; attended the Economic Development Subcommittee meeting; Santa Clara Valley Water District County Water Commission meeting.
  - Councilmember Resnikoff thanked Councilmember Kotowski and Vice Mayor Gibbons for filling in at the VTA meetings.

-- Councilmember Kotowski attended Valley Transportation Authority Policy Advisory Committee meetings; History Happy Hour; West Valley Sanitation District meeting; Youth Commission meetings; and Education Subcommittee meeting.

-- Vice Mayor Gibbons attended the League of California Cities Peninsula Division dinner; Senator Beall's Woman of Substance in the Valley; State Route 85 Corridor Policy Advisory Board meeting; spoke about the upcoming Museum exhibit "Then and Now;" Campbell Historical Museum & Ainsley House Foundation; work on the inaugural meeting of the Community Choice Energy; attended the Education Subcommittee meeting; and Open Space Authority Community meeting; and Friends of the Library meeting.

-- Mayor Baker attended the VTA I-680 Expressway Corridor Joint Powers Authority meeting; Metropolitan Transportation Commission meeting; West Valley Mayors and Managers meeting; and spoke about the VTA Envision Silicon Valley tax measure.

## **ADJOURN**

Mayor Baker adjourned at 10:50 p.m.

APPROVED:

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

ATTEST:

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