

# CITY COUNCIL MINUTES

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



## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, May 3, 2016 – 7:30 p.m.  
Council Chamber – 70 N. First Street

This Study Session 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: Alicia Hamilton**

The pledge was led by Alicia Hamilton, teacher at Capri Elementary School and recipient of the Goldin Award for Excellence in Education. Mayor Baker thanked her for leading the pledge and presented her with a certificate of appreciation.

### **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.

Jaime Batiz, Campbell resident, stated his objection to install a traffic light at Harriet and McCoy Avenue and would like to know the time table for this project.

Harry Greenwood, Campbell resident, stated his opposition to the signal light at Harriet and McCoy, would like to see alternative projects to help with the pedestrian safety problems, and would like Council to rescind the authorization for the grant request.

## **COUNCIL ANNOUNCEMENTS**

Be on the lookout...Campbell Police Officers are on Slurpee patrol! 7-Eleven is partnering with law enforcement agencies nationwide to reward kids for acts of kindness and positive activities with free Slurpee drink coupons through *Operation Chill*. Campbell police officers will be "ticketing" youngsters who are caught in the act of doing good. Appropriate "offenses" might include wearing helmets while riding bikes, picking up trash or helping others. Each coupon can be redeemed for a small Slurpee drink at participating 7-Eleven stores.

On Wednesday, May 4 and Monday, May 9, from 7:00 - 9:00 p.m., the Santa Clara County Fire Safe Council will hold two Draft Community Wildfire Prevention Plan workshops. These workshops will allow residents, who live in the high wildfire risk areas, to review the County's prevention plan and provide input to their planning team. For more information, please visit [sccfiresafe.org](http://sccfiresafe.org) or contact [info@sccfiresafe.org](mailto:info@sccfiresafe.org).

On Friday, May 13, historian Ray Cosyn will explore the 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 Saturday, May 14, from 10:00 a.m., to 1:00 p.m., "Friends of the Library" will hold a book sale at the Campbell Library where you will find bargains galore. All ages are welcome and the proceeds will benefit the library.

On Monday, May 23, at 7:00 p.m., the Valley Transportation Authority will hold a public meeting for Envision Silicon Valley, at the Campbell Community Center in the Roosevelt Redwood Room. Envision Silicon Valley was launched by VTA to engage community leaders and county residents in a dynamic visioning process to discuss current and future transportation needs, identify solutions and craft funding priorities.

On Tuesday, May 24, from 7:00 p.m. to 8:30 p.m., join Master Gardener Rebecca Schoenenberger at the Campbell Library to learn how to control pests and diseases in the garden in an environmentally sensitive way. There will be discussion on cultural practices that discourage pests, how to deal with pest population explosions, how to encourage beneficial insects, and appropriate control measures that will have little or no effect on the environment. For more information, please visit the library's website at [www.sccl.org](http://www.sccl.org).

On Friday, June 10, Opera San Jose General Director Larry Hancock will return to the Ainsley House when he will 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.

Items two, five, seven and nine were removed from the consent calendar.

The Consent calendar was considered as follows:

1. **Minutes of Study Session of April 19, 2016**  
Recommended Action: Approve the study session minutes.

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

3. **Approving Bills and Claims**  
Recommended Action: Approve the bills and claims in the amount of \$1,244,488.14.

This action approves the bills and claims in the amount of \$1,244,488.14 as follows: payroll checks dated April 7, 2016 in the amount of \$296,328.25; bills and claims checks dated April 11, 2016 in the amount of \$183,220.21; and bills and claims checks dated April 18, 2016 in the amount of \$764,939.68.

4. **Monthly Investment Report – March, 2016**  
Recommended Action: Note and file the Monthly Investment Report for March, 2016.

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

6. **Replacement and Installation of Shade Canopies at the Campbell Community Center Pool Deck and Budget Adjustment (Resolution/Roll Call Vote)**  
Recommended Action: Adopt a resolution approving the replacement and installation of shade canopies at the Campbell Community Center pool deck and authorize a budget adjustment of \$6,800.

Resolution 11977 approves the replacement and installation of shade canopies at the Campbell Community Center pool deck and authorizes a budget adjustment of \$6,800.

8. **Authorize the Public Works Director to Amend an Agreement with CSG**

**Consultants, Inc. for Providing Staff Augmentation Services (Resolution/Roll Call Vote)**

Recommended Action: Authorize the Public Works Director to amend an agreement with CSG Consultants, Inc. for providing staff augmentation services to the Department of Public Works (DPW) in an amount not to exceed \$100,000; and approving a budget adjustment in the amount of \$50,000 that reallocates funding within the Public Works Engineering operating budget.

Resolution 11978 authorizes the Public Works Director to amend an agreement with CSG Consultants, Inc. for providing staff augmentation services to the Department of Public Works (DPW) in an amount not to exceed \$100,000; and approves a budget adjustment in the amount of \$50,000 that reallocates funding within the Public Works Engineering operating budget.

**M/S: Cristina/Gibbons - that the City Council approve the Consent Calendar with the exception of item two, five, seven and nine. 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**

2. **Minutes of Regular Meeting of April 19, 2016**  
Recommended Action: Approve the Regular Meeting Minutes.

Councilmember Resnikoff stated that there was a typo on page nine and the word “no” should be removed from the Council direction for item 12.

**M/S: Resnikoff/Cristina – that the City Council approve the regular meeting minutes with the amendment to correct the typo on page nine. Motion was adopted unanimously.**

5. **Declaring May 15-21, 2016 National Public Works Week (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution declaring May 15-21, 2016 as National Public Works Week.

Councilmember Resnikoff stated that he wanted to recognize the Public Works Department for all the work they do.

**M/S: Resnikoff/Kotowski – that the City Council adopt resolution 11976 declaring May 15-21, 2016 as National Public Works Week. Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: None**

7. **Second Reading of Undergrounding Ordinance (Resolution/Roll Call Vote)**  
Recommended Action: Approve the second 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 and residential collector streets from the utility undergrounding requirements.

Councilmember Resnikoff wanted to clarify the intent of Council's motion for this item.

After discussion, Council asked staff to revise the language to clarify their intent and come back to this item at the end of the meeting.\*

9. **Upholding an Appeal and denying a Conditional Use Permit (PLN2015-352) and Administrative Planned Development Permit (PLN2015-354) for 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) for 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 upholding an appeal and denying a Conditional Use Permit (PLN2015-352), Administrative Planned Development Permit (PLN2015-354), and Parking Modification Permit (PLN2015-355) for property located at 2145 S. Winchester Boulevard.

Councilmember Cristina spoke about the project and the Winchester Boulevard Master Plan.

Scott Plautz, president of STEM Sustainable Development and partner in this property, spoke about the project and requested a modification to the conditional use permit.

Rich Waterman, Campbell resident, stated concerns with new developments having small retail and the need for flexibility.

Russell Pfirman, Campbell resident, stated support for Council's decision to uphold the appeal and deny the Conditional Use Permit.

After discussion, **M/S: Gibbons/Kotowski – that the City Council adopt resolution 11979 upholding an appeal and denying a Conditional Use Permit (PLN2015-352), Administrative Planned Development Permit (PLN2015-354), and Parking Modification Permit (PLN2015-355) for property located at 2145 S. Winchester Boulevard without prejudice. Motion was adopted by the following roll call vote:**

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

**PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES**

There were no agenda items.

**NEW BUSINESS**

10. **Process for Designation of a Historic Resource (Resolution/Roll Call Vote)**  
Recommended Action: Provide direction to staff and the Historic Preservation Board regarding the procedure for official designation of a “historic resource” (moving a property from the “potential” inventory to the Historic Resource Inventory) utilizing either the opt-in or opt-out approach.

Senior Planner McCormick presented staff report dated May 3, 2016.

Community Development Director Kermoyan explained the process.

Susan Blake, Historic Preservation Board Member, spoke about the update on the Historic Preservation ordinance and suggested that the procedure for all outreach steps prior to a recommendation for inclusion to the Historic Inventory List be codified.

Joelle Hernandez, Historic Preservation Board Member, spoke about the process and stated that the opt-out process has been fair.

After discussion, **M/S: Gibbons/Resnikoff – that the City Council provide direction to staff and the Historic Preservation Board regarding the procedure for official designation of a “historic resource” (moving a property from the “potential” inventory to the Historic Resource Inventory) utilizing the opt-out approach. Motion was adopted unanimously.**

11. **Dell Avenue Area Plan (DAAP) Status Report and Consideration to Postpone Project and Fold into the Envision Campbell Plan (Resolution/Roll Call Vote)**

Recommended Action: Postpone preparation of the Dell Avenue Area Plan (DAAP) and fold the work achieved to date, consisting of the draft Area Plan and Environmental Impact Report (DEIR), into the broader discussion of the Envision Campbell Plan.

Community Development Director Kermoyan presented staff report dated May 3, 2016.

Community Development Director Kermoyan stated that he received an e-mail from Susan Landry stating her support for postponing the DAAP and folding it into the General Plan.

Joanne Carroll, Campbell resident and representative for the San Tomas Area Community Coalition, stated concerns with the process if the DAAP is folded into

the General Plan and would like Council to abandon the current DAAP Project Plan and work with the community to create a new plan.

Ellen Dorsa, Campbell resident and treasurer of the San Tomas Area Community Coalition, stated support for abandoning the project entirely and work with the community to create a new plan.

Eric Buaran, Campbell resident, stated opposition to the project and spoke about traffic concerns.

Judy Pisano, Campbell resident, stated opposition to rolling the DAAP into the General Plan and would like the process to continue separately.

Maggie Desmond, Campbell resident, stated concerns and would like to see what work has been done on the project so far.

Bill Perry, Campbell resident, stated concerns with Planned Development (PD) zoning.

Pat Noack, Campbell resident, stated opposition to rolling the DAAP into the General Plan and is concerned with putting in a high tech center in there because of the traffic issues it will cause.

Jeffrey Benesch, Campbell resident, stated that he would like to see development in this area to allow for more local jobs and businesses.

Jo-Ann Fairbanks, Campbell resident, stated support for folding the DAAP in to the General Plan, and would like the name Envision Campbell more clearly identified with the General Plan.

Campbell resident spoke about traffic issues and stated opposition to rolling the DAAP into the General Plan.

Lee Peterson, Campbell resident, stated support for abandoning the current DAAP Project Plan and work with the community to create a new plan.

Margaret Mori, Campbell resident, spoke about small town feel, community input and traffic issues.

After discussion, **M/S: Cristina/Gibbons - that the City Council continue the Dell Avenue Area Plan status report to a date uncertain including DAAP documents of the plan and the revised Environmental Impact Report (EIR). Motion was adopted unanimously.**

12. **Receive Training Regarding Federal Securities Law and Consider Adopting a Resolution of the City of Campbell Approving Disclosure Policies and Procedures to Ensure Compliance with Disclosure Obligations of the City**  
Recommended Action: Review recommended form of Disclosure Policies and Procedures to be considered for adoption by resolution June 7, 2016.

Finance Director Takahashi presented staff report dated May 3, 2016.

Christopher Lynch, representative from Jones Hall, gave a presentation on Federal Securities Law, responsibilities for complying with regulations as an issuer of municipal securities and discussed the draft policies.

Council listened to the presentation and reviewed the report.

Mayor Baker stated that they would take a five minute break.

Council reconvened at 10:23 p.m. to discuss item seven.

**\*7. Second Reading of Undergrounding Ordinance continued from earlier in the meeting.**

Associate Planner Fama provided Council with the revised ordinance with a modified title block stating that all properties located on local streets and single-family residential properties located on residential collector streets would be exempt from the undergrounding requirements; and in Exhibit A section B (1) a specific exemption for single-family dwelling located along a residential collector streets.

After discussion, **M/S: Resnikoff/Gibbons – that the City Council take first reading of Ordinance 2202 with the corrected language amending the Campbell Municipal Code Sec. 21.18.140 (Undergrounding of Utilities) to exempt development of all single-family residential properties located along local streets and single-family residential properties located on residential collector streets from the utility undergrounding requirements. 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: Kotowski/Gibbons – that the City Council waive further reading of Ordinance 2202. Motion was adopted unanimously.**

## **COUNCIL COMMITTEE REPORTS**

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

--Councilmember Cristina attended the League of California Cities, CitiPAC Peninsula Division Bocce Ball Tournament.

--Councilmember Resnikoff participated in the Great American Litter Pick-up; Youth Commission Virginia and Hyde Park fibar project; attended the State Route 85 Corridor Policy Advisory Board meeting; BMR Housing Consultant RFP committee meeting; and spoke about upcoming Silicon Valley Animal Control Authority, West Valley Solid Waste Authority JPA, and Valley Transportation Authority Policy Advisory Committee meetings.

--Councilmember Kotowski spoke about the Heritage Theater season, attended the Youth Commission, spoke about the upcoming Memorial Day celebration, and attended the West Valley Sanitation District meeting.

--Vice Mayor Gibbons hosted an orientation of downtown activities and businesses to a small group of current and previous elected officials; spoke about upcoming speaking event at Moreland Middle School for career night; and spoke about the upcoming Community Choice Energy elections Executive Committee and Chair and Vice Chair.

--Mayor Baker attended a Valley Transportation Authority meeting and Board workshop for MTC.

## **ADJOURN**

Mayor Baker adjourned the meeting at 10:39 p.m.

APPROVED:

ATTEST:

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Jason T. Baker, Mayor

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Wendy Wood, City Clerk