

# CITY COUNCIL MINUTES

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



## CITY COUNCIL EXECUTIVE SESSION

Tuesday, June 21, 2016 – 6:45 p.m.

Ralph Doetsch Conference Room - 70 N. First Street

- A. **Personnel - Pursuant to G.C. Section 54957: Public Employee Performance Evaluation – City Manager**
- B. **Litigation – Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to paragraph (2) of subsection (d) of California Government Code Section 54956.9: One case.**
- C. **Real Property**
- D. **Labor Negotiations**

Council met in Executive Session to discuss items

A and B. Executive session adjourned at 7:12 p.m.

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## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, June 21, 2016 – 7:30 p.m.

Council Chamber – 70 N. First Street

This City Council 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 OF ALLEGIANCE

Pledge: Amy Olay, City Engineer

The Pledge of Allegiance was led by Amy Olay, City Engineer. Mayor Baker introduced Amy as the new City Engineer and presented her with a certificate of appreciation for leading the pledge.

### **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**

The City of Campbell is launching a summer bike valet service at the Farmers Market! Beginning this Sunday, June 26, bicyclists can park their bikes by utilizing this free and secure service. Look for the Bike Valet Canopy on East Campbell Avenue in front of Blue Line Pizza near the railroad tracks. The bike valet will be open from 9:00 a.m. to 1:00 p.m.

The Santa Clara County Library District's "Read for the Win" summer reading Program has begun! Sign up at the Campbell Library or online at the County Library District's web site at [sccl.org/summer2016](http://sccl.org/summer2016). The "Read for the Win" program is happening now through July 31 at the Campbell Library.

The Heritage Theatre is seeking volunteers for future events. Volunteers are needed for ticket taking, ushering, greeting and more. Volunteer applications and additional information can be found online under the "Support the Theatre" tab at [heritagetheatre.org](http://heritagetheatre.org).

Join us Thursday nights for the 24<sup>th</sup> Annual Summer Concert Series presented by Kaiser Permanente from 6:30 p.m. to 8:00 p.m. at the Orchard City Green located between City Hall and the Campbell Library. This Thursday, June 23 will feature "The Jesse Charles Band and on June 30, the "Cocktail Monkeys."

The next History Happy Hour session at the Ainsley House will feature historian Barney Terrell on Friday, July 22, from 5:30 p.m. to 7:30 p.m. when he tells the story of over

200 men from Santa Clara County drafted into the U.S. armed forces during World War One. These men participated in the Argonne Forest Offensive along the Western Front.

For more information on events, activities and more 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 Resnikoff asked to remove item 1, Councilmember Cristina asked to remove item 10, and Vice Mayor Gibbons asked to remove item 12.

The Consent calendar was considered as follows:

2. **Minutes of Regular Meeting of June 7, 2016**

Recommended Action: Approve the regular meeting minutes.

This action approves the minutes of the regular meeting of June 7, 2016.

3. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$641,157.82.

This action approves the payment of the bills and claims in the amount of \$641,157.82 as follows: bills and claims checks dated May 30, 2016 in the amount of \$194,656.95; payroll checks dated June 2, 2016 in the amount of \$297,404.01; and bills and claims checks dated June 2, 2016 in the amount of \$149,096.86.

4. **Excess Workers' Compensation Coverage Renewal**

Recommended Action: Approve the Excess Workers' Compensation Insurance coverage provided by Midwest Employers Casualty Company for the period from July 1, 2016 to June 30, 2018.

This action approves the Excess Workers' Compensation Insurance coverage provided by Midwest Employers Casualty for the period from July 1, 2016 to June 30, 2018.

5. **Resolution Amending Pay Ranges for Temporary Positions (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution amending pay ranges for temporary positions.

Resolution 12004 amends the pay ranges for temporary positions.

6. **Calling the General Municipal Election and Requesting Consolidation of Election in Accordance with California Elections Code Section 10418 (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution calling the General Municipal Election for November 8, 2016, requesting consolidation of election with the Registrar of Voters in accordance with California Election Code 10418, and levying a fee to each candidate for their Candidate Statement.

Resolution 12005 calls the General Municipal Election for November 8, 2016, requests consolidation of the election with the Registrar of Voters in accordance with California Election Code 10418, and levies a fee to each candidate for their Candidate Statement.

7. **Ordinance 2203 Approving a Zoning Map Amendment (PLN2015-307) to Change the Zoning District Designation from R-M (Multiple-Family Residential) to P-D (Planned Development for the Project Located at 180 Redding Road. (Ordinance Second reading/Roll Call Vote)**

Recommended Action: Approve the Second reading of Ordinance 2203 approving a Zoning Map Amendment (PLN2015-307) to change the zoning district designation from R-M (Multiple-Family Residential) to P-D (Planned Development).

Second reading of Ordinance 2203 approves a Zoning Map Amendment (PLN2015-307) to change the zoning district designation from R-M (Multiple-Family Residential) to P-D (Planned Development).

8. **Ordinance 2204 Approving a City-Initiated Text Amendment to the Campbell Municipal Code to Include Vaping as a Form of Smoking (Ordinance Second reading/Roll Call Vote)**

Recommended Action: Approve second reading of Ordinance 2204 approving a City-initiated text amendment to Campbell Municipal Code Section 6.11.110 to include vaping as a form of smoking.

Second reading of Ordinance 2204 approves a City-initiated text amendment to the Campbell Municipal Code Section 6.11.110 to include vaping as a form of smoking. (4-1 vote Councilmember Cristina voted no)

9. **Ordinance 2205 Approving a City Council Compensation Adjustment (Ordinance Second Reading/ Roll Call Vote)**

Recommended Action: Approve the second reading of Ordinance 2205 approving an adjustment to the City Council compensation for 2017.

Second reading of Ordinance 2205 approves an adjustment to the City Council compensation for 2017. (4-1 vote Councilmember Cristina voted no)

11. **Authorize the Public Works Director to Award and Execute a Construction Contract with JJR Construction for Virginia Avenue Sidewalk Project 14-HH and Approval of a Budget Adjustment (Resolution/Roll Call Vote)**

Recommended Action: Adopt a Resolution authorizing the Public Works Director to award and execute a construction contract to JJR Construction in an amount not to exceed \$950,241 and encumber a construction contingency in an amount not to exceed \$95,024 for a total encumbrance not to exceed \$1,045,265; authorize the City Engineer to negotiate and execute contract change orders up to and within the allocated contingency; and approve associated budget adjustment.

Resolution 12007 authorizes the Public Works Director to award and execute a construction contract to JJR Construction in an amount not to exceed \$950,241 and encumber a construction contingency in an amount not to exceed \$95,024 for a total encumbrance not to exceed \$1,045,265; authorizes the City Engineer to negotiate and execute contract change orders up to and within the allocated contingency; and approves associated budget adjustment.

13. **Proposition 4 – GANN Spending Limitation for FY 16/17 (Resolution/Roll Call Vote)**

Recommended Action: Adopt the change in California per capita income and the change in the County of Santa Clara population as the calculation factors to be used in determining the City's spending limitation for FY 16/17; and adopt a resolution establishing the City of Campbell's FY 16/17 appropriation limit at \$64,424,831.

This action adopts the change in California per capita income and the change in the County of Santa Clara population as the calculation factors to be used in determining the City's spending limitation for FY 16/17; and resolution 12008 establishes the City of Campbell's FY 16/17 appropriation limit at \$64,424,831.

14. **Approval of the FY 2016-17 City of Campbell Investment Policy Update (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution approving the annual update to the investment policy and related administrative policy revisions.

Resolution 12009 approves the annual update to the investment policy and related administrative policy revisions.

15. **Fiscal Year 2016-17 Council Strategic Priorities and City Council Reserve Fund Projects**

Recommended Action: Approve the Fiscal Year 2016-17 Council Strategic Priorities and City Council Reserve Fund Projects.

This action approves the Fiscal Year 2016-17 Council Strategic Priorities and City Council Reserve Fund Projects.

**M/S: Resnikoff/Gibbons - that the City Council approve the Consent Calendar with the exception of items 1, 10, and 12. Motion was adopted by the following roll call vote:**

**AYES: Councilmembers: Kotowski, Resnikoff, Cristina (Voted no on item 8 and 9), Gibbons, Baker**

**NOES: Councilmembers: None**

### **ITEMS CONSIDERED SEPARATE FROM THE CONSENT CALENDAR**

1. **Minutes of Study Session of June 7, 2016**

Recommended Action: Approve the study session minutes.

Councilmember Resnikoff asked for clarification in regards to receiving feedback about possible outreach efforts.

After discussion, **M/S: Gibbons/Cristina – that the City Council approve the minutes of the study session minutes. Motion was adopted unanimously.**

10. **Authorization to Submit One Bay Area Grant (OBAG) Application (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the Public Works Director to submit One Bay Area Grant (OBAG) Program grant applications for the surface Transportation Block Grant Guarantee Funds, FY 17/18 Annual Street Maintenance – Arterial Overlay – Winchester Boulevard project; and Congestion Mitigation and Air Quality Improvements (CMAQ) Funds, Campbell Priority Development Area (PDA) Enhancements Project.

Councilmember Cristina asked for clarification regarding the Harrison and Salmar Avenue intersection.

Vice Mayor Gibbons asked for clarification in regards to the rectangular rapid flashing beacons system for Civic Center, Orchard City Drive and side streets.

**M/S: Gibbons/Cristina – that the City Council adopt resolution 12006 authorizing the Public Works Director to submit One Bay Area Grant (OBAG) Program grant applications for the surface Transportation Block Grant Guarantee Funds, FY 17/18 Annual Street Maintenance – Arterial Overlay – Winchester Boulevard project; and Congestion Mitigation and Air Quality Improvements (CMAQ) Funds, Campbell Priority Development Area (PDA) Enhancements Project. Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: None**

**12. Renewal of Campbell Pony Baseball League Agreement**

Recommended Action: Authorize the City Manager to renew a license agreement with Campbell Pony Baseball League for the use of the enclosed baseball field, concession building and associated area at John D. Morgan Park for the period of July 1, 2016- June 30, 2019.

Vice Mayor Gibbons discussed having a requirement that proof of certification as a 501c3 needs to be provided before they can renew their agreement.

After discussion, **M/S: Gibbons/Cristina – that the City Council authorize the City Manager to renew a license agreement with Campbell Pony Baseball League for the use of the enclosed baseball field, concession building and associated area at John D. Morgan Park for the period of July 1, 2016- June 30, 2019 subject to the application of a 501c3 and an amendment to addendum A to include annual proof of their 501c3 status as well as documentation with the Franchise Tax Board showing they are current as a corporation. Motion was adopted unanimously.**

**PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES**

**16. Adoption of Fiscal Year 2016-17 (FY 17) Operating and Capital Budget and 2017-21 Five-Year Capital Improvement Plan (CIP) (Resolution/Roll Call Vote)**

Recommended Action:

Approve resolutions adopting the FY 17 City operating and capital budgets, including transfers, in the amounts of \$62,014,859 and \$9,840,000, respectively, for a combined total budget of \$71,854,859; and adopt findings that the proposed FY 2017-2021 Capital Improvement Plan projects are categorically exempt under the California's Environmental Quality Act (CEQA) and are consistent with the City's General Plan; and approve the five-year plan total of \$12,220,000 and adopt appropriations for FY 17 projects of \$4,920,000; and direct staff to incorporate within the final adopted and published FY 17 budget document any changes or adjustments pursuant to this public hearing and any other minor corrections prior to the budget's final publication.

This is the time and place for a public hearing to approve resolutions adopting the FY 17 City operating and capital budgets, including transfers, in the amounts of \$62,014,859 and \$9,840,000, respectively, for a combined total budget of \$71,854,859; and adopt findings that the proposed FY 2017-2021 Capital Improvement Plan projects are categorically exempt under the California's Environmental Quality Act (CEQA) and are consistent with the City's General Plan; and approve the five-year plan total of \$12,220,000 and adopt appropriations for FY 17 projects of \$4,920,000; and direct staff to incorporate within the final adopted and published FY 17 budget document any changes or

adjustments pursuant to this public hearing and any other minor corrections prior to the budget's final publication.

Finance Director, Takahashi presented staff report dated June 21, 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.

Council commented on the allocation of park fees, metric information on staff hiring's for the last year, current bid for pavement to help budget for the Pavement Condition Index (PCI), and identify and fund projects for the Campbell Village Neighborhood Association Area Plan.

After discussion, **M/S: Gibbons/Kotowski** – that the City Council adopt resolution 12010 adopting the FY 17 City operating and capital budgets, including transfers, in the amounts of \$62,014,859 and \$9,840,000, respectively, for a combined total budget of \$71,854,859; and adopt resolution 12011 finding that the proposed FY 2017-2021 Capital Improvement Plan projects are categorically exempt under the California's Environmental Quality Act (CEQA) and are consistent with the City's General Plan; and approve the five-year plan total of \$12,220,000 and adopt appropriations for FY 17 projects of \$4,920,000; and direct staff to incorporate within the final adopted and published FY 17 budget document any changes or adjustments pursuant to this public hearing and any other minor corrections prior to the budget's final publication. Motion was adopted by the following roll call vote:

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

**NOES: Councilmembers: None**

17. **Public Hearing to Clarify a Condition of Approval Regarding Removal of a Gate and Replacement of a Wall for the Barracuda Networks, Inc. for a Planned Development Permit and Site and Architectural Review Permit (PLN2015-107) on Properties Located at 3175 S. Winchester and 471/485 Chapman Drive**

Recommended Action: Adopt a resolution clarifying the conditions of approval for the modification of a Planned Development Permit for properties located at 3175 S. Winchester, 471 Chapman Drive and 485 Chapman Drive.

This is the time and place for a public hearing to clarify the conditions of approval for the modification of a Planned Development Permit for properties located at 3175 S. Winchester, 471 Chapman Drive and 485 Chapman Drive.

Senior Planner McCormick – presented staff report dated June 21, 2016.

Community Development Director Kermoyan provided additional comments.

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

Ellen Dorsa, Campbell resident, stated concerns about the gate being put back since the material used to replace it is not permanent and spoke about reconfiguring the parking lot to eliminate the need for the driveway on Chapman.

Susan Landry, Campbell resident, spoke about reconfiguration of the parking lot to help reduce neighborhood traffic, stated concerns about the gate being put back since the material used to replace it is not permanent, would like the fence between the parking lots replaced, and the landscaping in the sliver of land separating the Winchester parcel from the Chapman parcels removed.

Audrey Kiehtreiber, President of the San Tomas Area Community Coalition, spoke about restoration of the wall, the fence between the parking lots, would like the landscaping in the sliver of land separating the Winchester parcel from the Chapman parcels removed, and stated concerns with the conditions of the occupancy permit for this company.

Mitch Stermer, Campbell resident, provided pictures of Walnut Drive for Council review, and spoke about the sidewalk between the two parking lots, the removal of the fence between the parking lots, and the material used to replace the gate.

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

After discussion, **M/S: Gibbons/Cristina – that the City Council adopt resolution 12012 clarifying the conditions of approval for the modification of a Planned Development Permit for properties located at 3175 S. Winchester, 471 Chapman Drive and 485 Chapman Drive, including a desk item. Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: None**

## **NEW BUSINESS**

18. **Conceptual Approval of Harriet Avenue/McCoy Avenue/San Tomas Aquino Road Signalization Project (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution approving the signalization of the Harriet Avenue/McCoy Avenue/San Tomas Aquino Road intersection.

Traffic Engineer, Jue – presented staff report dated June 21, 2016.

Susan Gardner, Campbell resident, spoke about concerns with the stop light, pedestrian safety, traffic, crosswalk at Silacci Drive, and stated that she would like to see other options.

Nancy Hansen, Campbell resident, spoke in opposition of the project proposal as presented because it does not take into consideration the impacts it will have on Keith Drive and Pankhurst Drive and is concerned that these streets will become a cut through for traffic.

Audrey Kiehtreiber, President of the San Tomas Area Community Coalition, spoke about air and noise pollution that could be caused by the idling cars at the traffic signal and would like the City to work with the community to find a better solution.

Harry Greenwood, Campbell resident, stated concerns with the traffic light and potential traffic problems it may cause, and submitted a petition to request an alternative proposal without a traffic light.

Chuck Loft, Campbell resident, spoke about concerns with the pedestrians and speeding; and suggested installing speedbumps and/or moving the crosswalk to Silacci Drive.

Faisal Mohamed, Campbell resident, stated concerns with the speed of traffic and pedestrian safety, spoke about the crosswalk previously located at Silacci Drive, crossing guards, and requested alternative solutions that address the safety concerns for the neighborhood.

Jamie Batiz, Campbell resident, spoke about concerns with this project and would like it rejected and staff to transparently study and propose alternatives.

Isabel Batiz, Campbell resident, spoke about speeding issues on Harriet Avenue and would like the project rejected and requested that the City work with the community to find alternative solutions to address the speeding problem.

Charles Schulz, Campbell resident, stated support for the project, spoke about yielding issues with the beacon flashing light and stated that a traffic light would eliminate any yielding confusion.

Yuan-Pin Yu, Campbell resident, spoke about speeding issues, suggested the installation of a speed table or other alternatives to a traffic signal.

Patti Sebastiani, Campbell resident, spoke about traffic and speeding issues, would like alternative solutions to a traffic signal and recommended installing a speedbump.

Jim Blum, Campbell resident, stated that the current beacon light is sufficient and a traffic light is not necessary.

Richard Unger, Campbell resident, spoke in opposition of the project proposal as presented and would like an open public discussion to come up with an alternative solution to the safety concerns.

Albert Unger, Campbell resident, spoke about speeding issues, suggested installing speedbumps, widening the bridge over the creek to make it safer for pedestrians and bicyclists, and stated that the project should be rejected.

Douglas Gillison, Campbell resident, spoke about speeding issues and suggested speed bumps, signs or other traffic calming solutions.

Casimiro Morin, Campbell resident, stated that if this project passes he would only like one signal light at Harriet and McCoy and spoke about concerns with traffic cutting through the side streets to avoid the signal.

Paul Tuttle, Campbell resident and member of the Bicycle Pedestrian Advisory Committee, spoke about the lack of vehicles yielding for the pedestrians crossing and stated support for the project.

Police Chief Carmichael spoke about speeding and safety concerns for pedestrians.

Traffic Engineer Jue addressed some of the speaker concerns.

After discussion, **M/S: Gibbons/Resnikoff – that the City Council recognizes that there is a new assessment of issues and new design information and alternatives available staff is requested to explore alternative combinations of signalization and traffic calming measures for this area while concurrently preparing the plans, specs, and estimates required for the grant submission. Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: None**

19. **Maki Swim School (973 Apricot Ave.) – Request for City Council Direction Regarding Necessary Enforcement Action**

Recommended Action: Provide direction to staff regarding which enforcement action to proceed with.

Associate Planner, Fama – presented staff report dated June 21, 2016.

Susan Landry, Campbell resident, stated that this business is in violation and should be shut down until they have resolved the issues.

After discussion, Council directed staff to red tag this business until they either bring the structure up to code or eliminate it.

20. **Use of City Staff by Individual Councilmembers (Resolution/Roll Call Vote)**  
Recommended Action: Adopt a resolution establishing a Council policy to address situations when individual Councilmembers request staff assistance.

Deputy City Manager, Bito – presented staff report dated June 21, 2016.

After discussion, **M/S: Cristina/Resnikoff**– that the City Council continued this item to a Council meeting on or before September 6, 2016. Motion was adopted unanimously.

21. **Authorization to Enter into Negotiations for Acquisition to Purchase Property and to Appoint a Negotiator (Resolution/Roll Call Vote)**  
Recommended Action: Adopt a resolution, authorizing the City Manager to enter negotiations for acquisition to purchase property and to appoint a negotiator.

Senior Planner, McCormick – presented staff report dated June 21, 2016.

After discussion, **M/S: Resnikoff/Kotowski** – that the City Council adopt resolution 12013 authorizing the City Manager to enter negotiations for acquisition to purchase property and to appoint a negotiator. Motion was adopted by the following roll call vote:

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

**NOES: Councilmembers: None**

## **COUNCIL COMMITTEE REPORTS**

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

--Councilmember Resnikoff stated the Valley Transportation Authority Policy Advisory Committee meeting was canceled and attended the State Route 85 Corridor Policy Advisory Board meeting.

--Councilmember Kotowski attended the Friends of the Heritage Theatre meeting and spoke about the upcoming Recycling Waste Reduction Commission meeting.

--Vice Mayor Gibbons attended a Valley Transportation Authority seminar on the new bus route proposals, Community Choice Energy Board meeting where she was elected to the executive committee, and the City's Association of Santa Clara County.

--Mayor Baker spoke about the upcoming Valley Transportation Authority meeting and attended the Funeral Services for San Jose Officer Michael Katherman.

**ADJOURN**

Mayor Baker adjourned the meeting at 11:04 p.m. in memory of San Jose Officer Michael Katherman.

APPROVED:

ATTEST:

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Jason T. Baker, Mayor

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