

# CITY COUNCIL MINUTES

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



## CITY COUNCIL EXECUTIVE SESSION

Tuesday, July 19, 2016 – 6:00 p.m.

Ralph Doetsch Conference Room - 70 N. First Street

- A. **Personnel**
- 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 – Conference with Real Property Negotiators – Property: 21 N. Second Street #31, Campbell, CA 95008; Agency Negotiator: HouseKeys**
- D. **Labor Negotiations**

Council met in Executive Session to discuss items B and C. Executive session adjourned at 6:26 p.m.

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## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL/CAMPBELL INDUSTRIAL DEVELOPMENT AUTHORITY

Tuesday, July 19, 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

## **CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**

### **Pledge: Ari Chen**

The Pledge of Allegiance was led by Ari Chen, Product Development Intern for Silicon Valley Talent Partnership. Mayor Baker presented her with a certificate of appreciation for leading the pledge and thanked her for all her work on the Envision Campbell App.

## **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

### **1. Recognize the South Bay Clean Creeks Coalition**

**Recommended Action:** Recognize Steve Holmes and the South Bay Clean Creeks Coalition for their trash and debris efforts along the Los Gatos Creek.

Public Works Director Capurso introduced Steve Holmes and the South Bay Clean Creeks Coalition.

Steve Holmes gave a presentation on the work the South Bay Clean Creeks Coalition has done in the Los Gatos Creek.

Mayor Baker thanked him and the organization for their services and presented him with a Certificate of Recognition.

## **COMMUNICATIONS AND PETITIONS**

Mayor Baker stated that he received a communication from Chris Brown, Deputy County Librarian wishing to introduce the new Campbell Librarian.

Chris Brown introduced Peggy Tomasso as the new Campbell Librarian.

## **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.

Susan Landry, Campbell resident, spoke about Barracuda's parking lot and stated that they are still in violation of their permit and would like to see the issues resolved.

Jim Stallman, Saratoga resident, spoke about the Valley Transit Authority bus service coverage reduction and would like the board representative to vote for 50 percent not the 90, 80, or 70.

## **COUNCIL ANNOUNCEMENTS**

### **Refinancing of City and Successor Agency Debt Update:**

For the past few months, the City of Campbell and the Campbell Successor Agency staff have been working on refinancing the City's outstanding debt. Two bond issues totaling \$30.7 million were successfully sold in separate public and private placement transactions which, when completed, will replace four separate debt obligations originally issued between 1997 and 2005.

The total reduction in debt service from the combined refinancing will save nearly \$14 million over the remaining life of the new debt and is largely the result of being able to capitalize on the low interest rate environment that currently exists.

The Campbell Police Department has launched the "Don't Rush to Flush" campaign. A safe medical disposal program to safely dispose of expired or un-needed prescription and over-the-counter drugs. A prescription drug drop-off box is now available in the Police Department's lobby. Pet medications are also accepted. For more information please visit [Don't Rush to Flush.org](http://Don'tRushToFlush.org).

Upcoming Below Market Rate Housing Orientation Workshops: The City's new BMR Administrator, HouseKeys, will hold orientations every other week to explain the process for purchasing a BMR home from initial application, lottery selection, financing and document signing to moving in. The meetings are scheduled for the Council Chambers on the following dates from 6:30 p.m. to 8:30 p.m. Those dates are: Wednesday, July 20; Thursday, August 4; Wednesday, August 17; and Wednesday, August 31.

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 I. These men participated in the Argonne Forest Offensive along the Western Front. Call 408-866-2104 to register for this event.

Please join the City of Campbell for the dedication and celebration of the official opening of the East Campbell Avenue Portals Project on **Friday, August 5** at 11:00 a.m. More information will be available on the City's website in the coming weeks.

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 week's concert features the Houserockers. For more information about these and other events and information, 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.

The Consent calendar was considered as follows:

2. **Minutes of Regular Meeting of June 21, 2016**

Recommended Action: Approve the regular meeting minutes.

This action approves the minutes of the regular meeting of June 21, 2016.

3. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$2,342,410.13.

This action approves the payment of bills and claims in the amount of \$2,342,410.13 as follows: bills and claim dated June 13, 2016 in the amount of \$214,105.16; payroll checks dated June 16, 2016 in the amount of \$250,189.95; bills and claims checks dated June 20, 2016 in the amount of \$227,177.96; bills and claims checks dated June 27, 2016 in the amount of \$1,024,274.39; payroll checks dated June 30, 2016 in the amount of \$301,590.64; and bills and claims checks dated July 4, 2016 in the amount of \$275,132.03.

4. **Monthly Investment Report – May, 2016**

Recommended Action: Note and file the Monthly Investment Report for May, 2016.

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

5. **Amendment to the Classification and Salary Plan – Planning Technician (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution amending the Classification and Salary Plan.

Resolution 12014 amends the Classification and Salary Plan for Planning Technician.

6. **Resolution Declaring the Month of July as Parks Make Life Better Month (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution recognizing July as Parks Make Life Better Month in the City of Campbell.

Resolution 12015 recognizes July as Parks Make Life Better Month in the City of Campbell.

7. **Authorizing the City Manager to Execute the Thirteenth Amendment to the Master Agreement with Compass Group USA/Batemen Division to Provide Catered Meals for the Senior Nutrition Program for FY 16-17 (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the City Manager to execute the thirteenth amendment to the master agreement with Compass Group USA/Bateman Division to provide catered meals for the Senior Nutrition program for FY 16-17.

Resolution 12016 authorizes the City Manager to execute the thirteenth amendment to the master agreement with Compass Group USA/Bateman Division to provide catered meals for the Senior Nutrition program for FY 16-17.

8. **Adoption of Resolution to Issue a Request for Proposal (RFP) to Replace the City's Storage Area Network (SAN) and Associated Switching Equipment and Authorize the City Manager to Award the Contract (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the issuance of an RFP for a replacement Storage Area Network and associated switching equipment not to exceed \$160,000; and authorizing the City Manager to award the contract for this equipment to the vendor whose proposal is determined to be the most advantageous to the City.

Resolution 12017 authorizes the issuance of an RFP for a replacement Storage Area Network and associated switching equipment not to exceed \$160,000; and authorizes the City Manager to award the contract for this equipment to the vendor whose proposal is determined to be the most advantageous to the City.

9. **Authorization to Purchase Materials, Supplies, and Equipment through the State of California (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the City to purchase material, supplies, and equipment through the Office of Procurement, Department of General Services of the State of California.

Resolution 12018 authorizes the City to purchase material, supplies, and equipment through the Office of Procurement, Department of General Services of the State of California.

10. **Budget Adjustment of \$13,970 to Fund Portion of the Purchase of a Moving Lights System for the Heritage Theatre and Authorize the Recreation and Community Services Director to Execute the Contract for the Purchase and Approve the Changes to the Fee Schedule for Recreation and Community Services (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing a budget adjustment of \$13,970 for the purchase of a Moving Lights system for the Heritage Theatre and authorize the Recreation and Community Services Director to execute a contract for the purchase.

Resolution 12019 authorizes a budget adjustment of \$13,970 for the purchase of a Moving Lights system for the Heritage Theatre and authorizes the Recreation and Community Services Director to execute a contract for the purchase.

11. **Authorize an Agreement for Executive Search Services (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution to authorize the Human Resources Manager to execute an agreement for executive search services with Peckham and McKenney.

Resolution 12020 authorizes the Human Resources Manager to execute an agreement for executive search services with Peckham and McKenney.

12. **Accept Improvement for Miscellaneous Frontage Improvements – East Campbell Avenue Project No. 15-QQ (at Campbell Inn) and Direct the Filing of the Notice of Completion and Authorize the Finance Director to Execute a Budget Adjustment (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution accepting completion of the Miscellaneous Frontage Improvements – East Campbell Avenue Project 15-QQ (at Campbell Inn); direct the filing of the Notice of Completion; and authorize the Finance Director to execute a budget adjustment.

Resolution 12021 accepts the completion of the Miscellaneous Frontage Improvements – East Campbell Avenue Project 15-QQ (at Campbell Inn); directs the filing of the Notice of Completion; and authorizes the Finance Director to execute a budget adjustment.

13. **Resolution of the Campbell Industrial Development Authority Electing and Designating Officers and Establishing a Regular Meeting Schedule (Resolution/Roll Call Vote)**

Recommended Action: The Board of Directors of the Campbell Industrial Development Authority (IDA) adopt a resolution electing and designating officers and establishing the regular meeting schedule of the IDA.

Resolution 12022 of the Board of Directors of the Campbell Industrial Development Authority (IDA) elects and designates officers and establishes the regular meeting schedule of the IDA.

**M/S: Cristina/Resnikoff - that the City Council approve the Consent Calendar. 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**

14. **Public Hearing to Consider the Application of Steven Bonner for a Modification (PLN2016-105) to a Previously-Approved Conditional Use Permit (PLN2016-57/PLN2015-195) for an Existing Restaurant to Modify the Approved Alcohol Service From Beer and Wine to “General” (Distilled Spirits), Extend the Business Closing Time From 10:00 p.m. to 12:00 a.m. (“Late-Night Activity”), Increase the Number of Approved Bar Seats, Permit Amplified Live Entertainment, and Allow Occasional Outdoor seating and Service in the Rear Parking Lot for Special Events, on Property Located at 368 E. Campbell Ave. in the C-3 (Central Business District) Zoning District (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution approving a Modification (PLN2016-105) to a previously-approved Conditional Use Permit (PLN2016-57/PLN2015-195) to modify the approved alcohol service from beer and wine to “general” (distilled spirits), extend the business closing time from 10:00 p.m. to 11:30 p.m. (“late-night activity”), and allow amplified live entertainment for an existing restaurant.

This is the time and place for a public hearing to consider the application of Steven Bonner for a modification (PLN2016-105) to a previously-approved Conditional Use Permit (PLN2016-57/PLN2015-195) for an existing restaurant to modify the approved alcohol service from beer and wine to “General” (Distilled Spirits), extend the business closing time from 10:00 p.m. to 12:00 a.m. (“Late-Night Activity”), increase the number of approved bar seats, permit amplified live entertainment, and allow occasional outdoor seating and service in the rear parking lot for special events, on property located at 368 E. Campbell Ave. in the C-3 (Central Business District) Zoning District.

Interim Senior Planner Fama presented staff report dated July 19, 2016.

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

Michael Stevens, Campbell resident, stated support for the application.

Susan Landry, Campbell resident, referenced the letter she submitted as a desk item and spoke about ADA compliance issues.

Timothy and Kathy Misko, Campbell residents, spoke in support of the application.

Bev and Stefon Zschienger, Campbell residents, spoke in support of the application.

Mike Fenimore, Santa Clara resident, spoke in support of the application.

Cameron Peron, Campbell resident, spoke in support of the application.

Ryan Cooley, Los Gatos resident and employee of Socialight, spoke in support of the application.

Edgar Zalana, Gilroy resident and employee of Socialight, spoke in support of the application.

Matt Bell, Campbell resident, spoke in support of the application.

Rita Archer, Campbell resident, spoke in support of the application.

Rich Waterman, Campbell resident, stated concerns with restaurants “morphing” into bars.

Simon Lambert, Campbell resident, spoke in support of the application.

Kelly Young, Los Gatos resident, spoke in support of the application.

Mike Krisman, Campbell resident, stated concerns with the Conditional Use Permit staying with the property.

Joe Kasof, spoke in support of the application.

Lew Hess spoke in support of the application.

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

After discussion, **M/S: Gibbons/Resnikoff – that the City Council adopt Resolution 12023 approving a Modification (PLN2016-105) to a previously-approved Conditional Use Permit (PLN2014-57/PLN2015-195) to modify the approved alcohol service from beer and wine to “general” (distilled spirits), extend the business closing time from 10:00 p.m. to 11:30 p.m. (“late-night activity”), with an amendment to the condition stating that if there are two violations relating to the establishment’s hours of operation, the Community Development Director may immediately restrict the public closing time to 10:00 p.m., allow amplified live entertainment by a house amplification system, including desk item memo from staff to modify condition 4c the would require the accessible issue to be addressed regarding depth and include the accessible seating area as part of the count for the nine total bar seats . Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: None**

Mayor Baker called for a ten minute recess.

Council reconvened at 9:15 p.m.

15. **Public Hearing to Consider the Application of Zack Puckett for an Administrative Planned Development Permit (PLN2015-338) with a Request for an Exception to a Parking Setback Contained within the Winchester Boulevard Master Plan, to Allow for the Redevelopment of an Existing Building and Site (Formerly Michi Sushi) on Property Located at 2220 S. Winchester Boulevard, within the Planned Development (PD) Zoning District (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution incorporating findings, approving as Administrative Planned Development Permit to allow for the redevelopment of an existing building and site, with and exception to a parking setback contained within the Winchester Boulevard Master Plan, on property located at 2220 S. Winchester Boulevard, subject to Conditions of Approval.

This is the time and place for a public hearing to consider the application of Zack Puckett for an Administrative Planned Development Permit (PLN2015-338) with a request for an exception to a parking setback contained within the Winchester Boulevard Master Plan, to allow for the redevelopment of an existing building and site (formerly Michi Sushi) on property located at 2220 S. Winchester Boulevard, within the Planned Development (PD) Zoning District.

Associate Planner Rose presented staff report dated July 19, 2016.

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

Marv Bamburg, Project Architect, spoke in support of the project.

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

After discussion, **M/S: Cristina/Kotowski – that the City Council adopt resolution 12024 incorporating findings, approving as Administrative Planned Development Permit to allow for the redevelopment of an existing building and site, with and exception to a parking setback contained within the Winchester Boulevard Master Plan, on property located at 2220 S. Winchester Boulevard, subject to Conditions of Approval. Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: None**

\*\*Mayor Baker stated that Item 18 would be taken out of order.

## **NEW BUSINESS**

**\*\* Item taken out of order**

18. **Pre-Ballot Measure Recommendation**

Recommended Action: Postpone consideration for a revenue ballot measure for the November 2016 General Election and direct staff to perform additional analysis related to the development of a Civic Center project and to continue pre-ballot preparations for November 2018.

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

Rosanne Macek, Campbell resident, spoke about the importance of the library, stated concerns with delaying the ballot measure, and would like it to go on the November ballot.

Jennifer Weeks, Children's Librarian at Santa Clara County Library District, spoke about the importance of the library, early literacy and the need for a larger and up-to-dated facility.

Margaret Mori, Campbell resident, would like a larger library with ADA accessibility and a more accessible meeting room.

Frances Emmanuel, Campbell resident, would like a larger library and stated that there is support for a new library.

Elizabeth Ward, Campbell resident, spoke about the importance of the library and would like a ballot measure for a new library.

Mike Krisman, Campbell resident, spoke about deferring maintenance on the library and focus on putting a measure on the November ballot to support the needs of public safety.

Nancy Howe, Director of the Santa Clara County Library District, spoke about the continuous expense and maintenance of the Campbell Library.

Rich Waterman, Campbell resident, spoke about the need to have a budgeting process to set aside money for building deterioration.

After discussion, **M/S: Cristina/Resnikoff – that the City Council postpone consideration for a revenue ballot measure for the November 2016 General Election and direct staff to perform additional analysis related to the development of a Civic Center project and to continue pre-ballot preparations for November 2018. Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: Gibbons, Baker**

16. **Public Hearing to Consider a City-initiated Text Amendment (PLN2016-180) to Amend Campbell Municipal Code Chapters 21.20 and 21.24 Regarding Density Bonus Regulations. (Introduce Ordinance/Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution finding the proposed Zoning Text Amendment is exempt from CEQA; and take first reading and introduce the Ordinance approving a Text Amendment amending Chapters 21.20 and 21.24 of the Campbell Zoning Code, regarding density bonus regulations.

This is the time and place for a public hearing to consider a City-initiated text amendment (PLN2016-180) to amend Campbell Municipal Code Chapters 21.20 and 21.24 regarding Density Bonus Regulations.

Senior Planner McCormick presented staff report dated July 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/Kotowski – that the City Council adopt resolution 12025 finding the proposed Zoning Text Amendment is exempt from CEQA; and take first reading and introduce Ordinance 2206 approving a Text Amendment amending Chapters 21.20 and 21.24 of the Campbell Zoning Code, regarding density bonus regulations with an amendment to include the desk item exhibit A. 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 2206.

**M/S: Gibbons/Kotowski – that the City Council waive further reading of Ordinance 2206. Motion was adopted unanimously.**

17. **Lighting and Landscaping District, Fiscal Year 2016/17 – Confirming Assessments (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution overruling protests, if any, approving the Engineer's Report, ordering the improvements, and confirming the diagram and assessments.

This is the time and place for a public hearing for comments regarding the levy of assessments for the City of Campbell Lighting and Landscaping District (LLA-1) for Fiscal Year (FY) 2016/17.

Senior Civil Engineer Storz – presented staff report dated July 19, 2016.

City Clerk Wood read the Clerk's Statement verifying public hearing notification and stated that no protests were received.

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.

**M/S: Cristina/Resnikoff– that the City Council adopt Resolution 12026 approving the Engineer's Report, ordering improvements, and confirming the diagram and assessments. Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: None**

### **COUNCIL COMMITTEE REPORTS**

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

--Councilmember Resnikoff attended the Downtown Campbell Business Association meeting and the Relay for Life.

--Councilmember Kotowski attended the Friends of the Heritage Theatre meeting and the Relay for Life.

--Vice Mayor Gibbons attended the Silicon Valley Clean Energy Authority Board of Directors meeting.

### **ADJOURN**

Mayor Baker adjourned the meeting at 11:03 p.m.

APPROVED:

ATTEST:

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

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Wendy Wood, City Clerk