

CITY COUNCIL MINUTES

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



CITY COUNCIL EXECUTIVE SESSION

Tuesday, September 6, 2016 – 5:30 p.m.

Ralph Doetsch Conference Room - 70 N. First Street

- A. **Personnel - PUBLIC EMPLOYEE PERFORMANCE EVALUATION (California Government Code § 54957)**
Title: City Attorney
- B. **Litigation**
- C. **Real Property**
- D. **Labor Negotiations - CONFERENCE WITH LABOR NEGOTIATORS (California Government Code § 54957.6) Agency Designated Representatives: Mayor Jason Baker and Vice-Mayor Elizabeth Gibbons Unrepresented Employee: City Attorney**

Council met in Executive Session regarding items A and D. Executive session adjourned at 5:59 p.m.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, September 6, 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.

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, Gibbons, Baker

Absent: Councilmembers: Cristina

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

Pledge: Campbell CERT

The Pledge of Allegiance was led by Campbell CERT. Mayor Baker thanked them and presented them with a certificate of appreciation for leading the pledge.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. **Proclamation declaring the month of September as “National Preparedness Month” in the City of Campbell**

Recommended Action: Present the proclamation.

Mayor Baker proclaimed September as National Preparedness Month in the City of Campbell.

2. **Art Box Phase II Presentation**

Recommended Action: Accept the presentation.

Civic Improvement Chairperson Hoffman gave a brief introduction and Commissioner Zisser gave a brief presentation.

Council listened to the presentation and gave brief comments.

COMMUNICATIONS AND PETITIONS

There were no communications or 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.

Audrey Kiehtreiber, Campbell resident and President of the San Tomas Area Community Coalition, spoke about the Dell Area Avenue Plan (DAAP) and Final Environmental Impact Report, requested that staff prepare a description of what rolling the DAAP into the General Plan means, and made a brief statement about Councilmember Cristina.

Harry Greenwood, Campbell resident, spoke about two conceptual drawings that provide alternative traffic calming measures that do not include installing of traffic signals and stated that they were presented at a community meeting and received a positive response.

Lisa Harmer, Campbell resident, spoke about various items and submitted a document of her comments to Council.

COUNCIL ANNOUNCEMENTS

Please join me for my State of the City event on Thursday, September 22 at 5:30 p.m., in the Orchard City Banquet Hall at the Campbell Community Center. Please RSVP your attendance to MayorStateOfTheCity.com by Thursday, September 15.

The public is invited to the Silicon Valley Neighborhood Development “Mini” Training Conference to be held on Saturday, September 24, from 1:00 - 5:00 p.m. at the Camden Community Center. Learn about the essential tools for neighborhood leaders and participate in networking opportunities. For more information about this free event, please visit www.unscc.org.

Free English Classes for Adults: The Campbell Library is hosting free English classes on Monday’s and Thursday’s thru December 19. This class helps adults improve English listening and speaking skills. For more information about this event, please visit www.ccl.org.

Historical Museum Exhibit opening in September: Canneries to Computers is slated to open on Saturday, September 17. The exhibit will explore the transition from cannery work to computer/high tech work in Campbell and Santa Clara Valley.

History Happy Hour Lecture Series at the Ainsley House: On Friday, September 30, from 5:30- 7:30 p.m., an interfaith panel from five major religions will host a discussion on Religion and Extremism and how communities of faith are affected. To register for this event, please visit www.campbellmuseums.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.

Vice Mayor Gibbons asked to pull item nine.

The Consent calendar was considered as follows:

3. **Minutes of Special Meeting of August 15, 2016**
Recommended Action: Approve the special meeting minutes.

This action approves the minutes of the Special Meeting of August 15, 2016.

4. **Minutes of Regular Meeting of August 16, 2016**

Recommended Action: Approve the regular meeting minutes.

This action approves the minutes of the regular meeting of August 16, 2016.

5. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$1,732,598.39.

This action approves the payment of bills and claims in the amount of \$1,732,598.39 as follows: bills and claims checks dated August 5, 2016 in the amount of \$103,34.84; bills and claims checks dated August 8, 2016 in the amount of \$96,558.77; payroll checks dated August 11, 2016 in the amount of \$258,108.94; bills and claims checks dated August 12, 2016 in the amount of \$227,435.32; and bills and claims checks dated August 22, 2016 in the amount of \$969,470.02.

6. **Monthly Investment Report – July, 2016**

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

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

7. **Police Department Forensic 3D Laser Scanner and Related Equipment Purchase**

Recommended Action: Approve the purchase of Faro Focus 3D X130 HDR laser scanner, associated equipment, necessary software, required training and to use Faro Technologies Inc. as the vendor.

This action approves the purchase of Faro Focus 3D X130 HDR laser scanner, associated equipment, necessary software, required training and to use Faro Technologies Inc. as the vendor.

8. **Accept the Resignation of JoElle Hernandez from the Historic Preservation Board**

Recommended Action: Accept the resignation of JoElle Hernandez from the Historic Preservation Board and direct the City Clerk to advertise the vacancy and prepare the appropriate recognition of service.

This action accepts the resignation of JoElle Hernandez from the Historic Preservation Board and directs the City Clerk to advertise the vacancy and prepare the appropriate recognition of service.

10. **Authorization to Award Equipment Contract for Traffic Signal Controller Cabinets 14-FF (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the Public Works Director to Purchase controller cabinets for the Traffic Signal Controller Cabinet Replacement Project 14-FF.

Resolution 12038 authorizes the Public Works Director to purchase controller cabinets for the Traffic Signal Controller Cabinet Replacement Project 14-FF.

11. **Accept donation of \$4,200.50 from the Busch Trust**

Recommended Action: Accept a donation of \$4,200.50 from the Busch Trust for the purchase of a new ADA easy stair entrance for the Community Center Pool.

This action accepts a donation of \$4,200.50 from the Busch Trust for the purchase of a new ADA easy stair entrance for the Community Center Pool.

M/S: Resnikoff/Kotowski - that the City Council approve the Consent Calendar with the exception of item nine. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Gibbons, Baker

NOES: Councilmembers: None

ABSENT: Councilmembers: Cristina

ITEMS CONSIDERED SEPARATE FROM THE CONSENT CALENDAR

9. **Authorization to Move Forward with Interim Bicycle and Pedestrian Improvements in the Downtown Area**

Recommended Action: Adopt a resolution authorizing the Public Works staff to move forward with interim bicycle and pedestrian improvements in the Downtown Area.

Vice Mayor Gibbons suggested adding bicycle racks to the list of projects and commented that they should include a public art element as well as looking at the possibility of an app that could provide people with the locations of bicycle racks and lockers.

M/S: Gibbons/Resnikoff – that the City Council adopt resolution 12037 authorizing the Public Works staff to move forward with interim bicycle and pedestrian improvements in the Downtown Area with an amendment to add bicycle racks to the list of projects. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Gibbons, Baker

NOES: Councilmembers: None

ABSENT: Councilmembers: Cristina

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

12. **Appeal of the Planning Commission Approval of a Tentative Parcel Map (PLN2016-46) to Allow a Two-Lot Single Family Residential Subdivision on Property Located at 44 El Caminito Avenue in the R-1-6 (Single-Family Residential) Zoning District (Resolution/Roll Call Vote)**
Recommended Action: Adopt a resolution denying the appeal and upholding the Planning Commission approval of a Tentative Parcel Map (PLN2016-46) to allow a two-lot single-family residential subdivision.

This is the time and place to consider the appeal of the Planning Commission Approval of a Tentative Parcel Map (PLN2016-46) to allow a two-lot single family subdivision on property located at 44 El Caminito Avenue in the R-1-6 (Single-Family Residential) Zoning District.

Associate Planner Rose presented staff report dated September 6, 2016.

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

Russell Pfirrmann, Campbell resident, spoke in favor of the appeal and stated that he would like more stringent standards imposed to support the existing character and keep development patterns consistent with the surrounding neighborhood.

Barton Hectman, attorney for the owners and applicants, spoke in support of staff's recommendation to uphold the Planning Commissions' approval of the two lot subdivision with conditions and asked that Council deny the appeal.

John Meduri, Campbell resident, spoke about the flag lot issue and stated that his definition of the neighborhood is El Caminito, Cherry, Catalpa, and California (the four C's).

Lee-Anne Farley, Campbell resident, spoke in favor of the appeal, talked about problems with the current zoning and stated that she bought her property with the understanding that the lots would not be split into anything less than 8,100 square feet.

Al Lowder, Campbell resident, spoke against the authorization of flag lots in residential neighborhoods.

Russell Pfirrmann, Campbell resident, wanted to clarify that some of the examples of flag lots were not located in the neighborhood.

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

After discussion, **M/S: Kotowski/Gibbons** – that the City Council uphold the appeal based finding in the General Plan citing Municipal Code 21.01.030 the purpose of this Zoning Code is to implement the policies of the Campbell General Plan by classifying and regulating the uses of land and structures within the city to promote and protect the public health, safety, and general welfare while preserving and enhancing the aesthetic quality of the city; to fulfill these purposes, it is the intent of this Zoning Code to maintain community character; provide standards for the orderly growth and development of the city that will maintain the community's characteristics in appropriate locations; establish conditions that will allow the enjoyment of open spaces, including the appreciation of scenic beauty, by protecting the natural resources of the city; stabilize and conserve property values; maintain and protect the value of property resulting from the orderly planned use of its resources. Motion failed by the following roll call vote:

AYES: Councilmembers: Kotowski, Gibbon

NOES: Councilmembers: Resnikoff, Baker

ABSENT: Councilmembers: Cristina

M/S: Resnikoff/Baker (Mayor Baker handed the gavel to Vice Mayor Gibbons to second the motion) – that the City Council adopt a resolution denying the appeal and upholding the Planning Commission approval of a Tentative Parcel Map (PLN2016-46) to allow a two-lot single-family residential subdivision with an amendment to add restrictions stating that the new building shall be consistent with the City's Design Guidelines; the front unit shall be required to provide an integrated attached garage with carport not allowed; no second story balcony; and taking measures to protect the privacy of neighboring properties. Motion failed by the following roll call vote:

AYES: Councilmembers: Resnikoff, Baker

NOES: Councilmembers: Kotowski, Gibbons

ABSENT: Councilmembers: Cristina

After further discussion the previous motion was renewed, **M/S: Gibbons/Resnikoff** – that the City Council adopt resolution 12039 denying the appeal and upholding the Planning Commission approval of a Tentative Parcel Map (PLN2016-46) to allow a two-lot single-family residential subdivision with an amendment to add restrictions stating that the new building shall be consistent with the City's Design Guidelines; the front unit shall be required to provide an integrated attached garage with carport not allowed, no second story balcony; and taking measures to protect the

privacy of neighboring properties. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Resnikoff, Gibbons, Baker

NOES: Councilmembers: Kotowski

ABSENT: Councilmembers: Cristina

13. **Public Hearing to Consider the Application of Omid Shakeri for a Planned Development Permit (PLN2016-34) for the Approval of Site Configuration Resulting in the Development of Four Units, Architectural Design, and to Create Lots Which Do Not Have Frontage on a Public Street, Tentative Subdivision Map (PLN2016-36) to Create Four Single Family Lots and One Commonly Owned Lot, Zoning Map Amendment (PLN2016-35) to Change the Zoning From R-1-6 (Single-Family Residential) to P-D (Planned Development), and Parking Modification Permit (PLN2016-222) to Allow Uncovered Parking in Lieu of Covered on Property located at 1323 Parsons Avenue. The Planning Commission is recommending that a Mitigated Negative Declaration (PLN2016-37) be adopted for this project. (First Reading of Ordinance/Resolutions/Roll Call Vote)**

Recommended Action: Adopt a resolution, adopting a Mitigated Negative Declaration (PLN2016-37); introduce an ordinance, approving a Zoning Map Amendment (PLN2016-35) to change the zoning district design from R-1-6 (Single-Family Residential) to P-D (Planned Development); adopt resolution approving a Tentative Subdivision Map (PLN-36 to change the zoning district designation from R-1-6 (Single-Family Residential) to P-D (Planned Development); adopt a resolution approving a Planned Development Permit (PLN2016-34) for site configuration resulting in the development of four units, architectural design, and creation of lots which do not have frontage on a public street; and adopt a resolution approving a Parking Modification Permit (PLN2016-222) to allow uncovered parking in lieu of covered, subject to Conditions of Approval.

This is the time and place to consider the application of Omid Shakeri for a Planned Development Permit (PLN2016-34) for the approval of site configuration resulting in the development of four units, architectural design, and to create lots which do not have frontage on a public street, Tentative Subdivision Map (PLN2016-36) to create four single family lots and one commonly owned lot, Zoning Map Amendment (PLN2016-35) to change the zoning from R-1-6 (Single-Family Residential) to P-D (Planned Development), and Parking Modification Permit (PLN2016-222) to allow uncovered parking in lieu of covered on property located at 1323 Parsons Avenue.

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

Alan Aoyama, Campbell resident, stated concerns about privacy and requested a higher fence to block noise and provide more security.

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 12040, adopting a Mitigated Negative Declaration (PLN2016-37); introduce ordinance 2207, approving a Zoning Map Amendment (PLN2016-35) to change the zoning district design from R-1-6 (Single-Family Residential) to P-D (Planned Development); adopt resolution 12041 approving a Tentative Subdivision Map (PLN-36 to change the zoning district designation from R-1-6 (Single-Family Residential) to P-D (Planned Development); adopt resolution 12042 approving a Planned Development Permit (PLN2016-34) for site configuration resulting in the development of four units, architectural design, and creation of lots which do not have frontage on a public street; and adopt resolution 12043 approving a Parking Modification Permit (PLN2016-222) to allow uncovered parking in lieu of covered, subject to Conditions of Approval with an amendment to add a finding stating that the minimum number of parking spaces is still achieved (exceeded by one) and provided that the provision of uncovered parking, in-lieu of covered parking, results in a more functional shared use of space for the four units and a more consistent single-family residential look and feel than would be achieved by providing additional covered parking; and amend the Planned Development Permit to add the Conditions of Approval requiring a fence along the common property line to be a good neighbor fence of six feet plus two feet of lattice for a total of no more of eight feet for privacy with findings stating that the change would not impair pedestrian or vehicular safety; would result in a more desirable site layout; would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood of the change; and would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city. Motion was adopted by the following roll call vote:**

AYES: Councilmembers: Kotowski, Resnikoff, Gibbons, Baker

NOES: Councilmembers: None

ABSENT: Councilmembers: Cristina

14. **Amendment to Chapter 2.40 of the Campbell Municipal Code – Conflict of Interest Code (First Reading of Ordinance/Roll Call Vote)**
Recommended Action: Introduce an ordinance for first reading amending Chapter 2.40 of the Campbell Municipal Code – Conflict of Interest Code.

This is the time and place to consider an amendment to Chapter 2.40 of the Campbell Municipal Code – Conflict of Interest Code.

City Clerk Wood presented staff report dated September 6, 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 be heard, Mayor Baker closed the public hearing.

After discussion, **M/S: Resnikoff/Kotowski – that the City Council introduce Ordinance 2208 for first reading amending Chapter 2.40 of the Campbell Municipal Code – Conflict of Interest Code. Motion was adopted by the following roll call vote:**

AYES: Councilmembers: Kotowski, Resnikoff, Gibbons, Baker

NOES: Councilmembers: None

ABSENT: Councilmembers: Cristina

City Clerk Wood read the title of Ordinance 2208.

M/S: Kotowski/Gibbons – that the City Council waived further reading of Ordinance 2208. Motion was adopted unanimously.

NEW BUSINESS

15. **Approval of Appointment to the Bicycle and Pedestrian Advisory Committee (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution reappointing Paul Tuttle, and appointing Carmen Lynaugh and Marko Buric to the Bicycle and Pedestrian Advisory Committee (BPAC) for terms expiring August, 2020.

Public Works Director Capurso presented staff report dated September 6, 2016.

M/S: Resnikoff/Kotowski – that the City Council adopt resolution 12044 reappointing Paul Tuttle, and appointing Carmen Lynaugh and Marko Buric to the Bicycle and Pedestrian Advisory Committee (BPAC) for terms expiring August, 2020. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Gibbons, Baker

NOES: Councilmembers: None

ABSENT: Councilmembers: Cristina

OLD BUSINESS

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

Deputy City Manager Bito presented staff report dated September 6, 2016.

After discussion, Council decided to take no further action.

COUNCIL COMMITTEE REPORTS

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

--Councilmember Resnikoff attended the West Valley Solid Waste Authority JPA meeting.

--Councilmember Kotowski spoke about the upcoming Campbell Veterans Memorial fund raiser on November 5th.

--Vice Mayor Gibbons attended a meet and greet with Senator Feinstein; District One traffic meeting with Senator Jim Beall and San Jose Councilmember Chappie Jones; Winchester Boulevard Master Plan from Santa Row to Campbell meeting; League of Women Voters discussion on guns and violence; spoke about the League of Women Voters forum for State Senate Office and Campbell City Council; League of Women Voters forum for Silicon Valley Clean Energy; attended Campbell Historical Museum and Ainsley House Foundation meeting; a Legislative Subcommittee meeting; and Silicon Valley Clean Energy Executive board meeting.

--Mayor Baker attended the Santa Clara County Operational Area Council meeting; participated in Operational Area wide table top exercise including several different agencies; and attended the Valley Transportation Board of Directors meeting.

Council discussed adding an item to a future agenda and after discussion no action was taken.

ADJOURN

Mayor Baker adjourned the meeting at 10:57 p.m.

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk