

# CITY COUNCIL MINUTES

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



## NOTICE AND AGENDA

The City Council Meeting will be teleconferenced pursuant to Government Code Section 54953(b)(3) with Councilmember Jeffrey Cristina from the location of 73896 Desert Bloom Trail, Palm Desert, California, 92260. The teleconference location shall be accessible to the public for the open session portion of the meeting pursuant to Government Code Section 54953(b)(3).

### CITY COUNCIL EXECUTIVE SESSION

Tuesday, September 20, 2016 – 5:30 p.m.

Ralph Doetsch Conference Room - 70 N. First Street

- A. Personnel – Pursuant to G.S. Section 54957 (b) (1): Public Employee Appointment – Title of Position: City Manager
- B. Litigation
- C. Real Property
- D. Labor Negotiations – Pursuant to G.S. Section 54957.6: Conference with Labor Negotiator – Agency Negotiator: Jill Lopez, Human Resources Manager. Employee Organization: Campbell Peace Officers Association (CPOA)

#### Roll Call:

Present: Councilmembers: Kotowski, Resnikoff, Cristina (teleconferenced), Gibbons, Baker

Absent: Councilmembers: None

Council met in Executive Session regarding items A and D. Executive session adjourned at 7:28 p.m.

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### REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, September 20, 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, Gibbons, Baker

Absent: Councilmembers: Cristina

#### **Pledge:** Youth Commission

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

### **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

#### **1. Introduction of the Campbell Youth Commission**

Recommended Action: Accept the presentation.

Recreation Specialist Bybee gave a brief introduction of the new Campbell Youth Commissioners.

Chairperson Ali Bell and Vice Chair Benjamin Nikitin spoke about the five goals and work plan items for the 2016/2017 Campbell Youth Commission.

### **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.

Don Whitney, Campbell resident, spoke about ADA violations at the Farmers Market in intersections, as well as fire code violations.

Harry Greenwood, Campbell resident, stated that he is opposed to the signal light proposed at the Harriet and McCoy intersection and requested that when this item goes to council it be put on the agenda as early as possible to accommodate people with families wishing to speak.

Pam Anderson, spoke about the sidewalks being difficult to walk on with a walker and requested that leaf blowers be banned.

Doug Gillison, Campbell resident, submitted his comments for the record regarding the proposed installation of traffic signals at Harriet Avenue.

## **COUNCIL ANNOUNCEMENTS**

Please join me at my State of the City event this Thursday, September 22, at 5:30 p.m., in the Orchard City Banquet Hall at the Campbell Community Center. Refreshments will be provided. Please RSVP your attendance to the [www.MayorStateOfTheCity.com](http://www.MayorStateOfTheCity.com).

The public is invited to the Silicon Valley Neighborhood Development “Mini” Training Conference to be held this 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](http://www.unscc.org).

If you have a skillset that you would like to put to good use, volunteering is a great opportunity to meet new people and help your community. The Campbell Museums are hosting a Volunteer Open House tomorrow Wednesday, September 21, from 6:00-8:00 p.m. at the Ainsley House.

On Friday, September 30, from 5:30-7:30 p.m. the Ainsley House will host an interfaith panel on Religion and Extremism from five major religions and how communities of faith are affected. To register for this event, please visit [www.campbellmuseums.com](http://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:

### **2. Minutes of Study Session of September 6, 2016**

**Recommended Action:** Approve the study session meeting minutes.

This action approves the minutes of the study session of September 6, 2016.

3. **Minutes of Regular Meeting of September 6, 2016**

Recommended Action: Approve the regular meeting minutes.

This action approves the minutes of the regular meeting of September 6, 2016.

4. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$2,599,409.72.

This action approves the payment of bills and claims in the amount of \$2,599,409.72 as follows: Payroll checks dated August 25, 2016 in the amount of \$260,976.85; bills and claims checks dated August 29, 2016; and bills and claims checks dated September 5, 2016.

5. **Second Reading of Ordinance 2207 Approving a Zoning Map Amendment (PLN2016-35) to Change the Zoning District Designation from R-1-6 (Single-Family Residential) to P-D (Planned Development) for the Project Located at 1323 Parsons Avenue (Ordinance Second Reading/Roll Call Vote)**

Recommended Action: Approve the second reading of Ordinance 2207 approving a Zoning Map Amendment (PLN2016-35) to change the Zoning district designation from R-1-6 (Single-Family Residential) to P-D (Planned Development).

This action approves the second reading of Ordinance 2207 approving a Zoning Map Amendment (PLN2016-35) to change the Zoning district designation from R-1-6 (Single-Family Residential) to P-D (Planned Development).

6. **Second Reading of Ordinance 2208 Amendment to Chapter 2.40 of the Campbell Municipal Code – Conflict of Interest Code (Ordinance Second Reading/Roll Call Vote)**

Recommended Action: Approve the second reading of Ordinance 2208 amending Chapter 2.40 of the Campbell Municipal Code – Conflict of Interest Exhibit A.

This action approves the second reading of Ordinance 2208 amending Chapter 2.40 of the Campbell Municipal Code – Conflict of Interest Exhibit A.

7. **Authorization to Submit Two Measure Q Urban Open Space Grant Applications for the Nido Neighborhood Reforestation Project and the Edith Morley Community Garden (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the Public Works Director to submit two Measure Q Urban Space Grant Applications to the Santa Clara Valley Open Space Authority for the Nido Neighborhood Reforestation Project and Edith Morley Garden Project.

Resolution 12045 authorizes the Public Works Director to submit two Measure Q Urban Space Grant Applications to the Santa Clara Valley Open Space Authority for the Nido Neighborhood Reforestation Project and Edith Morley Garden Project.

8. **Authorization to Issue a Request for Proposals and Enter into a Service Agreement for City Tree Care Services (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the Public Works Director to issue a Request for Proposals for Citywide Tree Services; and execute an agreement for the remainder of the current Fiscal Year (FY) with the option of extending the agreement for four (4) additional one-year periods upon mutual agreement between the City and the selected contractor.

Resolution 12046 authorizes the Public Works Director to issue a Request for Proposals for Citywide Tree Services; and execute an agreement for the remainder of the current Fiscal Year (FY) with the option of extending the agreement for four (4) additional one-year periods upon mutual agreement between the City and the selected contractor.

10. **Resolution Supporting Santa Clara County's Measure A on the Presidential General Election Ballot (Resolution/ Roll Call Vote)**

Recommended Action: Adopt a resolution supporting Santa Clara County's Measure A on the 2016 Presidential Election ballot.

Resolution 12048 approves supporting Santa Clara County's Measure A on the 2016 Presidential Election ballot.

**M/S: Gibbons/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. **Delegation of authority to the Recreation and Community Services Director to issue a request for proposals for professional services for an Aquatics Facility Audit and to award subsequent contract to the most qualified respondent. (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution delegating authority to the Recreation and Community Services Director to issue a request for proposals for an Aquatic Facility Audit and to award subsequent contract to the most qualified respondent.

Vice Mayor Gibbons stated concerns with the RFP in regards to the preliminary scope of work and provided some general feedback.

After discussion, **M/S: Gibbons/Resnikoff** – that the **City Council adopt resolution 12047 delegating authority to the Recreation and Community Services Director to issue a request for proposals for an Aquatic Facility Audit and to award subsequent contract to the most qualified respondent. 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**

**NOTE:** Members of the public may be allotted up to two (2) minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of five (5) minutes for opening statements and up to a total of three (3) minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.

11. **Public Hearing to Consider the Appeal of Sarbajit and Sanhita Ghosal of a Fence Exception approval by the Planning Commission for a Reduced Setback for a Six-Foot Tall Street Side Fence and a Relocated Three-And – One-Half Foot Tall Front Yard Fence (PLN2016-98), to Allow a Six-Foot Tall Street Side Fence With a Zero Setback at a Corner Lot Located at 1071 Lovell Avenue in the R-1-6 (Single-Family Residential) Zoning District Within the San Tomas Area Neighborhood (Resolution/Roll Call Vote)**  
Recommended Action: Adopt a resolution incorporating findings, denying the appeal and upholding the Planning Commission's approval of a Fence Exception for a reduced setback for six-foot tall street side fence and a relocated three-and-one half foot front tall front yard fence.

This is the time and place to consider the appeal of Sarbajit and Sanhita Ghosal of a Fence Exception approval by the Planning Commission for a reduced setback for a six-foot tall street side fence and a relocated three-and-one-half foot tall front yard fence (PLN2016-98), to allow a six-foot tall street side fence with a zero setback at a corner lot located at 1071 Lovell Avenue in the R-1-6 (Single-Family Residential) Zoning District Within the San Tomas Area Neighborhood.

Project Planner Pouya presented staff report dated September 20, 2016.

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

Sarbajit Ghosal, Campbell resident and appellant, provided handouts for council and made statements supporting the appeal.

Audrey Kiehtreiber, Campbell resident and president of the San Tomas Area Community Coalition, spoke about the front fence and similar solid fences in the area.

Sarbajit Ghosal, Campbell resident and appellant, gave closing remarks.

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

After discussion, **M/S: Resnikoff/Kotowski – that the City Council adopt resolution 12049 incorporating findings, denying the appeal and upholding the Planning Commission’s approval of a Fence Exception for a reduced setback for six-foot tall street side fence with an amendment to allow the front fence to remain as is until such circumstances requires a change to the location subject to entering into a private improvement agreement with the Public Works Department. Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: Cristina**

## **NEW BUSINESS**

12. **Resolution Authorizing the City Manager to Enter into an Agreement with TriTech Software Systems to Provide a Shared Computer-Aided Dispatch and Mobile Data Computer Solution Hosted by the Milpitas Police Department and to Make FY17 Budget Adjustments Necessary for the Project (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the City Manager to enter into an agreement with TriTech Software Systems for the purchase of software, hardware, licensing, maintenance and professional services to add the City of Campbell to the City of Milpitas’ existing CAD/Mobile at a cost of \$418,110.74; and authorize budget adjustments in Information Technology and the Police Department’s FY17 budget to purchase equipment and services necessary to implement the shared CAD/MDC solution.

Information and Technology Manager Gershaneck presented staff report dated September 20, 2016.

Support Services Manager Thibodeau gave a brief explanation of the Computer-Aided Dispatch system.

After discussion, **M/S: Resnikoff/Kotowski** – that the City of Campbell adopt resolution 12050 authorizing the City Manager to enter into an agreement with TriTech Software Systems for the purchase of software, hardware, licensing, maintenance and professional services to add the City of Campbell to the City of Milpitas’ existing CAD/Mobile at a cost of \$418,110.74; and authorize budget adjustments in Information Technology and the Police Department’s FY17 budget to purchase equipment and services necessary to implement the shared CAD/MDC solution. Motion was adopted by the following roll call vote:

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

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: Cristina**

13. **Authorize the City Manager to Execute a Contract with Urban Village Farmers Market Association for the Continuing Operation of the Downtown Campbell Farmers Market (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the City Manager to execute a contract with Urban Village Farmers Market Association for the continuing operation of the Downtown Campbell Farmers Market for an additional three (3) years through December 31, 2019.

Project Manager Principe presented staff report dated September 20, 2016.

**M/S: Gibbons/Kotowski** – that the City Council adopt resolution 12051 authorizing the City Manager to execute a contract with Urban Village Farmers Market Association for the continuing operation of the Downtown Campbell Farmers Market for an additional three (3) years through December 31, 2019. Motion was adopted by the following roll call vote:

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

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: Cristina**

14. **Approve Parkland Dedication Fund Policy**

Recommended Action: Approve the Parkland Dedication Fund Policy as recommended by the Parks and Recreation Commission.

Recreation Services Manager Bissell presented staff report dated September 20, 2016.

After discussion, **M/S: Resnikoff/Gibbons** – that the City Council approve the Parkland Dedication Fund Policy as recommended by the Parks and Recreation Commission with amendments to bullet two, to add the

language "...which increase the level of diversity of service" and bullet four, to add the language "...which increase the level of diversity of service with a joint use agreement." Motion was adopted by the following roll call vote:

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

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: Cristina**

15. **BMR Eligibility (Interim) Guidelines**

Recommended Action: Adopt a resolution approving the BMR Eligibility Guidelines as an interim measure prior to reviewing and adopting a more comprehensive BMR Guidelines.

Senior Planner McCormick presented staff report dated September 20, 2016.

Jo-Anne Fairbanks, Campbell resident, stated concerns with the AMI standards and would a standard that is related to Campbell resident's income; and she commented on the eligibility standards and occupancy standards. (Mayor Baker allowed this speaker to speak on this item out of order prior to item 11.)

Julius Nyanda, representative from HouseKeys, spoke about the timeline and steps for the creating the guidelines.

After discussion, **M/S: Gibbons/Kotowski – that the City Council adopt resolution 12052 approving the BMR Eligibility Guidelines as an interim measure prior to reviewing and adopting a more comprehensive BMR Guidelines. Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: Cristina**

**COUNCIL COMMITTEE REPORTS**

16. **City Councilmember Reports/Updates on Committee Assignments**

Recommended Action: Report on committee assignments and general comments.

-- Councilmember Kotowski attended the Friends of the Heritage Theatre meeting and the West Valley Sanitation District meeting.

-- Councilmember Resnikoff attended The Downtown Campbell Business Association meeting; Valley Transportation Authority policy action committee meeting; and the Silicon Valley Animal Control Authority meeting.

-- Vice Mayor Gibbons attended the Santa Clara Valley Water District County Water Commission meeting; Silicon Valley Clean Energy Authority Board of Directors meeting; and spoke about the upcoming outreach meeting sponsored by the League of Women Voters on November 14, 2016 at 7:00 p.m. in the Campbell Council Chambers to discuss the Silicon Valley Clean Energy Program.

-- Mayor Baker attended the West Valley Mayors and Managers meeting; chaired the Valley Transportation Authority Administration and Finance Committee meeting; attended a meeting with representatives from the Campbell Village Neighborhood Association; and attended a meeting with representatives that are circulating a petition for medical marijuana.

Vice Mayor Gibbons commented on issues with the recycling and donation drop off area in the Safeway parking lot on Budd Avenue.

After discussion, **M/S: Gibbons/Kotowski – that the City Council agenda a discussion on flag lots, zoning, and land cost pressures. Motion was adopted unanimously 4-0-1 (Councilmember Cristina was absent)**

Vice Mayor Gibbons requested clarification about the Dell Avenue Area that is agenda for a future meeting.

Vice Mayor Gibbons commented on a request for Council materials in an additional format.

## **ADJOURN**

Mayor Baker adjourned the meeting at 10:14 p.m.

APPROVED:

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Jason T. Baker, Mayor

ATTEST:

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Wendy Wood, City Clerk