

CITY COUNCIL MINUTES

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



CITY COUNCIL EXECUTIVE SESSION

Tuesday, October 4, 2016 – 5:45 p.m.

Ralph Doetsch Conference Room - 70 N. First Street

- A. Personnel
- 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)

Council met in Executive session to discuss item D (Councilmember Cristina was absent). Executive session adjourned at 6:00 p.m.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, October 4, 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

Pledge: Campbell Police Foundation

The pledge of allegiance was led by the Campbell Police Foundation. Mayor Baker thanked them and presented them 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 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.

Cam Roberson, Campbell resident, spoke about a flag lot approval at 285 California Street and stated issues with the process and the proposed project.

Russell Pfirman, Campbell resident, spoke about the proposed project at 285 California Street and the impact on the neighborhood and would like the concessions met by the developer.

Campbell resident spoke about issues with an empty lot at Hacienda and Capri being used for the staging of construction material and stated that this is not an appropriate use in a residential neighborhood.

COUNCIL ANNOUNCEMENTS

The City of Campbell is accepting applications for the Parks and Recreation Commission for terms expiring December 2016. To be eligible for appointment on this voluntary advisory commission, applicants must reside within Campbell city limits and be at least eighteen years of age. For more information, please contact the City Clerk's Office at 408-866-2117.

Have you ever heard of the Beer or the Whiskey League? Do you ever wonder what there was before the World Series as we know it today? Then come to the Historical Museum on Thursday, October 6 from 5-7 p.m. for "THE WORLD SERIES YOU NEVER HEARD OF" talk by historian, Barney Terrell. Enjoy an evening at the Historical Museum and learn more about the history of America's favorite pastime. The cost for admission is \$5 per person, or free for museum members.

The final History Happy Hour will be on Friday, October 21 from 5:30 p.m. to 7:30 p.m. and will feature our very own Councilmember Mike Kotowski. A ferroequinologist, historian and artist, Councilmember Kotowski will discuss the Campbell Rails, the history of the railroad and how it lead to the development of Campbell and growth in the

Valley. Included in his presentation will be his original art work, art prints, maps, books and publications. All Aboard! For more information about either of these events, please visit our website at www.cityofcampbell.com.

The Campbell Veterans Memorial Foundation is hosting their annual “2016 Saluting Our Veterans Gala Dinner & Fund Raiser” on Saturday, November 5 at 5:30 p.m. The Campbell Veterans Foundation supports an endowment fund for returning veterans who wish to re-enter civilian life by attending various schools and colleges. For more information about this event, please visit www.campbellveteransmemorial.org.

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 pull item four.

The Consent Calendar was considered as follows:

1. **Minutes of Regular Meeting of September 20, 2016**

Recommended Action: Approve the regular meeting minutes.

This action approves the minutes of the regular meeting of September 20, 2016.

2. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$783,377.84.

This action approves the bills and claims in the amount of \$783,377.84 as follows: payroll checks dated September 8, 2016 in the amount of \$309,745.34; bills and claims checks dated September 12, 2016 in the amount of \$230,902.27; and bills and claims check dated September 19, 2016 in the amount of \$242,730.23.

3. **Monthly Investment Report – August, 2016**

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

This action is to note and file the Monthly Investment Report dated August, 2016.

5. **Authorize the Issuance of a Request for Qualifications (RFQ) for an Energy Efficiency Investment Grade Audit for City Building/Utilities Equipment (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the Public Works Department to issue a Request for Qualifications (RFQ) for an Energy Efficiency Investment Grade Audit for City facilities and utilities.

Resolution 12053 authorizes the Public Works Department to issue a Request for Qualifications (RFQ) for an Energy Efficiency Investment Grade Audit for City facilities and utilities.

6. **Approval of Third Amendment to Agreement Providing for Implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the Public Works Director to execute the Third Amendment to the Agreement Providing for Implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program.

Resolution 12054 authorizes the Public Works Director to execute the Third Amendment to the Agreement Providing for Implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program.

7. **Approve Temporary Closure of East Campbell Avenue and Fee Waiver Request for the Downtown Campbell Business Association's Creepy Crawly Halloween Event (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution approving the temporary closure of East Campbell Avenue and fee waiver request for the Downtown Campbell Business Association's Creepy Crawly Halloween event.

Resolution 12055 approves the temporary closure of East Campbell Avenue and fee waiver request for the Downtown Campbell Business Association's Creepy Crawly Halloween event.

M/S: Gibbons/Kotowski - that the City Council approve the Consent Calendar with the exception of item four. 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

4. **Acceptance of Donation from the Campbell Police Foundation**

Recommended Action: Accept donations in the aggregate amount of \$7,040.42 from the Campbell Police Foundation for equipment, supplies, and support for the Campbell Police Department.

Councilmember Resnikoff spoke about the Foundation.

M/S: Resnikoff/Gibbons – that the City Council accepts the donations in the aggregate amount of \$7,040.42 from the Campbell Police foundation for equipment, supplies, and support for the Campbell Police Department. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Gibbons, Baker

NOES: Councilmembers: None

ABSENT: Councilmembers: Cristina

NEW BUSINESS ** Item taken out of order

****10. Update on Harriet Avenue/McCoy Avenue/San Tomas Aquino Road Signalization Project and Harriet Avenue Traffic Calming Alternatives (Resolution/Roll Call Vote)**

Recommended Action: Direct Staff to suspend the Harriet Ave/McCoy Avenue/San Tomas Aquino Road Signalization Project; and develop a concept design for a Harriet Avenue traffic calming project for consideration in the development of the Fiscal Year 2018/22 Capital Improvement Plan.

Traffic Engineer Jue presented staff report dated October 4, 2016.

John Sparry, Campbell resident, stated opposition to the traffic signal.

Rebecca Unger, Campbell resident, stated interest in the HAWK hybrid beacon.

Susan Landry, Campbell resident, thanked Council and Staff for working with the community and asked if the grant could apply to the HAWK hybrid beacon.

Jaime Batiz, Campbell resident, spoke against the traffic light and would like a plan for traffic calming alternatives to encourage drivers to slow down.

Cynthia Dodd, Campbell resident, spoke in favor of a traffic signal and agrees with the results of the traffic study.

Doug Gillison, Campbell resident, encouraged Council to adopt staff's recommendation.

Yuan-Pin Yu, Campbell resident, spoke against the traffic signal and would like a crossing guard along with alternative traffic calming measures.

Harry Greenwood, Campbell resident, thanked the Public Works Department for the recommendation and stated that a majority of the neighbors are against the traffic signal.

Saliya Vidanage, Campbell resident, stated concerns with turning at the intersection and supports the traffic signal.

Mayye Lavrenko, Campbell resident, stated opposition to the traffic signal, concerns with visibility, and is in favor of the HAWK hybrid beacon.

Helen Chuang, San Jose resident, spoke in favor of the traffic signal and commented on traffic concerns.

Audrey Kiehtriber, President of the San Tomas Area Community Coalition, spoke about the involvement of the community regarding this issue and would like staff to continue working with the community to find a solution.

Denise Khalid, principal at Forest Hill Elementary, spoke about safety concerns and would like a solution found quickly.

Campbell resident asked about the success rate for the HAWK hybrid beacon spoke about additional traffic calming solutions.

Charles Schultz, Campbell resident, stated that he had submitted a letter to Council and supports the traffic signal.

Campbell resident spoke about traffic concerns and is in favor of alternative traffic calming measures.

Campbell resident would like to see a solution found quickly and stated support for the traffic signal.

After discussion, **M/S: Gibbons/Resnikoff – that the City Council adopt Resolution 12056 directing staff to suspend the Harriet Ave/McCoy Avenue/San Tomas Aquino Road Signalization Project; and develop a concept design for a Harriet Avenue traffic calming project for consideration in the development of the Fiscal Year 2018/22 Capital Improvement Plan with an amendment to add direction to staff to implement a crossing guard solution and temporary painted striping as needed in the interim; authorize staff to proceed with applying for U.C. Berkley’s Institute of Transportation Studies free Complete Streets Safety Assessment; and if possible try to reuse the current signal funds for any aspect of this project. 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.

8. **Public Hearing to Consider the Application of Jimmy Chang for Planned Development Permit (PLN2016-263) to Allow for the Conversion of Private Patio Areas to Common Open Space, Alterations to Existing Staircase, and Installation of New Lighting Fixtures Within Two Courtyards of an Existing Apartment Community and Tree Removal Permit (PLN2016-266) to Allow Removal of Protected Trees on Property Located at 225 Union Avenue. The Planning Commission is Recommending that this item be deemed Categorically Exempt Under CEQA. (Resolutions/Roll Call Vote)**

Recommended Action: Adopt resolutions approving a Planned Development Permit (PLN2016-263) to allow for the conversion of private patio areas to common open space, alterations to existing staircases, and installation of new lighting fixtures within two courtyards of an existing apartment community; and approving a Tree Removal Permit (PLN2016-266) to allow for the removal of protected trees.

This is the time and place to consider the application of Jimmy Chang for Planned Development Permit (PLN2016-263) to allow for the conversion of private patio areas to common open space, alterations to existing staircase, and installation of new lighting fixtures within two courtyards of an existing apartment community and Tree Removal Permit (PLN2016-266) to allow removal of protected trees on property located at 225 Union Avenue.

Associate Planner Rose presented staff report dated October 4, 2016.

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

Jimmy Chang, applicant, clarified the proposed changes and spoke in favor of the project.

Jo-Anne Fairbanks, Campbell resident, commented on the removal of trees in this project.

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

After discussion, **M/S: Gibbons/Kotowski – that the City Council adopt Resolution 12057 approving a Planned Development Permit (PLN2016-263) to allow for the conversion of private patio areas to common open space, alterations to existing staircases, and installation of new lighting fixtures**

within two courtyards of an existing apartment community; and Resolution 12058 approving a Tree Removal Permit (PLN2016-266) to allow for the removal of protected trees. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Gibbons, Baker

NOES: Councilmembers: None

ABSENT: Councilmembers: Cristina

9. **Public Hearing to Consider a City-initiated Text Amendment (PLN2015-365) to Reinsert Language Regarding Payday Lending Establishments that was Inadvertently Omitted When the Municipal Code was Updated on April 5, 2016 Concerning Massage Establishments (Resolutions/Ordinance/Roll Call Vote)**

Recommended Action: Adopt a resolution finding that the proposed Zoning Text Amendment (PLN2015-365) is exempt from CEQA; and take the first reading of an Ordinance approving a Text Amendment Amending Section 21.10.50 of the Campbell Municipal Zoning Code (C-2 General Commercial Zoning District).

This is the time and place for a public hearing to Consider a City-initiated Text Amendment (PLN2015-365) to Reinsert Language Regarding Payday Lending Establishments that was Inadvertently Omitted When the Municipal Code was Updated on April 5, 2016 Concerning Massage Establishments.

Senior Planner McCormick presented staff report dated October 4, 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.

M/S: Resnikoff/Kotowski – that the City Council adopt Resolution 12059 finding that the proposed Zoning Text Amendment (PLN2015-365) is exempt from CEQA; and took first reading of Ordinance 2209 approving a Text Amendment Amending Section 21.10.50 of the Campbell Municipal Zoning Code (C-2 General Commercial Zoning District). 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 2209.

M/S: Gibbons/Resnikoff – that the City Council waive further reading of Ordinance 2209. Motion was adopted unanimously (Councilmember Cristina was absent).

NEW BUSINESS

11. Housing Impact Fees Nexus Study (Resolution/Roll Call Vote)

Recommended Action: Adopt a resolution accepting the methodology and findings of the Nexus Study; continue the meeting to November first; direct staff to prepare a resolution adopting the recommended residential and non-residential housing mitigation fees; and direct staff to prepare a Zoning text amendment, amending Chapter 21.24 to implement the necessary changes to the provisions related to residential projects (rental and ownership), non-residential projects, in-lieu fees, and impact fees.

Senior Planner McCormick presented staff report dated October 4, 2016.

Joshua Abrams, representative from Baird & Driskell Community Planning, presented an overview on the nexus study.

Melissa Morris, Campbell resident and attorney with the Law Foundation of Silicon Valley, stated support of affordable housing impact fees for both residential and commercial developments.

Pilar Lorenzana-Campo, representative from Silicon Valley at Home, stated support of affordable housing impact fees for both residential and commercial developments.

Dennis Martin, representative from BIA Bay Area, spoke against increasing housing fees especially with residential properties and encouraged Council to not approve fees higher than neighboring jurisdictions.

Jo-Anne Fairbanks, Campbell resident, requested additional analysis for non and not for profit developers and would like staff to collaborate with community stakeholders regarding affordable housing.

After discussion, **M/S: Gibbons/Resnikoff – that the City Council continue this item to a date uncertain and direct staff to provide Council with additional regional information; have the Keyser Marston Associates consultant present at the meeting; and provide tangible evidence of the nexus. Motion was adopted unanimously (Councilmember Cristina was absent).**

COUNCIL COMMITTEE REPORTS

12. City Councilmember Reports/Updates on Committee Assignments

Recommended Action: Report on committee assignments and general comments.

-- Councilmember Resnikoff attended Silicon Valley Animal Control Authority meeting; Mayor's State of the City; State Route 85 Corridor Policy Advisory Board meeting; spoke about attending the upcoming Downtown Campbell Business Association meeting; and spoke about the upcoming Creepy Crawly Halloween event on October 30th with a book giveaway.

-- Vice Mayor Gibbons attended the Silicon Valley Clean Energy Authority Board of Directors meeting and attended a roundtable discussion put on by Silicon Valley at Home and Cities Association.

-- Councilmember Kotowski spoke about the need for an appointment to the CDBG Program Committee; attended the Education Subcommittee meeting; and spoke about the ticket sales for the Heritage Theatre.

-- Mayor Baker spoke about the State of the City Event and thanked staff for helping to make it a successful event; attended the Metropolitan Transportation Commission meeting; and the Bay Area Toll Authority meeting.

ADJOURN

Mayor Baker adjourned the meeting at 11:07 p.m.

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk