

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, October 18, 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

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.

Doug Gillison, Campbell resident, submitted a list of residents for the record that would like to be part of the Harriet and McCoy Avenue working group to address traffic calming and pedestrian bike safety issues.

Richa, Ahana, Yash, and Advik provided a hand out for council and gave a brief presentation about bee conservation.

Arnold Breit stated concerns with an individual parking old cars and taking up several spaces in the parking garage building located at 155 E. Campbell Avenue.

COUNCIL ANNOUNCEMENTS

Applications are now being accepted for seats on the Parks and Recreation Commission for terms expiring December 2016. To be eligible for appointment to this voluntary advisory commission, applicants must reside within Campbell city limits and be at least 18 years old. Applications are due October 31 by 5:00 p.m. Contact the City Clerk's Office for more information at (408) 866-2117.

Established neighborhood associations and neighborhood groups considering establishment are encouraged to apply for grant funding up to \$500. The deadline to submit applications for consideration by the Civic Improvement Commission is Monday, October 31. Applications and information are available on the CIC's web page at www.cityofcampbell.com. Contact Michael Thomas with the City Manager's Office at (408) 866-2125 for more information.

This Friday's History Happy Hour event at the Ainsley House features a presentation entitled *Campbell Rails* by Councilmember Michael Kotowski. This presentation will cover rail service in Campbell from the 19th Century to today and how the City contributed to California's economic growth. Doors open at 5:30 p.m. with presentation at 6:00 p.m. Register online at www.cityofcampbell.com/museum or call (408) 866-2104. Contact Kerry Perkins at (408) 866-2718 for more information.

In celebration of American Archives Month, the Campbell Historical Museum and Ainsley House will be participating in the Santa Clara Valley Archives Crawl on Saturday October 22 from noon to 4:00 p.m. Visitors can explore the Ainsley House's special exhibit, "Agents of Decay," where they can use detective skills to solve case files. Participants can visit the Historical Museum for a hands-on history experience. Contact the Historical Museum for more information about this admission-free event at (408) 866-2119.

The Heritage Theatre's concert series opens this Saturday, October 22 with a performance by county music artist Sammy Kershaw at 8:00 p.m. You can purchase tickets for this and other shows including season ticket packages at [cityofcampbell.com/Heritage Theatre](http://cityofcampbell.com/HeritageTheatre). Tickets can also be purchased at the Heritage Theatre Box Office by calling (408) 866-2700.

The Historical Museum will host its 14th annual Spooky Night Halloween event on Friday, October 28th from 2:00 p.m. to 6:00 p.m. This free event invites kids and families to come in costume or enjoy the Halloween crafts and games for kids of all ages. Contact the Historical Museum at (408) 866-2119 for more information.

The Campbell Veterans Memorial Foundation is hosting its annual salute to veterans gala dinner and fundraiser on Saturday, November 5 at Orchard City Banquet Hall at 5:30 p.m. Funds raised support an endowment to help returning veterans re-enter

civilian life by attending college and other training programs. For more information and to purchase tickets to this event, please visit www.campbellveteransmemorial.org.

Join the Campbell Police Foundation's breakfast fundraising event on Saturday, November 5 at the Home Church at 8:00 a.m. This event helps fund training and equipment for the Police Department. For more information and to purchase tickets, visit www.campbellpolicefoundation.org.

The Silicon Valley Clean Energy Authority will host a panel discussion to provide information on this new agency's role, purpose and benefits. This free community event is also an opportunity for community members and businesses to ask questions about this new agency's services. This event is scheduled from 7:00 PM to 10:00 PM in the council chambers at Campbell City Hall.

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:

1. **Minutes of Study Session of October 4, 2016**

Recommended Action: Approve the regular meeting minutes.

This action approves the Study Session Minutes of October 4, 2016.

2. **Minutes of Regular Meeting of October 4, 2016**

Recommended Action: Approve the regular meeting minutes.

This action approves the minutes of the regular meeting of October 4, 2016.

3. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$1,170,359.75.

This action approves the bills and claims in the amount of \$1,170,359.75 as follows: payroll check dated September 22, 2016 in the amount of \$263,579.36; bills and claims checks dated September 26, 2016 in the amount of \$797,139.26; and bills and claims checks dated October 3, 2016 in the amount of \$109,641.13.

4. **Approval to Carryover Unspent Capital Budget Appropriations and Operating Budget Encumbrances (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution amending the City's capital budget in the amount of \$8,107,003 plus related transfers, re-allocations, and consolidations; and adopt a resolution amending the City's operating budget in the amount of \$1,323,846 for re-appropriation of operating encumbrances.

Resolution 12060 amends the City's capital budget in the amount of \$8,107,003 plus related transfers, re-allocations, and consolidations; and resolution 12061 amends the City's operating budget in the amount of \$1,323,846 for re-appropriation of operating encumbrances.

5. **Authorize the City Manager to Sign a Memorandum of Understanding Between the City of Milpitas and City of Campbell for Shared Use of Public Safety Computer Aided Dispatch System and to Make FY17 Budget Adjustments Necessary for the Project (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the City Manager to sign a Memorandum of Understanding between the City of Milpitas and City of Campbell for Shared Use of Public Safety Computer Aided Dispatch System; and authorize a budget adjustment to reimburse Milpitas for the time their System Administrator will work on the shared system for Campbell related implementation/support.

Resolution 12062 authorizes the City Manager to sign a Memorandum of Understanding between the City of Milpitas and City of Campbell for Shared Use of Public Safety Computer Aided Dispatch System; and authorizes a budget adjustment to reimburse Milpitas for the time their System Administrator will work on the shared system for Campbell related implementation/support.

6. **Second Reading of Ordinance 2209 Approving 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 (Ordinance/Roll Call Vote)**

Recommended Action: Take the second reading and adopt Ordinance 2209 approving a Text Amendment Amending Section 21.10.50 of the Campbell Municipal Zoning Code (C-2 General Commercial Zoning District).

This action approves the second reading and adopts Ordinance 2209 approving a Text Amendment Amending Section 21.10.50 of the Campbell Municipal Zoning Code (C-2 General Commercial Zoning District).

M/S: Gibbons/Kotowski - that the City Council approve the Consent Calendar. 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.

7. Public Hearing to Introduce an Ordinance Approving a Zoning Map Amendment for a Previously Approved Project which was Erroneously Approved by Resolution Rather than by Ordinance (Ordinance/Roll Call Vote)

Recommended Action: Take first reading and introduce an Ordinance approving a Zoning Map Amendment (PLN2015-037) to change the zoning district designation from R-2 (Multi-Family Residential) to P-D (Planned Development) for the property located at 1685 Bucknall Road.

This is the time and place for a public hearing to introduce Ordinance 2210 approving a Zoning Map Amendment (PLN2015-037) to change the zoning district designation from R-2 (Multi-Family Residential) to P-D (Planned Development) for the property located at 1685 Bucknall Road.

Senior Planner McCormick presented staff report dated October 18, 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: Gibbons/Resnikoff - that the City Council take first reading and introduce Ordinance 2210 approving a Zoning Map Amendment (PLN2015-037) to change the zoning district designation from R-2 (Multi-Family Residential) to P-D (Planned Development) for the property located at 1685 Bucknall Road. 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 2210.

M/S: Kotowski/Gibbons – that the City Council waive further reading of Ordinance 2210. Motion was adopted unanimously (4-0-1 vote Councilmember Cristina was absent).

8. **Public Hearing to Consider the Application of Majid Saneinead for a Zoning Map Amendment (PLN2016-275) to Change the Zoning District Designation from R-M (Multi-Family Residential) to P-D (Planned Development), Planned Development Permit (PLN2016-276) to Allow the Construction of Two (2) Two-Story Detached Single-Family Homes, Tentative Parcel Map (PLN2016-019) to Create Two Residential Lots and One Common Lot, Tree Removal Permit (PLN2016-277) to Allow for the Removal of One Protected Tree, and Negative Declaration (PLN2016-278) at 1223 Walnut Drive. (Resolution/Ordinance/Roll Call Vote)**

Recommended Action: Introduce an Ordinance, approving a Zoning Map Amendment (PLN2016-275) to change the zoning district designation from R-M (Multi-Family Residential) to P-D (Planned Development); and adopt a Resolution, approving a Planned Development Permit (PLN2016-276) to allow the construction of two (2), two-story detached single-family homes subject to Conditions of Approval; and adopt a Resolution, approving a Tentative Parcel Map (PLN2016-019) to create two single family lots and one commonly owned lot, subject to Conditions of Approval; and adopt a Resolution, approving a Tree Removal Permit (PLN2016-277) to allow for the removal of one protected tree, subject to Conditions of Approval; and adopt a Resolution, adopting a Negative Declaration (PLN2016-278).

This is the time and place for a public hearing to Consider the Application of Majid Saneinead for a Zoning Map Amendment (PLN2016-275) to Change the Zoning District Designation from R-M (Multi-Family Residential) to P-D (Planned Development), Planned Development Permit (PLN2016-276) to Allow the Construction of Two (2) Two-Story Detached Single-Family Homes, Tentative Parcel Map (PLN2016-019) to Create Two Residential Lots and One Common Lot, Tree Removal Permit (PLN2016-277) to Allow for the Removal of One Protected Tree, and Negative Declaration (PLN2016-278) at 1223 Walnut Drive.

Senior Planner McCormick presented staff report dated October 18, 2016.

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

Audrey Kiehtriber, President of the San Tomas Area Community Coalition, stated appreciation for the collaborative efforts of staff and the developer on this project.

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

M/S: Resnikoff/Gibbons - that the City Council Introduce Ordinance 2211, approving a Zoning Map Amendment (PLN2016-275) to change the zoning district designation from R-M (Multi-Family Residential) to P-D (Planned Development); and adopt Resolution 12063, approving a Planned Development Permit (PLN2016-276) to allow the construction of two (2), two-story detached single-family homes subject to Conditions of Approval;

and adopt Resolution 12064, approving a Tentative Parcel Map (PLN2016-019) to create two single family lots and one commonly owned lot, subject to Conditions of Approval; and adopt Resolution 12065, approving a Tree Removal Permit (PLN2016-277) to allow for the removal of one protected tree, subject to Conditions of Approval; and adopt Resolution 12066, adopting a Negative Declaration (PLN2016-278). 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 2211.

M/S: Gibbons/Kotowski – that the City Council waive further reading of Ordinance 2211. Motion was adopted unanimously (4-0-1 vote Councilmember Cristina was absent).

9. **Public Hearing to Consider the Application of CFEP Pruneyard, LLC for a Zoning Map Amendment (PLN2015-357) to Amend the Campbell Zoning Map to Rezone a Portion of The Pruneyard from the C-2 (General Commercial) Zoning District to the C-2-O (General Commercial / Overlay) Combining Zoning District; a Master Use Permit (PLN2015-358) to Allow the Construction of a 100,000 square-foot (5-story) Office Building, Four Retail Buildings Constituting 18,600 Square-feet, a 30,000 Square-foot Fitness Facility or a 12,000 Square-foot Retail/Office Building, Expansion of the Existing Parking Structure (3 or 5 stories), Various Site Improvements, Alterations to Existing Buildings, Establishment of a New Land Use Program Including Specifying Permitted and Conditional Uses, Continued Allowance of a Shared Parking Program, and Implementation of a Transportation Demand Management Program (TDM); a Tentative Vesting Parcel Map (PLN2015-77) to Allow Division of the Property into Three Parcels; a Tree Removal Permit (PLN2015-335) to Allow removal of On-Site "Protected" Trees; a Master Sign Plan with a Freeway Oriented Sign (PLN2015-78) to Allow a New Comprehensive Signage Scheme Including an Increase in Sign Area, Height, and Number; and a Zoning Code Amendment (PLN2015-76) to Revise Various Sections of the Campbell Zoning Code (Title 21 of the Campbell Municipal Code) to Reference the Land Use Program Created by the Master Use Permit and to Allow the Signage Proposed by the Master Sign Plan, for Property Located at 1875, 1887, 1901, 1919, 1995, & 1999 S. Bascom Avenue. (Resolutions/Ordinance/Roll Call Vote)**

Recommended Action: Adopt a Resolution, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (PLN2015-79); and introduce an Ordinance, approving a Zoning Map Amendment (PLN2015-357); and introduce an Ordinance, approving a Zoning Code Amendment (PLN2015-

76); adopt a Resolution, approving a Master Use Permit; and adopt a Resolution, approving a Tentative Vesting Parcel Map; adopt a Resolution, approving a Master Sign Plan (PLN2015-78) with a freeway-oriented sign and an increase to the allowable sign area, height, and number; and adopt a Resolution, approving a Tree Removal Permit (PLN2015-335).

This is the time and place for a public hearing to Consider the Application of CFEP Pruneyard, LLC for a Zoning Map Amendment (PLN2015-357) to Amend the Campbell Zoning Map to Rezone a Portion of The Pruneyard from the C-2 (General Commercial) Zoning District to the C-2-O (General Commercial / Overlay) Combining Zoning District; a Master Use Permit (PLN2015-358) to Allow the Construction of a 100,000 square-foot (5-story) Office Building, Four Retail Buildings Constituting 18,600 Square-feet, a 30,000 Square-foot Fitness Facility or a 12,000 Square-foot Retail/Office Building, Expansion of the Existing Parking Structure (3 or 5 stories), Various Site Improvements, Alterations to Existing Buildings, Establishment of a New Land Use Program Including Specifying Permitted and Conditional Uses, Continued Allowance of a Shared Parking Program, and Implementation of a Transportation Demand Management Program (TDM); a Tentative Vesting Parcel Map (PLN2015-77) to Allow Division of the Property into Three Parcels; a Tree Removal Permit (PLN2015-335) to Allow removal of On-Site "Protected" Trees; a Master Sign Plan with a Freeway Oriented Sign (PLN2015-78) to Allow a New Comprehensive Signage Scheme Including an Increase in Sign Area, Height, and Number; and a Zoning Code Amendment (PLN2015-76) to Revise Various Sections of the Campbell Zoning Code (Title 21 of the Campbell Municipal Code) to Reference the Land Use Program Created by the Master Use Permit and to Allow the Signage Proposed by the Master Sign Plan, for Property Located at 1875, 1887, 1901, 1919, 1995, & 1999 S. Bascom Avenue.

Senior Planner Fama presented staff report dated October 18, 2016.

Dean Rubinson, Director of Development; Melinda Ellis Evers, Managing Principal; James Ellis, Managing Principal; Ken Lowney, Founder and Principal, from Ellis Partners gave a presentation of the project.

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

Stephen Blechman stated support for the project and spoke about the positive relationship between the businesses and Ellis Partners.

Trudy Blechman, owner and founder of Trudy's, stated support for the project and spoke about the positive relationship between the businesses and Ellis Partners.

Roger Blechman, owner and founder of Trudy's, stated that he is looking forward to continuing a relationship with Ellis Partners and contributing to the Pruneyard shopping center.

Richard Amico, owner of apartment building at 760 E. Campbell Avenue, stated he preferred build design option two for the new building proposed and spoke about concerns with access to the apparent building during peak traffic times.

Mark Dunkle, Campbell resident, spoke in favor of the proposed project and commented on the relationship with Ellis Partners with the community.

Cole Cameron gave positive comments on Ellis Partners and stated support for the project.

Dan Orloff, Campbell resident and investor in Camera 7, gave positive comments on Ellis Partners and stated support for the project.

Jack NyBlom, Campbell resident and owner of Camera 7, gave positive comments on Ellis Partner and stated support for the project.

Sarah Roberts, Campbell resident, stated concerns with parking and would like to have McBain Avenue a parking permit street.

Audrey Kiehtriber, President of the San Tomas Area Community Coalition, spoke about having handicap parking near the stores throughout the shopping center spoke about a sculpture garden and would like landscaping near the portal to the orchards.

Susan Landry, Campbell resident, spoke about the project and a bike pedestrian connection and stated concerns with intersection at Union and E. Campbell Avenue.

Vikki Essert, Campbell resident, City Planning Liaison and Committee Chair for the Pruneyard/Dry Creek neighborhood, spoke in support of the project and gave positive comments on the Ellis Partners.

Carl San Miguel, Chamber Board of Directors for the Campbell Chamber of Commerce, spoke about the proposed improvements and stated support of the project.

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 12067, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (PLN2015-79); introduce Ordinance 2212, approving a Zoning Map Amendment (PLN2015-357); introduce an Ordinance 2213, approving a Zoning Code Amendment (PLN2015-76); adopt Resolution 12068, approving a Master Use Permit; adopt Resolution 12069, approving a Tentative Vesting Parcel Map; adopt Resolution 12070, approving a Master Sign Plan (PLN2015-78) with a freeway-oriented sign**

and an increase to the allowable sign area, height, and number; and adopt Resolution 12071, approving a Tree Removal Permit (PLN2015-335). 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 2212.

After discussion, **M/S: Resnikoff/Kotowski** – that the City Council amend the previous motion to make an amendment to Resolution 12068, to include an easement to allow the antennas on top of the building to stay; to the extent as reasonably possible provide bike path design improvements from the creek trail to Campbell Avenue; place public art in the plaza and next to the office building near the portals; and add language stating “definition of standard operation hours which shall be operational hours other than the hours defined for late night activities as defined in section 21.72.020 of the Campbell Municipal Code” and “definition of late night hours shall mean hours defined for late night activities as defined in section 21.72.020 of the Campbell Municipal Code.” Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Gibbons, Baker

NOES: Councilmembers: None

ABSENT: Councilmembers: Cristina

M/S: Gibbons/Kotowski – that the City Council waive further reading of Ordinance 2212. Motion was adopted unanimously (4-0-1 vote Councilmember Cristina was absent).

City Clerk read the title of Ordinance 2213.

M/S: Gibbons/Kotowski – that the City Council waive further reading of Ordinance 2213. Motion was adopted unanimously (4-0-1 vote Councilmember Cristina was absent).

Mayor Baker stated they would be taking a 10 minute break. Meeting reconvened at 10:50 p.m.

NEW BUSINESS

There were no agenda items.

COUNCIL COMMITTEE REPORTS

10. **Extend Application Deadline for the Historic Preservation Board Opening**
Recommended Action: Extend the application deadline for the Historic Preservation Board until a sufficient number of applications are received.

City Clerk Wood presented staff report dated October 18, 2016.

M/S: Resnikoff/Gibbons - that the City Council extend the application deadline for the Historic Preservation Board until a sufficient number of applications are received. Motion was adopted unanimously (4-0-1 vote Councilmember Cristina was absent).

11. **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 Board meeting; spoke about a claim filed by the West Valley Sanitation District against San Jose; attended the Oktoberfest Fun Run; and spoke about his upcoming History Happy Hour presentation on October 21st.

-- Councilmember Resnikoff attended the Downtown Campbell Business Association meeting; Rosemary Elementary Fall Festival; Valley Transportation Authority Policy Advisory Committee meeting; Oktoberfest fun run; spoke about the Campbell Police Foundation dunk tank; and Silicon Valley Animal Control Authority 49er's event.

-- Vice Mayor Gibbons spoke about meeting the new senior team for Campbell Middle School; hosted the Casa de Mir Middle School and took them on a tour of the Police Department; spoke about possible new board members for the Campbell Historical Museum & Ainsley House Foundation; attended the Silicon Valley Clean Energy Authority Board of Directors meeting; League of California Cities Conference; volunteered at the Oktoberfest; spoke about affordable housing for disabled persons and encouraged staff to continue working with the McCoy and Harriet neighborhood.

-- Mayor Baker attended the Valley Transportation Board meeting; the Mega Region Working Committee meeting; attended the West Valley Mayor and Managers meeting; Community Coffee with Assembly Member Evan Low; spoke about a class trip to the Museum; participated in the Campbell Police Foundation dunk tank; and attended the Cities Association of Santa Clara County meeting.

ADJOURN

Mayor Baker adjourned the meeting at 11:10 p.m.

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk