

**Note: This Regular Meeting was duly noticed pursuant to open meeting requirements of the Ralph M. Brown Act (G.C. Section 54956).**

**CITY COUNCIL EXECUTIVE SESSION**  
**Tuesday, May 15, 2012 – 6:15 P.M.**  
**Ralph Doetsch Conference Room - 70 N. First Street**

- A. Personnel
- B. Litigation – Conference with Legal Counsel – Pursuant to Subdivision (b) of G.C. Section 54956.9 – Workers’ Compensation Settlement Authority: One Case
- C. Real Property Negotiations
- D. Labor Negotiations - Pursuant to G.C. Section 54957.6: Conference with Labor Negotiator - Agency Negotiator: Jill Lopez, Human Resources Manager  
Employee Organizations: Campbell Municipal Employees Association (CMEA);  
Campbell Police Civilian Employees Association (CPCEA); Confidential Employees; and Management Employees

**The City Council met in Executive Session regarding Executive Session items B. and D. Executive Session adjourned at 7:20 p.m.**

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**REGULAR MEETING OF THE CAMPBELL CITY COUNCIL**  
**Tuesday, May 15, 2012 - 7:30 p.m.**  
**Council Chamber – 70 N. First Street**

**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 City Council Chamber of City Hall, 70 N. First Street, Campbell, California.

**Roll Call:**

Present: Councilmembers: Cristina, Baker, Waterman, Low, Kotowski

Absent : Councilmembers: None

### **Pledge of Allegiance:**

The Pledge of Allegiance was lead by Louise Re, Charter Member of the Campbell Community Seniors Social Club. Dolores "Dee" Romero, also scheduled to lead the Pledge, was unable to attend.

### **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

1. **Proclaiming May as "Older Americans Month" in the City of Campbell and Special Presentation to the Campbell Skylark Singers for their Contributions to the Campbell Community**

Mayor Kotowski presented a Proclamation declaring May as "Older Americans Month" in the City of Campbell.

Mayor Kotowski presented a Proclamation to the Campbell Skylark Singers for their contributions to the Campbell community.

Tina Wong-Erling, Senior Services Supervisor, thanked the City Council for their support of the programs and services offered at the Adult Center.

2. **Proclaiming May 17, 2012 as Campbell Union School District College and Career Awareness Day: Planning Your Future Beyond the Expected**

Mayor Kotowski presented a Proclamation to Dr. Eric Andrew, Campbell Union School District Superintendent, declaring May 17, 2012 as College and Career Awareness Day: Planning Your Future Beyond the Expected.

Dr. Andrew expressed appreciation to the City Council for its continued and on-going support of the Campbell Union School District.

In recognition of Asian and Pacific Islander Month, Mayor Kotowski presented a Proclamation declaring the month of May as "Asian and Pacific Islander American Heritage Month."

Vice Mayor Low acknowledged the contributions of Asian and Pacific Islander Americans.

### **COMMUNICATIONS AND PETITIONS**

There were no Communications and Petitions.

### **ORAL REQUESTS**

There were no Oral Requests.

## **COUNCIL ANNOUNCEMENTS**

The City will celebrate Arbor Day on Tuesday, May 22<sup>nd</sup> with a tree planting at Rosemary Elementary School. The event will begin at 10:30 a.m. This is the “30th” consecutive year the National Arbor Day Foundation, in conjunction with the Department of Forestry, has proclaimed the City of Campbell a “Tree City USA.”

Class registration is now open to everyone for summer season activities. For more information on all the City has to offer, please visit our website or contact the Recreation Department at 866-2104.

City offices will be closed on Monday, May 28<sup>th</sup> in observance of Memorial Day.

The Campbell Veteran’s Foundation will hold a ceremony to honor veterans on May 28<sup>th</sup> from 9:00 to 10:00 a.m. at Orchard City Green.

For more information about these and other activities, please visit the City’s website at [www.CityofCampbell.com](http://www.CityofCampbell.com).

## **CONSENT CALENDAR**

Mayor Kotowski asked if any Councilmember or anyone in the audience wished to remove an item from the Consent Calendar.

A desk item was presented regarding Item 3 – Approval of May 1, 2012 Council minutes correcting a typographical error on Page 6, related to Item 13.

The Consent Calendar was considered as follows:

### **3. Minutes of May 1, 2012 Council Meeting**

This action approves the Minutes of the May 1, 2012 Council Meeting including approval of Desk item correcting the roll call vote regarding Item 13, on page 6.

### **4. Payment of Bills and Claims**

This action approves the payment of bills and claims in the amount of \$820,259.84 as follows: bills and claims checks dated April 23, 2012 in the amount of \$762,626.49 and bills and claims checks dated April 30, 2012 in the amount of \$57,633.35.

### **5. Approval of FY 12 City of Campbell Investment Policy Update (Resolution/Roll Call Vote)**

Resolution 11398 approves the annual update to the City’s Investment Policy.

6. **Declaring Week of May 20-26, 2012 National Public Works Week (Resolution/Roll Call Vote)**

Resolution 11399 declares the week of May 20-26, 2012 as National Public Works Week.

7. **Commending Kirk Heinrichs For Service with the City of Campbell Upon His Retirement (Resolution/Roll Call Vote)**

Resolution 11400 commends Kirk Heinrichs upon his retirement from the City of Campbell with over seventeen years of service.

8. **Approval of Plans and Specifications, Authorize Solicitation of Bids, and Award of Contract and Associated Actions - Winchester Boulevard Phase II Improvement Project 11-FF (Resolution/Roll Call Vote)**

Resolution 11401 approves the Plans and Specifications for the Winchester Boulevard Phase II Improvement Project No. 11-FF; authorizes solicitation of bids; authorizes the City Engineer to award and execute a construction contract in an amount not to exceed \$1,365,000 and encumber a 10% construction contingency in an amount not to exceed \$136,500 for a total encumbrance not to exceed \$1,501,500; and authorizes the City Engineer to negotiate and execute contract change orders up to and within the allocated contingency; and approves a budget adjustment in the amount of \$119,444 to recognize funds to be reimbursed to the City from the utility companies and to replace lost Redevelopment Agency funding.

9. **Accept Improvements Constructed by Kuehne Construction for the Orchard City Banquet Hall Renovation Project 01-27 and Direct the Filing of the Notice of Completion (Resolution/Roll Call Vote)**

Resolution 11402 accepts improvements constructed by Kuehne Construction for the Orchard City Banquet Hall Renovation Project 01-27 and directs the filing of the Notice of Completion.

10. **Approval of Transportation Development Act (TDA) Application for Fiscal Year 2012/13 Guaranteed Funds for East Campbell Avenue Improvement Project (Resolution/Roll Call Vote)**

Resolution 11403 authorizes the City Engineer to submit a Transportation Development Act (TDA) Article 3 grant application to the Santa Clara Valley Transportation Authority (VTA) for the East Campbell Avenue Improvement Project.

11. **Authorization to Issue a Request for Proposals (RFP) to Replace Personal Computers with Associated Support Services and Authorize the Finance Director to award a contract (Resolution/Roll Call Vote)**

Resolution 11404 authorizes the issuance of a Request for Proposals (RFP) to replace personal computers with associated support services not to exceed \$90,000; and authorizes the Finance Director to award a contract for this upgrade to the Proposer whose proposal is determined to be the most advantageous to the City.

12. **Accept Donation of \$500 from the MOMS Club of Campbell to the Campbell Historical Museum and Ainsley House**

This action accepts a donation of \$500 from the MOMS Club of Campbell in support of the educational programs offered at the Campbell Historical Museum and Ainsley House.

13. **Accept Donation of \$800 from the Farrington Historical Foundation to Fund the Creation of Educational and Marketing Materials for Rescue 25**

This action accepts a donation of \$800 from the Farrington Historical Foundation for the purpose of creating educational and marketing materials for Rescue 25.

14. **Accept Donation of \$2,500 from Evelyn Hartman in Memory of Margaret Biles for the Campbell Adult Center Program**

This action accepts a donation of \$2,500 from Evelyn Hartman in memory of Margaret Biles for the Campbell Adult Center Program.

15. **Ordinance 2154 approving Zone Change from M-1 (Light Industrial) to PD (Planned Development) for property located at 1075 Florence Way (Second Reading/Roll Call Vote)**

Second reading of Ordinance 2154 approves a Zone Change from M-1 (Light Industrial) to PD (Planned Development) for property located at 1075 Florence Way.

**M/S: Low/Baker – to approve the Consent Calendar including the Desk Item regarding Item 3. Motion adopted by the following roll call vote:**

**AYES: Councilmembers: Cristina, Baker, Waterman, Low, Kotowski**

**NOES: Councilmembers: None**

## **PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES**

16. **Application of Bay West Development for a Zone Change (PLN2011-313) from C-PD (Condominium Planned Development) to P-D (Planned Development); a Planned Development Permit (PLN2011-312) that includes a Parking Modification and Density Bonus for the Construction of a mixed-use development consisting of one hundred and sixty-eight (168) apartment units and 15,295 square feet of ground floor commercial; and a Tree Removal Permit (PLN2011-314) to allow the removal of sixty-six (66) protected trees on property owned by Bascom Financial California LLC, located at 1677 Bascom Avenue in the C-PD (Condominium Planned Development) Zone District (Introduction of Ordinances/Resolution/Roll Call Vote)**

This is the time and place for a public hearing to consider the Application of Bay West Development for a Zone Change (PLN2011-313) from C-PD (Condominium Planned Development) to P-D (Planned Development); a Planned Development Permit (PLN2011-312) that includes a Parking Modification and Density Bonus for the Construction of a mixed-use development consisting of one hundred and sixty-eight (168) apartment units and 15,295 square feet of ground floor commercial; and a Tree Removal Permit (PLN2011-314) to allow the removal of sixty-six (66) protected trees on property owned by Bascom Financial California LLC, located at 1677 Bascom Avenue in the C-PD (Condominium Planned Development) Zone District.

Vice Mayor Low stated that he would be recusing himself on this issue and left the Council Chamber.

Associate Planner Prosser – Staff Report dated May 15, 2012.

Mark Spencer, Traffic Consultant, appeared before the City Council and spoke regarding traffic impacts.

Sean Murphy, Bay West Development/Applicant, appeared before the Council and spoke in support of the project.

Following Council discussion, Mayor Kotowski declared the public hearing open and asked if anyone in the audience wished to be heard.

Elke Billingsley, Campbell resident, appeared before the Council and expressed concerns regarding traffic and parking.

Helen Davis, Campbell resident, appeared before the Council and expressed concerns regarding traffic.

Bob Fidrych, Campbell resident, appeared before the Council and expressed concerns regarding traffic and residential parking ingress/egress.

Brian Horton, Campbell resident, appeared before the Council and spoke in support of the project.

Jill Arroyo, Campbell resident, appeared before the Council and spoke in support of the project.

Sheridan Pearson, Campbell resident, appeared before the Council and spoke in support of the project.

Gennari Passaro, Monte Sereno resident, appeared before the Council and spoke in support of the project.

Matt Gingery, appeared before the Council on behalf of Thomas Bisceglia, a Campbell resident who supports the proposed project, and submitted a copy of Mr. Bisceglia's statement for the record.

Matt Gingery, appeared before the Council on behalf of Brian Mason, a Campbell resident who supports the proposed project, and submitted a copy of Mr. Mason's statement for the record.

Paul Nuytten, Campbell resident, appeared before the Council and spoke in support of the project.

Ron Westphal appeared before the Council and questioned traffic impacts, particularly increased pedestrian traffic.

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

Following Council discussion, **M/S: Cristina/Baker – that the City Council take the following actions: Adopt Resolution 11405 approving a Mitigated Negative Declaration; introduce Ordinance 2155 approving a Zone Change (PLN2011-313) from C-PD (Condominium Planned Development) to P-D (Planned Development) for first reading; introduce Ordinance 2156 approving a Planned Development Permit (PLN2011-312) that includes a Parking Modification and Density Bonus for the construction of a mixed-use development consisting of 168 apartment units and 15,295 square feet of ground floor commercial for first reading; and adopt Resolution 11406, incorporating Findings and approving a Tree Removal Permit (PLN2011-314) to remove sixty-six (66) protected trees. Motion adopted by the following roll call vote:**

**AYES : Councilmembers: Cristina, Baker, Waterman, Kotowski**

**NOES : Councilmembers: None**

**ABSENT: Councilmembers: None**

**ABSTAIN: Councilmembers: Low**

City Clerk Bybee read the titles of Ordinance Nos. 2155 and 2156.

**M/S: Baker/Cristina – that further reading of Ordinance Nos. 2155 and 2156 be waived. Motion adopted by a 4-0-0-1 vote, Vice Mayor Low abstaining.**

**Vice Mayor Low returned to the meeting.**

**17. Ordinance Amending Provisions of the Campbell Municipal Code to Revise the Business License Tax Rates (Introduction of Ordinance/Roll Call Vote)**

This is the time and place for a public hearing to consider an Ordinance Amending Provisions of the Campbell Municipal Code to Revise the Business License Tax Rates.

Finance Manager Wright – Staff Report dated May 15, 2012.

Mayor Kotowski declared the public hearing open and asked if anyone in the audience wished to be heard.

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

**M/S: Baker/Low – that the City Council introduce Ordinance 2157 amending provisions of the Campbell Municipal Code to revise the Business License Tax rates for first reading. Motion adopted by the following roll call vote:**

**AYES: Councilmembers: Cristina, Baker, Waterman, Low, Kotowski**

**NOES: Councilmembers: None**

City Clerk Bybee read the title of Ordinance 2157.

**M/S: Baker/Low – that further reading of Ordinance 2157 be waived. Motion adopted unanimously.**



## **NEW BUSINESS**

18. **Second Restated and Amended Joint Exercise of Powers Agreement for the Silicon Valley Animal Control Authority (Resolution/Roll Call Vote)**

Captain Adams – Staff Report dated May 15, 2012.

**M/S: Baker/Cristina – that the City Council adopt Resolution 11407 approving a Second Restated and Amended Joint Exercise of Powers Agreement for the Silicon Valley Animal Control Authority (SVACA). Motion adopted by the following roll call vote:**

**AYES: Councilmembers: Cristina, Baker, Waterman, Low, Kotowski**

**NOES: Councilmembers: None**

19. **Authorization to Dispense with Formal Bid Process and Authorize the Recreation and Community Services Director to Enter into an Agreement with Wesco Graphics for the Printing/Production of the City's Recreation Activity Guide in an amount not to exceed \$64,800 (Resolution/Roll Call Vote)**

Recreation and Community Services Director Bojorquez – Staff Report dated May 15, 2012.

Following discussion, **M/S: Cristina/Baker – that the City Council adopt Resolution 11408 authorizing the dispensation of the formal bid process and authorizing the Recreation and Community Services Director to enter into a three-year agreement with Wesco Graphics for the printing and production of the Campbell Recreation Activity Guide in an amount not to exceed \$64,800. Motion adopted the following roll call vote:**

**AYES: Councilmembers: Cristina, Baker, Waterman, Low, Kotowski**

**NOES: Councilmembers: None**

20. **Council Discussion of Corporate Personhood**

City Manager Brown – Staff Report dated May 15, 2012.

Council discussion followed during which Councilmembers discussed the unintended consequences that might occur should Council take a position before having complete information on the topic.

Councilmember Cristina requested additional information regarding how this would impact a union's ability to make political contributions on behalf of its individual members.

Councilmember Baker presented an alternate resolution that included language limiting a corporation's ability to spend unlimited funds in a political campaign.

Mayor Kotowski asked if anyone in the audience wished to speak on this issue.

Carrie Hamilton appeared before the Council and spoke in support of the Santa Clara County "Move to Amend" proposed resolution.

Judy Young appeared before the Council and stated that the issue is much larger than just a First Amendment issue.

Dedrick Jackson appeared before the Council and spoke in support of the Santa Clara County "Move To Amend" proposed resolution.

Following discussion, **M/S: Baker/Cristina – that this matter be continued to the July 3, 2012 meeting and directed staff to provide additional information. Motion adopted unanimously.**

## **COUNCIL COMMITTEE REPORTS**

### **21. City Councilmember Reports/Updates on Committee Assignments**

--Councilmember Cristina attended an Emergency Preparedness Council meeting on behalf of Councilmember Baker

**M/S: Cristina/Baker – that the City Council agendaize a future Study Session to discuss emergency preparedness. Motion adopted unanimously.**

## **ADJOURN**

Mayor Kotowski adjourned the meeting at 11:00 p.m.

APPROVED:

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Michael F. Kotowski, Mayor

ATTEST:

\_\_\_\_\_  
Anne Bybee, City Clerk

