

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

**Tuesday, August 7, 2012 - 7:30 p.m.
Council Chamber – 70 N. First Street**

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

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.

Pledge of Allegiance:

The Pledge of Allegiance was led by Planning Commissioner and Community Volunteer, Phil Reynolds.

Mayor Kotowski thanked Phil for all the work he has done with the neighborhood associations and presented him with a Certificate of Appreciation for leading the Pledge.

Roll Call:

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

Absent : Councilmembers: None

SPECIAL PRESENTATIONS AND PROCLAMATIONS

There were no Special Presentations and Proclamations.

COMMUNICATIONS AND PETITIONS

There were no Communications and Petitions.

ORAL REQUESTS

There were no Oral Requests.

COUNCIL ANNOUNCEMENTS

The summer concert series is nearing completion. Over the next few weeks, the following groups will perform in the Orchard City Green from 6:30 to 8:00 p.m.:

On August 9th – The Hitmen, 70's funk, disco, Latin, dance;

On August 16th – Crocodiles, 70's, 80's, and Contemporary; and the last performance of the series will take place on August 23rd, featuring Sage, an R&B dance band.

I hope you have enjoyed the concerts this year. On behalf of the entire City Council, I

would also like to take this opportunity to thank our Recreation Department staff and the Campbell Historical Museum & Ainsley House Foundation volunteers for making all of the concerts a huge success again this year.

Silicon Valley Animal Control Authority will hold an “Aloha” adoption event on Saturday, August 11th from 11:00 a.m. to 5:00 p.m. Admission is free with adoptions taking place at their Santa Clara facility located at 3370 Thomas Avenue. For additional information about this event, please contact Silicon Valley Animal Control Authority at 408-764-0344.

City offices will be closed on Monday, September 3rd in observance of the Labor Day holiday. The police department business office will be closed for routine business matters, police officers and dispatchers will be available to respond to emergency and non-emergency calls for service.

The next regularly scheduled meeting of the City Council will take place on Tuesday, September 4th at 7:30 p.m.

For more information about these and other activities, please visit the City’s website at 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.

The Consent Calendar was considered as follows:

1. **Minutes of Regular Meeting of July 17, 2012**

This action approves the minutes of the Regular Meeting of July 17, 2012.

2. **Payment of Bills and Claims**

This action approves the payment of Bills and Claims in the amount of \$1,470,321.74 as follows: Payroll checks dated July, 5 2012 in the amount of \$263,031.92; Bills and Claims checks dated July 6, 2012 in the amount of \$141,125.13; Bills and Claims checks dated July 9, 2012 in the amount of \$49,267.37; Bills and Claims checks dated July 13, 2012 in the amount of \$118,698.80; Bills and Claims checks dated July 16, 2012 in the amount of \$25,583.72; Payroll checks dated July 19, 2012 in the amount of \$225,936.50; Bills and Claims checks dated July 20, 2012 in the amount of \$141,776.16; and Bills and Claims checks dated July 23, 2012 in the amount of \$474,902.14.

3. **Monthly Investment Report – June 2012**

This action is to note and file the Monthly Investment Report for June 2012.

4. **Accept Improvements for Project 10-FF, Pollard Road/Knowles Drive Bicycle and Traffic Safety Project, and Direct the Filing of the Notice of Completion (Resolution/Roll Call)**

Resolution 11444 accepts the improvements for the Pollard Road/Knowles Drive Bicycle and Pedestrian Safety Project (10-EE) and directs staff to file the Notice of Completion.

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

Resolution 11445 reappoints Herman Wadler, Paul Tuttle, and David Pasfield to the BPAC for terms expiring August, 2016.

6. **Note and File Cable Franchise Update**

This action Notes and Files the Comcast Franchise Status Update.

7. **Rejection of Bids and Authorization to Readvertise and Call for Bids for the Radar Speed Feedback Signs Project (CIP no. 12HH) (Resolution/Roll Call Vote)**

Resolution 11446 rejects all bids for the Radar Speed Feedback Signs Project 12-HH; authorizes the readvertisement of bids; authorizes the City Engineer to award and execute a construction contract in an amount not to exceed \$178,000 and encumber a maximum for a total construction contingency in an amount not to exceed \$194,000; and authorizes the City Engineer to negotiate and execute contract change orders up to and within the allocated contingency.

8. **Loan Approval for Down Payment Assistance and Budget Adjustment (Resolution/Roll Call Vote)**

Resolution 11447 approves a \$5,300 deferred loan for a first time homebuyer and approves a budget adjustment for same amount.

9. **Ordinance 2161 Approving an Amendment to the Campbell Zoning Ordinance Chapter 21.22 (Flood Damage Prevention) to comply with current FEMA (Federal Emergency Management Agency) Standards (Second Reading/Roll Call Vote)**

Second reading of Ordinance 2161 approves an amendment to the Campbell Zoning Ordinance Chapter 21.22 (Flood Damage Prevention) to comply with current FEMA (Federal Emergency Management Agency) Standards.

10. **Budget Adjustment to Fund the Maintenance and Repair of the Motorized Window Shades in the Campbell Heritage Theatre (Resolution/Roll Call Vote)**

Resolution 11448 authorizes the use of Preservation and Enhancement Funds to support the costs associated with the repair and maintenance of the motorized window shades in the Campbell Heritage Theatre.

M/S: Low/Baker– to approve the Consent Calendar. Motion adopted by the following roll call vote:

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

NOES: Councilmembers: None

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

11. **Appeal of Planning Commission decision denying an appeal and upholding approval of an Administrative Site and Architectural Review Permit (PLN2012-37) for construction of a single-family residence, on property owned by Lesley Wright, located at 1690 Westmont Avenue, in an R-1-9 (Single Family Residential) Zoning District**

This is the time and place for a public hearing to consider an appeal of a Planning Commission decision denying an appeal and upholding approval of an Administrative Site and Architectural Review Permit (PLN2012-37) for construction of a single-family residence, on property owned by Lesley Wright, located at 1690 Westmont Avenue, in an R-1-9 (Single Family Residential) Zoning District.

Associated Planner Fama – Staff report dated August 7, 2012

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

Applicant Lesley Wright, stated that they had done everything they could to minimize any privacy issues and the appellant was still not satisfied. She stated that the delay in constructing this project was costing lot of money and hopes that Council will uphold the approval so that they can begin construction.

Terry Martin, architect, presented a scaled model of the house to illustrate the design.

Jo-Ann Fairbanks, Campbell resident, spoke in support of the appeal.

Lisa spoke in support of the appeal.

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

After discussion, **M/S: Waterman/Cristina – adopted Resolution 11449 denying the appeal and upholding the Planning Commission approval of an**

Administrative Site and Architectural Review Permit with an amendment to the conditions of Approval Item 5 – Landscape Requirements and deletion of Item 6 – Window Size. Motion adopted by the following roll call vote:

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

NOES: Councilmembers: None

NEW BUSINESS

12. Council Discussion of Corporate Personhood (Continued from May 15, 2012)

City Attorney Seligmann – Staff Report dated August 7, 2012.

Judy Young spoke in support of amending the Constitution so that corporation would not receive the same legal rights as natural persons do.

Joan Goddard, Campbell resident, spoke in support of amending the Constitution so that corporations would not receive the same legal rights as natural persons do.

Joan Wildermann, Campbell resident, spoke in support of amending the Constitution so that corporations would not receive the same legal rights as natural persons do.

Consuelo Yokum, Campbell resident, spoke in support of amending the Constitution so that corporations would not receive the same legal rights as natural persons do.

Harvey Sachs M.D., spoke in support of amending the Constitution so that corporations would not receive the same legal rights as natural persons do.

Patricia Nichols, Campbell resident, spoke in support of amending the Constitution so that corporations would not receive the same legal rights as natural persons do.

Marcia Anderson, Los Gatos resident, spoke in support of amending the Constitution so that corporations would not receive the same legal rights as natural persons do.

Pablo Ghenis, Campbell resident, spoke in support of amending the Constitution so that corporations would not receive the same legal rights as natural persons do.

Gerry Hunt, Campbell resident, spoke in support of amending the Constitution so that corporations would not receive the same legal rights as natural persons do.

Steve Jack, San Jose resident, spoke in support of amending the Constitution so that corporations would not receive the same legal rights as natural persons do.

William Barrett, San Jose resident, spoke in support of amending the Constitution so that corporations would not receive the same legal rights as natural persons do.

Shelley Leiser, Cupertino resident, spoke in support of amending the Constitution so that corporations would not receive the same legal rights as natural persons do.

Brain Carr, San Jose resident, spoke in support of amending the Constitution so that corporations would not receive the same legal rights as natural persons do.

Kerri Hamilton, spoke in support of amending the Constitution so that corporations would not receive the same legal rights as natural persons do.

After discussion, **M/S: Baker/Low – that the City Council adopt Resolution 11450 establishing a similar resolution adopted by the U.S. Conference of Mayors. Motion adopted by the following roll call vote:**

AYES: Councilmembers: Baker, Waterman, Low, Kotowski

NOES: Councilmembers: Cristina

CITY OF CAMPBELL SUCCESSOR AGENCY

13. **Adopt a Resolution Approving the Successor Agency’s Third Recognized Obligation Payment Schedule (ROPS) and Administrative Budget for the Period January, 2013 through June, 2013**

Finance Manager Wright – Staff report dated August 7, 2012.

M/S: Baker/Waterman – that the City Council adopt Resolution 11451 approving the Successor Agency’s Third Recognized Obligation Payment Schedule (ROPS) and Administrative Budget for the period of January through June, 2013. Motion adopted by the following roll call vote:

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

NOES: Councilmembers: None

COUNCIL COMMITTEE REPORTS

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

--Councilmember Baker attended Hamann Park National Night Out event

--Councilmember attended SVACA Meeting; attended 100th birthday celebration for Evelyn Buck

--Councilmember Cristina attended Water Commission Meeting

--Mayor Kotowski attended the Rakshabandhan function at Campbell Community Center; Children's Recovery Center anniversary celebration; and West Valley Sanitation District Board meeting

ADJOURN

Mayor Kotowski adjourned the meeting at 9:44 p.m. to Executive Session regarding Item A.

CITY COUNCIL EXECUTIVE SESSION

Tuesday, August 7, 2012

Ralph Doetsch Conference Room - 70 N. First Street

***** Executive Session will begin immediately following Regular Council Meeting*****

Convened at 9:50 p.m.

- A. Personnel – Pursuant to G.C. Section 54957: Public Employee Performance Evaluation – City Manager
- B. Litigation
- C. Real Property
- D. Labor Negotiations

ADJOURN

Mayor Kotowski adjourned Executive Session at 11:35 p.m.

APPROVED:

Michael F. Kotowski, Mayor

ATTEST:

Wendy Wood, Deputy City Clerk