

CITY COUNCIL MINUTES

City of Campbell, 70 N. First St., Campbell, California



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

February 6, 2018 7:30 PM

City Hall 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

The City Council of the City of Campbell convened this day in the regular meeting place, the City Hall Council Chamber, 70 N. First St., Campbell, California.

ROLL CALL

| Attendee Name | Title | Status | Arrived |
|------------------|---------------|---------|---------|
| Paul Resnikoff | Mayor | Present | |
| Rich Waterman | Vice Mayor | Present | |
| Liz Gibbons | Councilmember | Present | |
| Susan M. Landry | Councilmember | Present | |
| Jeffrey Cristina | Councilmember | Present | |

PLEDGE OF ALLEGIANCE

The Pledge was led by Charlie Gibson and Jacquie Davidson.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

- Recognition of Parks and Recreation Commissioner Charlie Gibson**
Recommended Action: Present a plaque to Charlie Gibson in recognition of his eight years of excellent service on the Parks and Recreation Commission from January, 2010 - December, 2017.

Mayor Resnikoff thanked Charlie Gibson and presented him with a plaque in recognition of his eight years of excellent service on the Parks and Recreation Commission from January, 2010 - December, 2017.

- Recognition of Parks and Recreation Commissioner Jacquie Davidson**
Recommended Action: Present a plaque to Jacquie Davidson in recognition of her excellent service on the Parks and Recreation Commission from November 2010 - February 2018.

Mayor Resnikoff thanked Jacquie Davidson and presented her with a plaque in recognition of her excellent service on the Parks and Recreation Commission from November 2010 - February 2018.

3. **Proclamation Declaring the Month of March as "Youth Art Month" in the City of Campbell**

Recommended Action: It is recommended that the City Council proclaim March as "Youth Art Month" in the City of Campbell.

Mayor Resnikoff proclaimed March as "Youth Art Month" in the City of Campbell and presented Visual and Performing Art Coordinator for STEM Santa Clara County Office of Education, Jeannine Flores, with the proclamation.

COMMUNICATIONS AND PETITIONS

There were no communication and petitions.

ORAL REQUESTS

Albert Taylor Sr. spoke about arrests, seized property and issues with the Campbell Police Department.

Cam Robertson, Campbell resident, spoke about an agreement with the Campbell Unified School District and the City of Campbell and submitted documents for the record.

Audrey Kiehtreiber, Campbell resident, spoke about getting a bill sponsored at the Federal level to make marijuana a legal drug.

Erek Blaschke, San Jose resident, spoke about his marijuana business and he stated he would like to deliver in Campbell.

COUNCIL ANNOUNCEMENTS

What do you want to see in Campbell in the next 10 to 20 years? Campbell is in the process of updating its General Plan. The General Plan will guide growth, development, and key policy decisions in the city over the next 20 years. Please join us for one of the upcoming neighborhood workshops being held throughout the community. The next workshop will be held 6:30 pm, Monday, February 12 at the Canyon Heights Academy in Campbell. For more information about this and other upcoming workshops, please visit <http://campbell.generalplan.org>.

Volunteers are needed to serve on the 2018-2019 Civil Grand Jury. The Civil Grand Jury serves as the county's civil watchdog agency and may examine all aspects of county and city government, special districts and school districts. Applicants must be 18 year or older, United States citizens and residents of Santa Clara County. For more information please visit [scscourt.org](http://www.scscourt.org) <<http://www.scscourt.org>> The deadline to submit applications is March 29.

The City of Campbell's Youth and Civic Improvement Commissions are hosting a Youth Job Fair at the Campbell Community Center Orchard City Banquet Hall on Friday, February 9, from 3:30 - 5:30 pm. All high school juniors 16 and older are invited to attend. Connect with local businesses and organizations and find out more about employment.

The City of Campbell's Civic Improvement Commission and the Campbell Artists' Guild invite artist residing in Santa Clara County to participate in Campbell's utility box art project. For more information about this project and how to apply, please visit cityofcampbell.com/artbox.

Come warm up your heart this Valentine. On Saturday, February 10, spread the love at Campbell's 41st annual Valentine 10k and 5k Fun Run. Registration is available onsite the day of the event.

You're invited to the oldest California community celebration, second only to the Rose Parade! The 126th Annual Celebration of Campbell Early Settlers and Heritage Day will be held in the Orchard City Banquet Hall at the Campbell Community Center on Monday, February 19th, from Noon to 3:00 p.m. Please join your neighbors and friends to celebrate Campbell's rich heritage and learn more about our City's early days.

For more information about this and other events in the City of Campbell, please visit cityofcampbell.com

CONSENT CALENDAR

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeffrey Cristina, Councilmember |
| SECONDER: | Susan M. Landry, Councilmember |
| AYES: | Resnikoff, Waterman, Gibbons, Landry, Cristina |

- 4. **Minutes of City Council Regular Meeting of January 16, 2018**
Recommended Action: This action approves the minutes of the regular meeting of January 16, 2018.
 This action approves the minutes of the regular meeting of January 16, 2018.

- 5. **Approving Bills & Claims**
Recommended Action: Approve the attached lists of bills and claims in the amount of \$1,856,806.21.

This action approves the bills and claims in the amount of \$1,856,806.21 as follows: payroll checks dated January 11, 2018 in the amount of \$100,205.01; bills and claims checks dated January 15, 2018 in the amount of \$178,035.86; and bills and claims checks dated January 22, 2018 in the amount of \$1,578,565.34.

- 6. Item 6 was moved to ITEMS CONSIDERED SEPARATE FROM CONSENT
- 7. **Authorization to Issue a Request for Proposals (Rfp) for an Indirect Cost Allocation Study and User Fee Study**

Recommended Action: It is recommended that the City Council adopt the attached resolution authorizing the issuance of an RFP to conduct an Indirect Cost Allocation Study and User Fee Study.

Resolution 12275 authorizing the issuance of an RFP to conduct an Indirect Cost Allocation Study and User Fee Study.

ITEMS CONSIDERED SEPARATE FROM CONSENT

Item 6 - 1050 : Joint Powers Agreement Forming the West Valley Clean Water Program Authority

Recommended Action: That the City Council takes the following actions: (1) Adopt a resolution authorizing the City Manager to execute an agreement forming the West Valley Clean Water Program Authority, and (2) Adopt a resolution appointing a representative and alternate to the Board of Directors of the Authority.

Councilmember Gibbons provided comments and clarification on the process.

M/S: Cristina/Resnikoff - that the City Council adopt resolution 12276 authorizing the City Manager to execute an agreement forming the West Valley Clean Water Program Authority; and adopt Resolution 12277 appointing a representative and alternate to the Board of Directors of the Authority.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Liz Gibbons, Councilmember |
| SECONDER: | Jeffrey Cristina, Councilmember |
| AYES: | Waterman, Landry, Cristina, Resnikoff, Gibbons |

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

- 8. Public Hearing to Consider the Application of Gordana Pavlovic for a Zoning Map Amendment (PLN2017-100) to Amend the Campbell Zoning Map to Rezone the Property from R-M (Multi-Family Residential) to P-D (Planned Development); a Planned Development Permit (PLN2017-101) to Allow the Construction of Four Single-Family Homes; a Tentative Subdivision Map (PLN2017-102) to Allow the Creation of Five Lots (Four Residential and One Common Lot); and a Parking Modification Permit (PLN2017-338) to Allow Two of the Required Assigned Parking Spaces (Unit Specific), to be Provided as Guest Parking Spaces on Property Located at 1323 Elam Avenue. Mitigated Negative Declaration (PLN2017-103) Has Been Prepared for This Project.**

Recommended Action: The Planning Commission recommends that the City Council take the following actions:

1. **Adopt a Resolution**, adopting a Mitigated Negative Declaration (PLN2017-103);
2. **Adopt an Ordinance**, approving a Zoning Map Amendment (PLN2017-100) to amend the Campbell Zoning Map to rezone the property from R-M (Multi-Family Residential) to P-D (Planned Development);
3. **Adopt a Resolution**, approving a Planned Development Permit (PLN2017-101) for site configuration resulting in the development of four units, architectural design, and creation of lots which do not have frontage on a public street;
4. **Adopt a Resolution**, approving a Tentative Subdivision Map (PLN2017-102) to allow for the creation of five lots (four single-family and one commonly owned lot); and
5. **Adopt a Resolution**, approving a Parking Modification Permit (PLN2017-338) to allow for two of the required assigned parking spaces (unit specific) to be provided as guest parking spaces.

This is the time and place for a public hearing to consider the application of Gordana Pavlovic for a Zoning Map Amendment (PLN2017-100) to Amend the Campbell Zoning Map to Rezone the Property from R-M (Multi-Family Residential) to P-D (Planned Development); a Planned Development Permit (PLN2017-101) to Allow the Construction of Four Single-Family Homes; a Tentative Subdivision Map (PLN2017-102) to Allow the Creation of Five Lots (Four Residential and One Common Lot); and a Parking Modification Permit (PLN2017-338) to Allow Two of the Required Assigned Parking Spaces (Unit Specific), to be Provided as Guest Parking Spaces on Property Located at 1323 Elam Avenue.

Associate Planner Rose presented staff report dated February 6, 2018.

Mayor Resnikoff opened the public hearing and asked if there was anyone who wished to speak.

Gordana Pavlovic, applicant, spoke about the application and thanked the City for all their help.

Mike Peters, Campbell resident, commented on the fence between his property and the applicant's property and would like it to remain the same height and look as the other fencing.

Charles Schultz, Campbell resident, commented on the fence between his property and the applicant's property remaining the same height and look as the other fencing, and would like clarification on the actual property line.

Audrey Kiehtreiber, president of San Tomas Area Community Coalition, commented on the four homes and requested the project be reduced to three homes.

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

After discussion, **M/S: Cristina/Landry - that the City Council adopt Resolution, 12278 adopting a Mitigated Negative Declaration (PLN2017-103); take first reading of Ordinance 2229, approving a Zoning Map Amendment (PLN2017-100) to amend the Campbell Zoning Map to rezone the property from R-M (Multi-Family Residential) to P-D (Planned Development); adopt Resolution 12279, approving a Planned Development Permit (PLN2017-101) for site configuration resulting in the development of four units, architectural design, and creation of lots which do not have frontage on a public street; adopt Resolution 12280, approving a Tentative Subdivision Map (PLN2017-102) to allow for the creation of five lots (four single-family and one commonly owned lot); and adopt Resolution 12281, approving a Parking Modification Permit (PLN2017-338) to allow for two of the required assigned parking spaces (unit specific) to be provided as guest parking spaces; including the desk item; and an amendment to add language adding an eight-foot fence exemption; maintain the look of the fence with the surrounding fences; and findings for the exemption as follows: the additional height of the fence would not impair pedestrian or vehicular safety; would result in a more desirable site layout; would not be detrimental to health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood; and would not be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.**

City Clerk Wood read the title of Ordinance 2229.

M/S: Waterman/Gibbons - that the City Council waive further reading of Ordinance 2229. Motion was adopted unanimously.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeffrey Cristina, Councilmember |
| SECONDER: | Susan M. Landry, Councilmember |
| AYES: | Waterman, Landry, Cristina, Resnikoff, Gibbons |

9. **Public Hearing to Consider a City-Initiated Zoning Code Amendment (PLN2017-319) Repealing and Replacing Chapter 21.33 (Historic Preservation Ordinance) of the Zoning Code (Introduction of Ordinance/Roll Call Vote)**

Recommended Action: Take a first reading and introduce an Ordinance (Attachment 1), approving a City-initiated Zoning Code Amendment (PLN2017-319) repealing and replacing Chapter 21.33 (Historic Preservation Ordinance) of the Zoning Code.

This is the time and place for a public hearing to consider City-initiated Zoning Code Amendment (PLN2017-319) repealing and replacing Chapter 21.33 (Historic Preservation Ordinance) of the Zoning Code.

Senior Planner McCormick presented staff report dated February 6, 2018.

Mayor Resnikoff opened the public hearing and asked if there was anyone who wished to speak.

Todd Walter, Chair for the Historic Preservation Board, thanked Cindy McCormick for all her hard work throughout the process.

Susan Blake, Historic Preservation Board member, thanked Paul Kermoyan for his help through the process.

Campbell resident, asked for clarification regarding the eligibility list and any cost associated with it.

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

After discussion, **M/S: Cristina/Landry - that the City Council continue this item to the first meeting in March. Motion failed 2-3 vote (Councilmember Gibbons, Vice Mayor Waterman, and Mayor Resnikoff voted no).**

M/S: Waterman/Gibbons - that the City Council take a first reading and introduce Ordinance 2230 approving a City-initiated Zoning Code Amendment (PLN2017-319) repealing and replacing Chapter 21.33 (Historic Preservation Ordinance) of the Zoning Code.

City Clerk Wood read the title of Ordinance 2230.

M/S: Gibbons/Waterman - that the City Council waive further reading of Ordinance 2230. Motion was adopted unanimously.

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| RESULT: | ADOPTED [4 TO 1] |
| MOVER: | Rich Waterman, Vice Mayor |
| SECONDER: | Liz Gibbons, Councilmember |
| AYES: | Rich Waterman, Susan M. Landry, Paul Resnikoff, Liz Gibbons |
| NAYS: | Jeffrey Cristina |

10. **Ordinance Amending Chapter 5.12 of the Campbell Municipal Code Regarding Collection of Gross Receipts Tax on Marijuana Businesses (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council take first reading and introduce an ordinance amending Campbell Municipal Code Chapter 5.12 regarding the collection of Gross Receipts Tax on marijuana businesses.

Councilmember Landry recused herself due to a potential finance conflict and left the Council Chambers.

Council took a ten minute recess.

Council reconvened.

This is the time and place for a public hearing to consider an ordinance Amending Chapter 5.12 of the Campbell Municipal Code Regarding Collection of Gross Receipts Tax on Marijuana Businesses.

City Clerk Wood presented staff report dated February 6, 2018.

Mayor Resnikoff opened the public hearing and asked if there was anyone who wished to speak.

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

After discussion, **M/S: Gibbons/Waterman - that the City Council take first reading and introduce ordinance 2231 amending Campbell Municipal Code Chapter 5.12 regarding the collection of Gross Receipts Tax on marijuana businesses.**

City Clerk Wood read the title of Ordinance 2231.

M/S: Gibbons/Waterman - that the City Council waive further reading of Ordinance 2231. Motion was adopted by a 4-0-1 vote (Councilmember Landry recused).

Councilmember Landry returned to the council Chambers.

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| RESULT: | ADOPTED [4 TO 0] |
| MOVER: | Liz Gibbons, Councilmember |
| SECONDER: | Rich Waterman, Vice Mayor |
| AYES: | Rich Waterman, Jeffrey Cristina, Paul Resnikoff, Liz Gibbons |
| RECUSED: | Susan M. Landry |

OLD BUSINESS

NEW BUSINESS

11. **Authorization of Salary Adjustment for City Clerk**
Recommended Action: Adopt a resolution authorizing a 5% step increase adjustment to the City Clerk's compensation.

City Manager Loventhal presented staff report dated February 6, 2018.

After discussion, **M/S: Waterman/Cristina - that the City Council adopt resolution 12282 authorizing a 5% step increase adjustment to the City Clerk's compensation.**

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Rich Waterman, Vice Mayor |
| SECONDER: | Jeffrey Cristina, Councilmember |
| AYES: | Waterman, Landry, Cristina, Resnikoff, Gibbons |

COUNCIL COMMITTEE REPORTS

12. Appointment to Parks and Recreation Commission

Recommended Action: It is recommended that the City Council approve the recommendation of the Advisory Commissioner Appointment Interview Subcommittee regarding an appointment to the Parks and Recreation Commission for one short term expiring December 2018.

Mayor Resnikoff reported on the Advisory Commissioner Appointment Interview Subcommittee meeting and stated that the Committee is recommending appointing Charlie Gibbons to fill the short term vacancy.

M/S: Cristina/Waterman - that the City Council appoint Charlie Gibson to the Parks and Recreation Commission for one short term expiring December 2018. Motion was adopted unanimously.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeffrey Cristina, Councilmember |
| SECONDER: | Rich Waterman, Vice Mayor |
| AYES: | Waterman, Landry, Cristina, Resnikoff, Gibbons |

13. COUNCIL COMMITTEE REPORT

Recommended Action: Report on committee assignments and general comments.

--Councilmember Landry attended the Education subcommittee meeting; spoke about the upcoming VTA Policy Advisory upcoming meeting; spoke about the Recycling and Waste Reduction Commission of Santa Clara County upcoming tour; and attended the Santa Clara Valley Water District County Water Commission.

--Councilmember Gibbons attended the Silicon Valley Clean Energy JPA Board of Directors meeting; Silicon Valley Clean Energy Finance and Audit Subcommittee meeting; attended Cupertino's State of the City; attended the Association of Bay Area Governments Executive Committee meeting; Silicon Valley at Home "Happy Housers"; attended the State of the County Review; attended Education Subcommittee meeting; Santa Clara County Library district forum; attended the Priorities Study Session; attended the Community General Plan meetings; attended the County Women's Club Crab and Pasta Feed; Supervisor Simitian Teacher housing forum; League of California Cities dinner at Stanford; Santa Clara Fire Department Annual Promotion Ceremony; and attended the CERT Annual meeting.

--Mayor Resnikoff attended the Campbell Chamber board meeting; attended the US conference of Mayor in Washington D.C.; Santa Clara Fire Department Annual Promotion Ceremony; attended a meeting with the Silicon Valley Leadership group on autonomous vehicles; attended the West Valley Solid Waste Authority JPA meeting; and attended the CERT graduation ceremony.

ADJOURN

Mayor Paul Resnikoff, adjourned the meeting at 10:00 PM

APPROVED:

ATTEST:

Paul Resnikoff, Mayor

Wendy Wood, City Clerk