

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, February 19, 2019 7:30 P.M.

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
Richard M. Waterman	Mayor	Present
Susan M. Landry	Vice Mayor	Present
Paul Resnikoff	Councilmember	Present
Anne Bybee	Councilmember	Present
Elizabeth 'Liz' Gibbons	Councilmember	Present

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by District 4 Santa Clara County Supervisor, Susan Ellenberg. Mayor Waterman thanked her and presented her with a certificate of appreciation for leading the pledge.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. **Presentation by Susan Ellenberg, District 4 Santa Clara County Supervisor**
Recommended Action: Receive presentation and introduction of Susan Ellenberg, District 4 representative on the Santa Clara County Board of Supervisors.

Susan Ellenberg, District 4 Santa Clara County Supervisor, introduced herself, spoke about current challenges and upcoming goals.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

ORAL REQUESTS

Lacey Castellese, Campbell resident, stated concerns with Pink Pantherz Espresso.

Erin Barclay, Campbell resident, stated concerns with Pink Pantherz Espresso and asked to have this item agendaized for a future meeting.

COUNCIL ANNOUNCEMENTS

Help raise money for Special Olympics athletes on Sunday, February 24 from 8:00 a.m. - 11:00 a.m. at the Tip a Cop event. The Campbell Police Department will serve patrons, as celebrity waiters, delivering food and drinks at John's Pancake House on Winchester Blvd. Tips received will be donated to support Special Olympics programs.

Summer Day Camps & Swim Lessons Early Bird Registration begins Tuesday, March 12 at 8:00 a.m. for Campbell residents. Descriptions and schedules will be available at www.cityofcampbell.com and in the Recreation Office on Friday, March 1.

The Heritage Theater will present Blue Oyster Cult on Friday, March 15. For more information about this and other upcoming events, please visit www.heritagetheatre.org.

The Campbell Library offers extensive classes weekly including: baby time, Zumba fitness for adults and teens, family movies, story time and special crafts and so much more. Check the online calendar for more information about classes, book discussion groups, lecture and other programs at www.sccl.org.

CONSENT CALENDAR

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

Items three, five, and six were pulled off Consent.

The Consent Calendar was considered as follows:

2. **Minutes of City Council Study Session of January 29, 2019**
Recommended Action: This action approves study session meeting minutes of January 29, 2019.

This action approved the study session minutes of January 29, 2019.

4. **Approving Bills & Claims**
Recommended Action: Approve the bills and claims in the amount of \$1,185,661.82.

This action approves the bills and claims in the amount of \$1,185,661.82 as

follows: payroll checks dated January 24, 2019, in the amount of \$90,357.23; bills and claims checks dated January 28, 2019, in the amount of \$877,506.00; and bills and claims checks dated February 4, 2019, in the amount of \$217,798.59.

7. **Adopt a Resolution Appointing Directors to the Pooled Liability Assurance Network Joint Powers Authority (PLAN JPA).**

Recommended Action: Adopt a resolution appointing directors to the Pooled Liability Assurance Network Joint Powers Authority (PLAN JPA).

Resolution 12405 appoints directors to the Pooled Liability Assurance Network Joint Powers Authority (PLAN JPA).

M/S: Resnikoff/Gibbons - that the City Council approve the consent calendar with the exception of items three, five, and six. Motion was adopted by the following roll call vote:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Resnikoff
SECONDER:	Gibbons
AYES:	Waterman, Landry, Resnikoff, Bybee, Gibbons

ITEMS PULLED FROM CONSENT

3. **Minutes of City Council Regular Meeting of February 5, 2019.**

Recommended Action: This action approves regular meeting minutes of February 5, 2019.

Councilmember Gibbons commented on item seven of the minutes clarifying that the language in section 2.24.070 should state "...make training mandatory for new Commissioners in their first two years of service at the League of California Cities training".

M/S: Gibbons/Landry - that the City Council approve the regular meeting minutes of February 5, 2019 with the clarifying language on item seven and the desk item. Motion was adopted unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gibbons
SECONDER:	Landry
AYES:	Waterman, Landry, Resnikoff, Bybee, Gibbons

5. **Authorization to Issue a Request for Proposals for Consultant Services for John D. Morgan Park (Budd Avenue) Improvement Project 18-PP, and Authorizing the Public Works Director to Execute a Consultant Services Agreement (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt the attached resolution

authorizing the issuance of a Request for Proposals (RFP) for consultant services for preliminary and final designs, and construction administration and inspection associated with John D. Morgan Park (Budd Avenue) Improvement Project 18-PP and authorizing the Public Works Director to execute a Consultant Services Agreement.

Council discussed the need for a better defined scope of services, a clearly established public outreach process, and identify the roles of Council.

Vice Mayor Landry made a motion to bring back this project at a future date and discuss it at the priority session. Motion failed due to lack of a second.

After discussion, **M/S: Landry/Gibbons – to continue this item to a future meeting addressing Council's comments.**

Councilmember Gibbons made a friendly amendment to provide transparency to the public in the staff report on the scope, schedule, budget and funding of this project. Vice Mayor Landry accepted the friendly amendment.

After discussion, **the motion with the friendly amendment was adopted by the following roll call vote:**

RESULT:	ADOPTED [3 TO 2]
MOVER:	Landry
SECONDER:	Gibbons
AYES:	Landry, Bybee, Gibbons
NAYS:	Waterman, Resnikoff

6. **Eden Avenue Sidewalk Improvements Project 18-MM Approval of Plans and Specifications, Authorization to Advertise for Bids, and Other Associated Actions (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt the attached resolution approving plans and specifications; authorizing the advertisement of bids; authorizing the Public Works Director to award and execute a construction contract to the lowest responsive and responsible bidder and encumber a construction contingency for a total contract amount not to exceed \$607,000; authorizing the City Engineer to negotiate and execute contract change orders up to and within the allocated construction contingency; authorizing the Public Works Director to reject bids and rebid the project should bids received have unamenable irregularities; and approve a budget adjustment for the Eden Avenue Sidewalk Improvements Project 18-MM.

Councilmember Gibbons commented on funding allocations for traffic calming projects.

M/S: Gibbons/Resnikoff - that the City Council adopt the Resolution 12406

approving plans and specifications; authorizing the advertisement of bids; authorizing the Public Works Director to award and execute a construction contract to the lowest responsive and responsible bidder and encumber a construction contingency for a total contract amount not to exceed \$607,000; authorizing the City Engineer to negotiate and execute contract change orders up to and within the allocated construction contingency; authorizing the Public Works Director to reject bids and rebid the project should bids received have unamenable irregularities; and approving a budget adjustment for the Eden Avenue Sidewalk Improvements Project 18-MM. Motion was adopted by the following roll call vote:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gibbons
SECONDER:	Resnikoff
AYES:	Waterman, Landry, Resnikoff, Bybee, Gibbons

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

- 8. **Pre-Authorization Request (PLN2019-18) to Formally Proceed with a General Plan Amendment Application to Change the General Plan Land Use Designation of the Parcel Located at 202 W. Rincon Avenue from Medium Density Residential to Low-Medium Density Residential (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution denying the requested authorization to apply for a Low-Medium Density designation (6-13 du/ga), and direct the applicant to redesign the proposed project with a minimum of nine (9) dwelling units and a maximum of 11 dwelling units, consistent with the Medium Density designation (14-20 du/ga).

Councilmember Gibbons recused herself from this item due to the proximity of her residence and left the Council Chambers.

This is the time and place for a public hearing to request authorization to apply for a Low-Medium Density designation (6-13 du/ga), and direct the applicant to redesign the proposed project with a minimum of nine (9) dwelling units and a maximum of 11 dwelling units, consistent with the Medium Density designation (14-20 du/ga).

Senior Planner McCormick presented staff report dated February 19, 2019.

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

Jennifer Allen, Campbell resident, stated concerns with a Medium Density, the project, and commented on parking issues.

Bin Ma, Campbell resident, stated concerns with the proximity to his home and

requested a reasonable setback distance.

Xiaomo Chen, Campbell resident, stated concerns with the traffic.

Wei Chun Hung, Campbell resident, commented on parking, traffic and privacy issues and stated support of a low density development.

Peter Niemann, Campbell resident, stated support of the Low Density development.

Jo-Ann Fairbanks, Campbell resident, commented on the request, stated concerns and submitted her comments for the record.

There being no one else wishing to be heard, Mayor Waterman closed the public hearing.

After discussion, **M/S: Resnikoff/Bybee - that the City Council adopt Resolution 12407 denying the requested authorization to apply for a Low-Medium Density designation (6-13 du/ga), and direct the applicant to redesign the proposed project with a minimum of nine (9) dwelling units and a maximum of 11 dwelling units, consistent with the Medium Density designation (14-20 du/ga). Motion was adopted by the following roll call vote:**

RESULT:	ADOPTED [3 TO 1]
MOVER:	Resnikoff
SECONDER:	Bybee
AYES:	Waterman, Resnikoff, Bybee
NAYS:	Landry
RECUSED:	Gibbons

Councilmember Gibbons returned to the Council Chambers.

OLD BUSINESS

There were no agenda items.

NEW BUSINESS

- 9. Request for the City Council to Determine Whether a Condition of Approval of the Pruneyard Master Use Permit Pertaining to the Construction of a Public Pathway Within the State of California Highway 17 Right-Of-Way by the Developer Has Been Satisfied.**

Recommended Action: Determine whether a Condition of Approval of the Pruneyard Master Use Permit pertaining to the construction of a public pathway within the State of California Highway 17 right-of-way by the developer has been satisfied.

Senior Planner Fama presented staff report dated February 19, 2019.
Community Development Director Kermoyan provided additional information.

Dean Rubinson, Director of Development, Ellis Parnters, gave a presentation on the proposed path, stated they had made a good faith effort to comply with the conditions of approval and requested that the condition be waived.

After discussion, **M/S: Gibbons/Resnikoff - that the City Council determine that the Condition of Approval of the Pruneyard Master Use Permit pertaining to the construction of a public pathway within the State of California Highway 17 right-of-way by the developer has not been satisfied and that the developer is encouraged to utilize the connections between senior staff and Councilmembers to take advantage of potential opportunities to enhance negotiations with Caltrans. Motion was adopted by the following roll call vote:**

RESULT:	ADOPTED [4 TO 1]
MOVER:	Gibbons
SECONDER:	Resnikoff
AYES:	Landry, Resnikoff, Bybee, Gibbons
NAYS:	Waterman

10. **Review of Campbell Statement of Values**

Recommended Action: That the City Council review Campbell's Statement of Values and reaffirm it with any desired adjustments.

City Clerk Wood presented staff report dated February 19, 2019.

After discussion, **M/S: Resnikoff/Bybee - that the City Council reaffirm Campbell's Statement of Values without any desired adjustments. Motion was adopted by the following roll call vote:**

RESULT:	ADOPTED [4 TO 1]
MOVER:	Resnikoff
SECONDER:	Bybee
AYES:	Waterman, Landry, Resnikoff, Bybee
NAYS:	Gibbons

COUNCIL COMMITTEE REPORTS

11. **Council Committee Reports**

Recommended Action: Report on committee assignments and general comments.

--Councilmember Resnikoff attended the West Valley Clean Water JPA; attended the West Valley Solid Waste Authority JPA; attended the West Valley Sanitation

District meeting; and attended the Cities Association of Santa Clara County Legislative Action Committee.

--Councilmember Bybee attended the Downtown Campbell Business Association meeting.

--Councilmember Gibbons attended the Silicon Valley Clean Energy Finance and Audit Subcommittee meeting and commented on SB50.

--Vice Mayor Landry attended the Downtown Neighborhood Association meeting; attended the "Early Settlers" event; attended the State of the Valley; and was invited to attend a site visit at the recycling plant through the Recycling and Waste Reduction Commission.

--Mayor Waterman attended a meeting with the San Tomas West Neighborhood Association; attended the "Early Settlers" event; met with the Silicon Valley Leadership Group; attended the Downtown Campbell Business Association "Bubble Walk"; and attended the Lunar New Year Celebration.

ADJOURN

Mayor Richard M. Waterman adjourned the meeting at 9:30 P.M.

APPROVED:

ATTEST:

Richard M. Waterman, Mayor

Andrea Sanders, Deputy City Clerk