

CITY COUNCIL MINUTES

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



The City Council Executive Session and Regular Meeting will be teleconferenced pursuant to Government Code Section 54953(b)(3) with Councilmember Elizabeth “Liz” Gibbons from the location at the Renaissance Washington, DC Downtown Hotel, 999 Ninth Street NW, Washington, DC 20001. The teleconference location shall be accessible to the public for the open session portion of the meeting pursuant to Government Code Section 54953(b)(3).

CITY COUNCIL EXECUTIVE SESSION

Tuesday, March 5, 2019 – 7:00 p.m.

Ralph Doetsch Conference Room - 70 N. First Street

- A. Personnel
- B. Litigation – Conference with Legal Counsel - Existing Litigation – (Paragraph (1) of subdivision (d) of Section 54956.9) Name of Case: Ghilotti v. City of Campbell
- C. Real Property
- D. Labor Negotiations

Council met in Executive session to discuss Item B. Executive session adjourned at 7:13 p.m.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, March 5, 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 | Remote |

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jo Lopez from Luna Mexican Kitchen. Mayor Waterman thanked her for the donation to support the 2019 Campbell Fun Runs and presented her with a certificate of appreciation for leading the pledge.

Jo Lopez stated that they are very excited to be a part of the Campbell community.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. Declaring March 13, 2019 Arbor Day

Recommended Action: It is recommended that the City Council proclaim March 13, 2019, as “Arbor Day” in the City of Campbell.

Vice Mayor Landry read the Arbor Day proclamation and presented it to the City Arborist Bob Siudzinski.

Jo-Anne Fairbanks, Campbell resident, spoke about trees, environmental sustainability, the need to educate the public on the tree canopy; and commented on the Arbor Day celebration.

COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

ORAL REQUESTS

Gail Gitt, President of the Hamilton East Homeowners Association, spoke about the Rosemary Parking Permit Program and thanked Council and staff for implementing the program.

Daryle Talavera, Secretary for the Valley Forge Homeowners Association, spoke about the Rosemary Parking Permit Program and thanked Council and staff for implementing the program.

Erin Barclay, Campbell resident, spoke about concerns with the Pink Pantherz Espresso business, commented on zoning code issues, and would like the business

relocated.

Jackie Young spoke about concerns with the Pink Pantherz Espresso business, stated concerns with it being a sexually oriented business, and commented on the objectification of women.

Meghan Marshall, Campbell resident, spoke about the Pink Pantherz Espresso business, stated concerns with it being a sexually oriented business, and would like the business relocated.

Chuck, Campbell resident, spoke about Accessory Dwelling Units (ADU), submitted a copy of the state regulations, and would like the City to move forward with allowing ADUs.

COUNCIL ANNOUNCEMENTS

You are invited to the Campbell Recreation Pre-School Open House on Wednesday, March 6, at 6:30 p.m. in the pre-school rooms. Online registration for Campbell residents begins on Tuesday, March 12, at 10:00 a.m. For more information, please visit www.cityofcampbell.com.

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

You are invited to participate in the National Mayor's Challenge for Water Conservation from April 1 through April 30. This is a friendly competition between cities across the US to see who can be the most "water wise" by saving water. Cities with the highest percentage of residents who take the challenge can win prizes. Last year, Campbell ranked #95 in the US. To take the pledge, please visit www.mywaterpledge.com.

CONSENT CALENDAR

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

Items five and seven were pulled off Consent.

The Consent Calendar was considered as follow:

2. **Minutes of City Council Regular Meeting of February 19, 2019**

Recommended Action: This action approves regular meeting minutes of February 19, 2019.

This action approves the regular meeting minutes of February 19, 2019.

3. **Approving Bills & Claims**

Recommended Action: Approve the bills and claims in the amount of

\$933,875.54.

This action approved the bills and claims in the amount of \$933,875.54 as follows: payroll checks dated February 7, 2019, in the amount of \$142,6112.42; bills and claims checks dated February 11, 2019, in the amount of \$583,530.58; bills and claims checks dated February 18, 2019, in the amount of \$207,733.54.

4. **Accept Donations to Campbell Recreation Programs**

Recommended Action: Accept donations for Campbell Recreation Programs

This action accepts donations from Luna Mexican Kitchen and Classic Car Wash for recreation programs.

6. **Note and File Community Facilities District #1 Report**

Recommended Action: As mandated by the California Government Code sections 53411 and 50075.3, City Staff is submitting the Annual Bond Accountability Report for the City's Community Facilities District No. 1 ("CFD") for FY ending June 30, 2018.

This action is to note and file the Facilities District #1 Report for Fiscal Year ending June 30, 2018, as mandated by the California Government Code sections 53411 and 50075.3.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Resnikoff

SECONDER: Landry

AYES: Waterman, Landry, Resnikoff, Bybee, Gibbons

ITEMS PULLED FROM CONSENT

5. **Resolution Congratulating Carol Hoffman on Being Selected "Citizen of the Year" by the Campbell Chamber of Commerce (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution congratulating Carol Hoffman on being selected Campbell's 2018 "Citizen of the Year."

Councilmember Bybee congratulated Carol Hoffman on receiving this award and requested that the resolution include some of her volunteer efforts.

After discussion, **M/S - Bybee/Resnikoff - that the City Council adopt Resolution 12408 congratulating Carol Hoffman on being selected Campbell's 2018 "Citizen of the Year," with an amendment to include Carol Hoffman's community volunteerism, which includes the City park cleanups, Night to Shine, Campbell Toy Drive, Bunnies and Bonnets, and Carol of Lights, and includes the desk item. Motion was adopted by the following roll call vote:**

RESULT: ADOPTED [UNANIMOUS]

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|------------------|---|
| MOVER: | Bybee |
| SECONDER: | Resnikoff |
| AYES: | Waterman, Landry, Resnikoff, Bybee, Gibbons |

7. **List of Public Street Names**

Recommended Action: The Civic Improvement Commission (CIC) recommends that the City Council review and approve the Commission's updated standing list of public street names.

Councilmember Bybee commented on the list of names and suggested the addition of Elm, Author and/or Ring.

Council discussed adding the names of additional historical and significant individuals.

After discussion, Councilmember Bybee made a motion that the City Council review and approve the Commission's updated standing list of public street names as recommended with the addition of the names suggested as follows: Author Ring, Elm, Roseberry, Sally Howe, and Donald Burr.

Councilmember Landry made a friendly amendment to add the reason why the names were selected. Councilmember Bybee accepted the friendly amendment.

After further discussion motion was revised, **M/S: Bybee/Resnikoff - that the City Council review and approve the Commission's updated standing list of public street names as recommended and add direction to the Civic Improvement Commission to develop criteria for future naming of streets. Motion was adopted by the following roll call vote:**

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

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

8. **Public Hearing to Consider the Planning Commission’s Recommendation to Adopt a City-Initiated Zoning Text Amendment (PLN2018-098) to Amend Campbell Municipal Code (“CMC”) Sec. 21.10.030 to Establish Large and Small Tutoring Centers as a Permitted Use in the P-O (Professional Office) Zoning District, CMC Sec. 21.36 (Provisions Applying to Special Uses) to Add Provisions to Govern the Location and Operation of Tutoring Centers, and CMC Sec. 21.10.050 to Add a Reference to the Special Use Provisions for Tutoring Centers in the C-2 (General Commercial) Zoning District. (Ordinance/Roll Call Vote)**

Recommended Action: The Planning Commission recommends that the City Council take the following action: take first reading and introduce an ordinance

amending Campbell Municipal Code (“CMC”) Sec. 21.10.030 to establish large and small tutoring centers as a permitted use in the P-O (Professional Office) zoning district, CMC Sec. 21.36 (Provisions applying to special uses) to add provisions to govern the location and operation of tutoring centers, and CMC Sec. 21.10.050 to add a reference to the special use provisions for tutoring centers in the C-2 (General Commercial) zoning district.

This is the time and place for a public hearing to consider the Planning Commission’s recommendation to adopt a City-Initiated Zoning Text Amendment (PLN2018-098) to amend Campbell Municipal Code (“CMC”) Section 21.10.030 to establish large and small tutoring centers as a permitted use in the P-O (Professional Office) Zoning District; CMC Section 21.36 (Provisions Applying to Special Uses) to add provisions to govern the location and operation of tutoring centers; and CMC Section 21.10.050 to add a reference to the special use provisions for tutoring centers in the C-2 (General Commercial) Zoning District.

Associate Planner Rose presented a staff report dated March 5, 2019.

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

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

After discussion, **M/S: Landry/Bybee - that the City Council take first reading and introduce Ordinance 2240, amending Campbell Municipal Code (“CMC”) Section 21.10.030 to establish large and small tutoring centers as a permitted use in the P-O (Professional Office) zoning district; CMC Section 21.36 (Provisions applying to special uses) to add provisions to govern the location and operation of tutoring centers; and CMC Section 21.10.050 to add a reference to the special use provisions for tutoring centers in the C-2 (General Commercial) zoning district. Motion was adopted by the following roll call vote:**

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

City Clerk Wood read the title of Ordinance 2240.

M/S: Bybee/Landry - that the City Council waive further reading of Ordinance 2240. Motion was adopted unanimously.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Bybee |
| SECONDER: | Landry |

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| AYES: Waterman, Landry, Resnikoff, Bybee, Gibbons |
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OLD BUSINESS

- 9. **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.

Public Works Director Capurso presented a staff report dated March 5, 2019.

After discussion, **M/S: Landry/Resnikoff - that the City Council adopt Resolution 12409 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. Motion was adopted by the following roll call vote:**

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

- 10. **Annual Street Maintenance: Winchester Boulevard Resurfacing Project 18-XX - Approval of Plans and Specifications, Authorization to Solicit Bids, and Other Associated Actions (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution: approving plans and specifications for the Annual Street Maintenance - Winchester Boulevard Resurfacing Project 18-XX; authorizing solicitation 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 \$6,953,690; 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; authorizing the Public Works Director to negotiate and execute a cost sharing agreement with the Town of Los Gatos; and approving the necessary budget adjustments and authorization for the Finance Director to perform a future budget adjustment to augment the Annual Street Maintenance: Winchester Boulevard Resurfacing Project 18-XX.

City Engineer Olay presented a staff report dated March 5, 2019.

Councilmember Bybee discussed changing the authority to execute a cost sharing agreement with the Town of Los Gatos from the Public Works Director to the City Manager.

After discussion, Councilmember Resnikoff made a motion to approve as proposed by staff.

After further discussion, Councilmember Resnikoff amended the motion to change the authority to the City Manager.

M/S: Resnikoff/Bybee - that the City Council adopt Resolution 12410: approving plans and specifications for the Annual Street Maintenance - Winchester Boulevard Resurfacing Project 18-XX; authorizing solicitation 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 \$6,953,690; 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; authorizing the City Manager to negotiate and execute a cost sharing agreement with the Town of Los Gatos; and approving the necessary budget adjustments and authorization for the Finance Director to perform a future budget adjustment to augment the Annual Street Maintenance: Winchester Boulevard Resurfacing Project 18-XX. Motion was adopted by the following roll call:

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

NEW BUSINESS

11. Fiscal Year 2018/19 General Fund Mid-Year Update

Recommended Action: Staff recommends that the City Council adopt by resolution the mid-year Operating Budget adjustments for FY 2018-19 increasing the fund balance of the General Fund revenue by \$612,140 and decreasing the General Fund expenditures by \$609,921.

City Manager Loventhal presented a staff report dated March 5, 2019.

After discussion, **M/S: Resnikoff/Bybee - that the City Council adopt Resolution 12411 approving the mid-year Operating Budget adjustments**

for FY 2018-19 increasing the fund balance of the General Fund revenue by \$612,140 and decreasing the General Fund expenditures by \$609,921. Motion was adopted by the following roll call vote:

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

COUNCIL COMMITTEE REPORTS

12. Council Committee Reports

Recommended Action: Report on committee assignments and general comments.

--Councilmember Resnikoff attended the "Tip a Cop" fundraising event for Special Olympics.

--Councilmember Gibbons attended a workshop for Silicon Valley Clean Energy; attended a Campbell Historical Museum & Ainsley House Foundation planning meeting; and attended a housing conference in Sacramento as an ABAG member and spoke about Senate Bill 50.

--Vice Mayor Landry attended Senator Jim Beall's Senate District 15 Woman of the Year event; commented on the State Route 85 Corridor Policy Advisory Board meeting; and commented on a letter signed as the Chair for the Recycling and Waste Reduction Commission of Santa Clara County regarding Senate Bill 1383.

--Mayor Waterman attended the "Tip a Cop" fundraising event for Special Olympics; attended a meeting with District 4 representative of the Santa Clara County Board of Supervisors, Susan Ellenberg; attended the West Valley Mayors and Managers meeting; and commented on Councilmembers Resnikoff's statements in the news regarding CASA.

ADJOURN

Mayor Waterman adjourned the meeting at 9:13 p.m. in memory of seventeen year old Campbell resident and Westmont High School student, Kirk Vasquez.

ATTEST:

APPROVED:

Wendy Wood, City Clerk

Richard M. Waterman, Mayor