

CITY COUNCIL MINUTES

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



CITY COUNCIL EXECUTIVE SESSION

Tuesday, March 19, 2019 – 7:00 p.m.

Ralph Doetsch Conference Room - 70 N. First Street

- A. Personnel
- B. Litigation – CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Initiation of litigation pursuant to paragraph (4) of subdivision (d) of [Section 54956.9](#): One case
- C. Real Property
- D. Labor Negotiations

Council met in Executive session to discuss Item B. Executive session adjourned at 7:15 p.m.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, March 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 Sharon Dehart with the Artspiration Team at the Santa Clara County Office of Education. Mayor Waterman thanked her for leading the pledge.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. **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 Waterman spoke about the Santa Clara County Office of Education program Artspiration and presented representative Sharon Dehart with a proclamation declaring the month of March as "Youth Art Month" in the City of Campbell.

Sharon Dehart thanked the Council for the proclamation and their support of the program.

2. **Proclamation Declaring the Month of March "American Red Cross Month" in the City of Campbell**

Recommended Action: It is recommended that the City Council proclaim the month of March as "American Red Cross Month" in the City of Campbell.

Mayor Waterman presented a proclamation to American Red Cross representatives Jim Yoke and Eve Dreyfuss and thanked them for their services.

Eve Dreyfuss gave a brief presentation on American Red Cross services.

COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

ORAL REQUESTS

Mayor Waterman commented on the Webelos Boy Scouts in attendance, which he and staff had met with prior to the meeting.

Maureen Cruzen of Verizon Wireless gave a brief presentation about the Small Cell program and a Master License Agreement.

Jackie Owens, Campbell resident, requested that the City approve a reconnection of gas to a secondary unit.

Debbie Boitano, Campbell resident, requested that the gas be reconnected to her secondary unit.

COUNCIL ANNOUNCEMENTS

Silicon Valley Clean Energy is inviting key stakeholders to the upcoming Building Reach Code Workshops on Wednesday, March 20. This is the first opportunity for local communities and other key stakeholders to shape important local amendments to the energy code. For more information please contact www.john.supp@svcleanenergy.org.

History Happy Hour Lecture Series at the Ainsley House is a great place to learn about interesting topics, meet new people, and tour the Ainsley House. Programs are held each month on a Friday from 5:30 to 7:30 p.m. For program registration and upcoming events, please visit www.cityofcampbell.com.

The Campbell Library offers a variety of events, such as pre-school story time, teen computer gaming, Silicon Valley Reads and ESL. The Library has extended their hours of operation and is now open Sundays from 1-5 p.m. For more details visit www.sccl.org/campbell.

April is Earth Month. Do your part and take the National Mayor's Challenge for Water Conservation from April 1 through April 30. Together we can pledge to save over two billion gallons of water nationwide. Last year, our community pledged to save more than one million gallons of water. To take the pledge, please visit www.mywaterpledge.

Volunteer services, docents and greeters needed for the Campbell Historical Museum and Ainsley House. For more information, please call (408)866-2759.

CONSENT CALENDAR

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

Item three was pulled off Consent.

The Consent Calendar was considered as follows:

4. **Minutes of City Council Regular Meeting of March 5, 2019**
Recommended Action: This action approves regular meeting minutes of March 5, 2019.

This action approves the regular meeting minutes of March 5, 2019.

5. **Approving Bills and Claims**
Recommended Action: Approve the bills and claims in the amount of \$1,484,492.83.

This action approved the bills and claims in the amount of \$1,484,492.83 as follows: payroll checks dated February 21, 2019, in the amount of \$100,735.31; bills and claims checks dated February 25, 2019, in the amount of \$1,186,224.20; bills and claims checks dated March 4, 2019, in the amount of \$197,533.32.

6. **Second Reading of Ordinance 2240, 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 (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council approve the second reading and adopt 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.

Second reading of Ordinance 2240 amends the 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.

7. **Approval to Carryover Unspent Capital Budget Appropriations and Operating Budget Encumbrances (Resolutions/Roll Call Vote)**

Recommended Action: It is recommended that the City Council adopt the two resolutions amending the City Fiscal Year 2018-19 Operating and Capital budgets as follows: resolution amending the City’s Capital budget in the amount of \$6,383,972 plus related transfers, re-allocations, and consolidations; and resolution amending the City’s Operating budget in the amount of \$711,072 for re-appropriation of operating encumbrances.

Resolution 12412 amends the City’s Capital budget in the amount of \$6,383,972 plus related transfers, re-allocations, and consolidations; and Resolution 12413 amends the City’s Operating budget in the amount of \$711,072 for re-appropriation of operating encumbrances.

8. **Approval of Services Contract for Finance Department Professional Staffing (Resolution/Roll Call Vote)**

Recommended Action: Approve the attached resolution which authorizes the City

Manager to negotiate and enter into a professional services agreement for temporary Finance Department staffing.

Resolution 12414 authorizes the City Manager to negotiate and enter into a professional services agreement for temporary Finance Department staffing.

M/S: Resnikoff/Gibbons - that the City Council approve the consent calendar with the exception of item three including desk items for items six, seven and eight. 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 Special Meeting of February 22, 2019

Recommended Action: This action approves special meeting minutes of February 22, 2019.

Councilmember Gibbons discussed including a summary document of Council priorities to be included with the minutes.

Jo-Anne Fairbanks, Campbell resident, commented on not being able to attend the priorities meeting and stated that a separate document listing priorities would be helpful.

M/S: Gibbons/Landry - that the minutes be revised to include a document that can stand alone to be utilized throughout the year. Motion was adopted by the following roll call vote:

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

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

9. Planning Commissioner Attendance and Training Ordinance (Ordinance/Roll Call Vote)

Recommended Action: Staff recommends that the City Council take the first reading of the attached Ordinance, amending and establishing attendance and training requirements within the Campbell Municipal Code - Chapter 2.24 - for the Planning Commission.

This is the time and place for a public hearing to consider amending and

establishing attendance and training requirements within the Campbell Municipal Code - Chapter 2.24 - for the Planning Commission.

Community Development Director, Kermoyan presented a staff report dated March 19, 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.

M/S: Landry/Gibbons - that the City Council take first reading of Ordinance 2241, amending and establishing attendance and training requirements within the Campbell Municipal Code - Chapter 2.24 - for the Planning Commission. Motion was adopted by the following roll call vote:

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

Deputy City Clerk Sanders read the title of Ordinance 2241.

M/S: Bybee/Gibbons - that the City Council waive further reading of Ordinance 2241. Motion was adopted unanimously.

10. **Public Hearing to Receive Input from the Community Regarding the Creation of a District-Based Election System**

Recommended Action: Staff recommends that the City Council receive a report from staff on the districting process and permissible criteria to be considered to create district boundaries and to receive public input on district boundaries.

This is the time and place for a public hearing to receive input from the community regarding the creation of a district-based election system.

City Manager Loventhal gave an introduction on the item and introduced Douglas Johnson of National Demographics Corporation (NDC).

Douglas Johnson of NDC gave a presentation on the districting process.

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

Jo-Anne Fairbanks, Campbell resident, spoke about Council remaining unbiased in their decision making and would like to receive more information to be actively involved in the districting process.

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

Council discussed a five district option and a four districts option and spoke about the importance of public input and community engagement. Council suggested outreach through Neighborhood Associations, social media platforms, advertising in the local newspapers, and holding community meetings for the mapping and districting processes. Council discussed setting the criteria to be considered to create district boundaries at the next Council meeting.

OLD BUSINESS

11. Update on Cannabis Regulations

Recommended Action: Accept this informational report providing an update on state and municipal regulation of cannabis.

Vice Mayor Landry recused herself from this item due to a conflict of interest and left the Council Chambers.

Administrative Analyst Mendoza presented a staff report dated March 19, 2019.

Matt Lucero, Campbell resident, spoke about the dispensary he previously owned in San Jose and how he would like to open a cannabis dispensary in Campbell.

Phil Alne, spoke about finances related to the cannabis industry.

Member of the public spoke about wanting a non-profit cannabis business without cash payments in Campbell.

After discussion, Council accepted the informational report providing an update on state and municipal regulation of Cannabis.

Vice Mayor Landry returned to the Council Chambers.

NEW BUSINESS

12. Housing Element Annual Progress Report

Recommended Action: That the City Council receive public comment, accept the Housing Element Annual Progress Report, and direct staff to send the Annual Progress Report to the required state agencies.

Senior Planner McCormick, presented a staff report dated March 19, 2019.

Jo-Anne Fairbanks, Campbell resident, spoke about the need for more affordable housing and new state ADU laws.

Anna Salvador-Rodriguez of SV@Home spoke about the need for more affordable housing and commented on ways that Campbell can achieve this.

Kathy Figueroa, spoke about the need for more affordable housing and working together with the community.

Debbie Boitano, Campbell resident, commented on the provisions for accessory dwelling units and stated it could help with the need for more affordable housing.

After discussion, **M/S: Landry/Resnikoff - that the City Council receive public comment, accept the Housing Element Annual Progress Report, and direct staff to send the Annual Progress Report to the required state agencies. Motion was adopted by the following roll call vote:**

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

COUNCIL COMMITTEE REPORTS

13. Council Committee Reports

Recommended Action: Report on committee assignments and general comments.

--Councilmember Resnikoff attended the Campbell Little League Opening Day ceremony; attended the Celebrate Campbell awards dinner; attended the West Valley Sanitation District; and attended the Cities Association of Santa Clara County meeting.

--Councilmember Bybee attended the Downtown Campbell Business Association meeting and the Valley Transportation Authority Policy Advisory Committee meeting.

--Councilmember Gibbons spoke of the upcoming Association of Bay Area Governments meeting and the upcoming Silicon Valley Clean Energy meeting; and attended the Campbell Historical Museum and Ainsley House Foundation board meeting.

--Vice Mayor Landry attended the Campbell Little League Opening Day ceremony; attended the Celebrate Campbell awards dinner; attended the Arbor Day event; and toured the recycling facility with the Recycling and Waste Reduction Commission of Santa Clara County.

--Mayor Waterman attended the Campbell Little League Opening Day ceremony; attended the Celebrate Campbell awards dinner; attended the Arbor Day event;

and attended the LGBTQ Leadership Summit.

M/S: Gibbons/Bybee - to have a study session on the General Plan separate from a regular Council meeting. Motion failed by the following roll call vote:

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

M/S: Gibbons/Waterman - that the Council direct staff to find a consultant to put together an objective criteria for the review of the staff that is directly hired by Council. Motion failed by the following roll call vote:

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

Councilmember Gibbons made a motion for the Council to have an Executive session to receive an update on the no build easement of related to the Imwalle land parcel. Motion failed due to lack of a second.

Mayor Waterman, adjourned the meeting at 10:32 PM

APPROVED:

ATTEST:

Richard M. Waterman, Mayor

Andrea Sanders, Deputy City Clerk