

# CITY COUNCIL MINUTES

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



## CITY COUNCIL EXECUTIVE SESSION

Tuesday, April 2, 2019 – 6:15 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 - Pursuant to G.C. Section 54957.6: Conference with Labor Negotiator - Agency Designated Representatives: Jill Lopez, Human Resources Manager  
Employee Organizations: Campbell Municipal Employees Association (CMEA); Campbell Police Civilian Employees Association (CPCEA); Carpenters; Management Employees; and Confidential Employees

Council met in Executive session to discuss Items B and D.

Councilmember Bybee recused herself from Item D, CMEA discussions, due to a potential conflict of interest and left the conference room.

Executive session adjourned at 7:12 p.m.

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## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, April 2, 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](http://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**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Rich 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 former District 4 Santa Clara County Supervisor Ken Yeager. Mayor Waterman thanked him, presented him with a certificate of appreciation for leading the pledge and a resolution recognizing him for his services as former Santa Clara County Supervisor.

Mr. Yeager thanked everyone for the resolution and commented on his time as Santa Clara County Supervisor.

## **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

There were no special presentations and proclamations.

## **COMMUNICATIONS AND PETITIONS**

There were no communications and petitions.

## **ORAL REQUESTS**

Mayor Waterman announced that a notice was published stating that there would be a public hearing on a temporary use permit and since that time this item has been moved to a future meeting which will then be re-noticed. Mayor Waterman stated if there was anyone in the audience that wished to speak on this item, they can do so at this time.

Mike Krisman, Campbell resident, gave an update on the proposed statue for the Campbell Park, spoke about how a partnership with the Campbell Chamber of Commerce; and commented on a historical art grant through Santa Clara County.

Jackie Costanzo, Campbell resident, spoke about a League of Woman Voters upcoming public forum; a study from the League regarding election transparency with financial donations; and submitted her comments for the record.

Tim Yu, Campbell resident, commented on the number of sex offenders located in a specific area.

Audrey Kiehtreiber, president of San Tomas Area Community Coalition (STACC)

requested that a page be included with City reports that lists all the acronyms used.

## **COUNCIL ANNOUNCEMENTS**

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.com](http://www.mywaterpledge.com).

Campbell Kiwanis presents the 39th annual Campbell Eggstravaganza event on Saturday, April 20 from 9-11:00 a.m. Following the Eggstravaganza, the public is invited to Downtown Campbell's 21th Annual Bunnies and Bonnets parade. The parade will begin at 12:00 p.m.

The Volunteer Services Program calls on the Campbell community. For more information, or to volunteer time and efforts, please call Campbell Volunteer Services at Campbell City Hall at (408) 866-2122.

## **CONSENT CALENDAR**

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

Items nine and eleven were pulled off consent.

The Consent Calendar was considered as follows:

1. **Minutes of City Council Executive Session Meeting of January 8, 2019**  
Recommended Action: This action approves executive session meeting minutes of January 8, 2019.

This action approves the executive session meeting minutes of January 8, 2019.

2. **Minutes of City Council Regular Meeting of March 19, 2019**  
Recommended Action: This action approves regular meeting minutes of March 19, 2019.

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

3. **Approving the Bills and Claims**  
Recommended Action: Approve the bills and claims in the amount of \$1,615,784.27.

This action approved the bills and claims in the amount of \$1,615,784.27 as follows: payroll checks dated March 7, 2018, in the amount of \$177,855.35; bills and claims checks dated March 11, 2019, in the amount of \$291,256.69; and bills

and claims checks dated March 18, 2019, in the amount of \$1,146,672.23.

4. **Monthly Investment Report- December, 2018**

Recommended Action: That the Investment Report for December 2018 be noted and filed.

This action is to note and file the Monthly Investment report for December, 2018.

5. **Initiate Proceedings of the Campbell Lighting and Landscaping District, Fiscal Year 2019/20 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution initiating proceedings, describing the improvements, and directing staff to prepare the Engineer's Report for the Campbell Lighting and Landscaping Assessment District for Fiscal Year 2019/20.

Resolution 12415 initiates proceedings, describes the improvements, and directs staff to prepare the Engineer's Report for the Campbell Lighting and Landscaping Assessment District for Fiscal Year 2019/20.

6. **Approval of Parcel Map Including Acceptance of Street Dedication and Public Service Easements Shown on Said Map – 871 Virginia Avenue (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution approving the Parcel Map and accept the street dedication and public service easements for the property located at 871 Virginia Avenue.

Resolution 12416 approves the Parcel Map and accepts the street dedication and public service easements for the property located at 871 Virginia Avenue.

7. **Approval of the Vacation of the Light and Air / Building (Setback) Lines Created by Tract Map No. 112 (Portions of N. Milton Avenue, S. Milton Avenue and W. Campbell Avenue) and Directing the City Clerk to Record the Resolution (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution (1) summarily vacating the Light and Air/Building (Setback) Lines created by Tract Map No. 112; and (2) direct the City Clerk to record the resolution.

Resolution 12417 summarily vacates the Light and Air/Building (Setback) Lines created by Tract Map No. 112; and directs the City Clerk to record the resolution.

8. **Adopt a Resolution Authorizing the Use of FY19/20 Road Maintenance and Rehabilitation Account (RMRA) Funds for the Annual Street Maintenance - Winchester Boulevard Resurfacing Project (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution authorizing the use of FY19/20 Road Maintenance and Rehabilitation Account (RMRA) Funds

for the Annual Street Maintenance - Winchester Boulevard Resurfacing Project.

Resolution 12418 authorizes the use of FY19/20 Road Maintenance and Rehabilitation Account (RMRA) funds for the Annual Street Maintenance - Winchester Boulevard Resurfacing Project.

10. **Second Reading of Ordinance 2241 Planning Commissioner Attendance and Training Ordinance (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council approve the second reading and adopt Ordinance 2241 amending Campbell Municipal Code - Chapter 2.24 - for the Planning Commission.

Second reading of Ordinance 2241 amends the Campbell Municipal Code - Chapter 2.24 - for the Planning Commission.

**M/S: Resnikoff/Landry - that the City Council approve the consent calendar with the exception of items nine and eleven. Motion was adopted by the following roll call vote:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Resnikoff
<b>SECONDER:</b>	Landry
<b>AYES:</b>	Waterman, Landry, Resnikoff, Bybee, Gibbons

**ITEMS MOVED FROM CONSENT**

9. **Destruction of Certain City Records (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution authorizing the destruction of certain City records pursuant to the California Government Code Section 34090.

Councilmember Landry stated she would like to view certain documents that are scheduled for destruction. Staff confirmed that they would make the documents available for viewing prior to destruction.

**M/S: Landry/Resnikoff - that the City Council adopt Resolution 12419 authorizing the destruction of certain City records pursuant to the California Government Code Section 34090. Motion was adopted by the following roll call vote:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Landry
<b>SECONDER:</b>	Resnikoff
<b>AYES:</b>	Waterman, Landry, Resnikoff, Bybee, Gibbons

11. **Amendment to the Classification and Salary Plan – Public Works Project Manager (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution amending the Classification and Salary Plan.

Councilmember Resnikoff recused himself from this item due to the proximity of his home to the proposed project, and left the Council Chambers.

Council discussed having the Project Manager under the City Manager, adjusting the salary schedule and increasing the years of experience required.

**M/S: Landry/Gibbons - that the City Council adopt Resolution 12420 amending the Classification and Salary Plan with an amendment that the Project Manager title be changed to Senior Project Manager, that the salary is equivalent to a Senior Engineer, that they shall work under the general direction of the City Manager or the Director of Public Works or Civil Engineer and that their experience be five to seven years.**

Human Resources Manager Lopez provided clarification.

Council discussed who the project manager will take direction from.

Vice Mayor Landry amended her motion to state: **that the City Council adopt Resolution 12420 amending the Classification and Salary Plan with an amendment, that the Project Manager title be changed to Senior Project Manager, that the salary is equivalent to a Senior Engineer, that they shall work under the general direction of the City Manager or his designee, and that their experience be five to seven years.**

Councilmember Gibbons accepted the amendment.

**Motion was adopted by the following roll call vote:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Landry
<b>SECONDER:</b>	Gibbons
<b>AYES:</b>	Waterman, Landry, Bybee, Gibbons
<b>RECUSED:</b>	Resnikoff

Councilmember Resnikoff returned to the Council Chambers.

**PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES**

12. **Public Hearing to Consider the Application of Scott Zazueta for a Tentative Parcel Map (PLN2018-218) to Create Two Single-Family Lots; a Zoning Map Amendment (PLN2018-219) to Rezone the Project Site from R-1-6 (Single-Family Residential) to P-D (Planned Development); and a Planned Development Permit (PLN2018-220) to Allow Construction of Two Single-**

**Family Homes with an Exception to the Access Requirement on Property Located at 1806 White Oaks Road in the R-1-6 (Single-Family Residential) Zoning District (Ordinance/Resolutions/Roll Call Vote)**

Recommended Action: The Planning Commission recommends that the City Council take the following actions: (1) adopt an ordinance approving a Zoning Map Amendment (PLN2018-219) from R-1-6 (Single-Family Residential) to P-D (Planned Development); (2) adopt a resolution approving a Tentative Parcel Map (PLN2018-218) to create two single-family lots; and (3) adopt a resolution, approving a Planned Development Permit (PLN2018-220) to allow construction of two single-family homes with an exception to the access requirement.

This is the time and place for a public hearing to consider the application of Scott Zazueta for a Tentative Parcel Map (PLN2018-218) to create two single-family lots; a Zoning Map Amendment (PLN2018-219) to rezone the project site from R-1-6 (Single-Family Residential) to P-D (Planned Development); and a Planned Development Permit (PLN2018-220) to allow construction of two single-family homes with an exception to the access requirement on property located at 1806 White Oaks Road in the R-1-6 (Single-Family Residential) zoning district.

Assistant Planner Pouya presented a staff report dated April 2, 2019.

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

Applicant Scott Zazueta spoke about the project.

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

After discussion, **M/S: Landry/Resnikoff - that the City Council adopt Ordinance 2242 approving a Zoning Map Amendment (PLN2018-219) from R-1-6 (Single-Family Residential) to P-D (Planned Development); adopt Resolution 12421 approving a Tentative Parcel Map (PLN2018-218) to create two single-family lots; and adopt Resolution 12422 approving a Planned Development Permit (PLN2018-220) to allow construction of two single-family homes with an exception to the access requirement. Motion was adopted by the following roll call vote:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Landry
<b>SECONDER:</b>	Resnikoff
<b>AYES:</b>	Waterman, Landry, Resnikoff, Bybee, Gibbons

Deputy City Clerk Sanders read the title of Ordinance 2242.

**M/S: Gibbons/Bybee - that the City Council waive further reading of Ordinance 2242. Motion was adopted unanimously.**



13. **Public Hearing to Receive Input from the Community Regarding the Creation of a District-Based Election System (Resolution/Roll Call Vote)**

Recommended Action: Staff recommends that the City Council receive public input on the criteria to be used for the creation of district boundaries for a district based election process. Staff also recommends that the City Council adopt a resolution setting forth the criteria and number of districts to be used for a district based election process.

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 Jeff Tilton of National Demographics Corporation (NDC).

Jeff Tilton of NDC gave a presentation on the districting process and the mapping process.

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

Jackie Costanzo, Campbell resident, spoke about the number of districts and how the district boundaries would need to be periodically adjusted.

Audrey Kiehtreiber, president of San Tomas Area Community Coalition (STACC) commented on districts being based on population density, requested further community outreach and clarification on unfilled district seats.

Campbell resident stated support for district-based elections.

Steve Saunders, Campbell resident, requested clarification on the process for various conflict of interest situations.

Jo-Anne Fairbanks, Campbell resident, spoke about communities of interest.

Anne Souza, Campbell resident, spoke about the map she submitted, emphasizing the inclusion of Downtown; requested the maps be bigger and that the City host mapping workshop.

Campbell resident stated that he would like Council to represent the City as a whole and supported further community outreach.

Campbell resident requested that Downtown Campbell be a central place for the districts, suggested more outreach to the Commissions, and stated support for a four district system.

Campbell resident requested clarification on why the City was required to



transition to district-based elections and what was the criteria for forming a district.

Council discussed each item listed on Exhibit A “Specification of Criteria to Guide the Establishment of Electoral Districts”, and had a general consensus that item six was not necessary to be included.

**M/S: Resnikoff/Bybee - that the City Council adopt Resolution 12423 with an amendment to eliminate criteria number six from Exhibit A. Motion was adopted by the following roll call vote:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Resnikoff
<b>SECONDER:</b>	Bybee
<b>AYES:</b>	Waterman, Landry, Resnikoff, Bybee, Gibbons

Council took a ten minute recess and reconvened at 10:29 p.m.

## **NEW BUSINESS**

### **14. Housing Law Compliance**

Recommended Action: That the City Council take the following action: (1) Provide direction to staff on the following short-term solutions as follows: revise the P-D and C-PD ordinances to reference the development standards of the comparable zoning district in order to establish objective development standards; establish a Site Development Plan process that will allow the creation of development standards consistent with the built environment, based on objective criteria; and create an expedited (ministerial) review process for qualifying SB35 and AB2162 projects; (2) Provide direction to staff on the implementation of the following long-term solutions as follows: replace all subjective findings with objective findings for all housing development projects; replace all subjective policies with objective standards for all housing development projects through one of the following implementation methods: (a) Expand the scope of the Envision Campbell General Plan Update; (b) Hire a dedicated consultant; (c) Form neighborhood subcommittees to amend their respective area and master plans.

Senior Planner McCormick and Associate Planner Rose presented a staff report dated April 2, 2019.

Jo-Anne Fairbanks, Campbell resident, commented on the City's need for objective standards.

Council discussed long and short term solutions and had a general consensus to hire a dedicated consultant.

**M/S: Landry/Resnikoff - that the City Council direct staff to do the following**

short-term solutions: revise the P-D and C-PD ordinances to reference the development standards of the comparable zoning district in order to establish objective development standards; and establish a Site Development Plan process that will allow the creation of development standards consistent with the built environment, based on objective criteria; and create an expedited (Ministerial) review process for qualifying SB35 and AB2162 projects; and the following for long term solutions: replace all subjective findings with the objective findings for all housing developments projects; and replace all subjective policies with objective standards for all housing development projects through hiring a dedicated consultant. Motion was adopted by the following roll call vote:

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Landry
<b>SECONDER:</b>	Resnikoff
<b>AYES:</b>	Waterman, Landry, Resnikoff, Bybee, Gibbons

**COUNCIL COMMITTEE REPORTS**

15. **Council Committee Reports**

Recommended Action: Report on committee assignments and general comments.

--Councilmember Bybee attended the Valley Transportation Authority (VTA) Bascom Avenue Complete Street Study community workshop.

--Councilmember Gibbons attended an Association of Bay Area Governments (ABAG) meeting; attended the Campbell Historical Museum & Ainsley House Foundation meeting; attended the Economic Development Subcommittee meeting, attended the Education subcommittee meeting; attended the Silicon Valley Clean Energy JPA meeting; and attended the Valley Transportation Authority (VTA) Bascom Avenue Complete Street Study community workshop.

--Vice Mayor Landry attended the Campbell Library Sunday event; and Education Subcommittee meeting.

--Mayor Waterman spoke about a meeting with Assemblymember Low; attended the Silicon Valley Animal Control Authority (SVACA) meeting; attended the West Valley Mayors and Managers meeting; and attended the Campbell Library Sunday event.

**ADJOURN**

Mayor Waterman adjourned the meeting at 11:06 p.m.

APPROVED:

ATTEST:

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Rich Waterman, Mayor

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Andrea Sanders, Deputy City Clerk