

CITY COUNCIL MINUTES

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



CITY COUNCIL EXECUTIVE SESSION

Tuesday, May 7, 2019 – 7:00 p.m.

Ralph Doetsch Conference Room - 70 N. First Street

- A. Personnel
- B. Litigation
- 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

Council met in Executive Session to discuss Item 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 7:29 p.m.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, May 7, 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 Colleen Hudgen, retired Executive Director of Live Oak Adult Day Services.

Vice Mayor Landry congratulated her on her retirement and presented her with a certificate of appreciation for leading the pledge.

Deputy City Manager Bito commented on her dedication and service to the seniors in the Campbell community and Senior Services Manager Wong-Erling presented her with flowers.

Ms. Hudgen commented on the services she provided to the seniors and thanked the City of Campbell for their acknowledgment of her service.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. Youth Commission Report

Recommended Action: Receive the Campbell Youth Commission presentation.

Recreation Specialist Bybee introduced the Campbell Youth Commission.

Youth Commission members gave a presentation on the completed 2018-19 Work Plan projects.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

ORAL REQUESTS

Jo-Ann Fairbanks, Campbell resident, commented on the Youth Commission Legacy Project and that a commission member participated in a hearing to help save a tree.

DiAnn Beatty, volunteer from Next Door Solutions, spoke about the program and commented on increasing the awareness of domestic violence in the month of October by lighting up the Water Tower.

Catherine Cavagnaro, Campbell business owner, spoke about issues with construction

outside her business.

Member of the public provided further comments about the construction, the distress it caused to Ms. Cavagnaro, and spoke about issues with the City's procedures.

COUNCIL ANNOUNCEMENTS

Bicycle commuters from Santa Clara County and beyond will roll to work on Thursday, May 9 as part of the Bay Area's 25th annual Bike to Work Day. Pledge to ride and join the Bay Area Bike Challenge or volunteer. For more information visit www.bikesiliconvalley.org.

The Caregivers Count conference will be held on Saturday, May 18, 2019, at the Orchard City Banquet Hall from 8:30 a.m. to 2:00 p.m. Caregivers Count is an annual event designed for families and friends caring for an aging loved one. Topics of this conference includes humor heals hopelessness, coping with grief and loss, and long-term care options. For more information about this conference, please call (408) 866-2147.

The Civic Improvement Commission's "Capture Campbell" photo contest is now running thru September 1. Capture Campbell is a youth photo contest inspiring youth to engage and view their community through a new lens. Participants must be 18 and under, and live in Campbell. For more information, please visit the city's website at www.cityofcampbell.com.

The American Foundation for Suicide Prevention will host a "Talk Saves Lives" presentation on Thursday, May 16, from 6:30 p.m. to 8:30 p.m. at the Campbell Community Center. Participants will learn the common risk factors for suicide, how to spot the warning signs in others, and how to keep ourselves, our loved ones and those in our community safe. For more information, please visit www.afsp.org.

History Happy Hour Lecture Series at the Ainsley House. Programs are held each month from 5:30 p.m. to 7:30 p.m. For program registration and upcoming events, please visit the city's website at www.cityofcampbell.com.

Summer reading at the Campbell Library begins June 1. Register for free at the library, or online at www.sccl.org/summer2018. This program is open to all ages.

The City is in the process of transitioning to a district based election. Districting is different than most issues that come before the City Council. Instead of being limited to saying you support or oppose a City-prepared ordinance or resolution, you can draw a map yourself! The deadline for initial map submissions from the public is Tuesday, May 14, by 5:00 p.m. Draft maps and proposed election sequencing will be posted on the City's website and available at City Hall on Wednesday, May 22.

CONSENT CALENDAR

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

Councilmember Resnikoff asked to pull item five.

Vice Mayor Landry asked to pull items six and ten.

The Consent Calendar was considered as follows:

2. **Minutes of City Council Regular Meeting of April 16, 2019**

Recommended Action: This action approves regular meeting minutes of April 16, 2019.

This action approves the regular meeting minutes of April 16, 2019.

3. **Minutes of City Council Study Session Meeting of April 22, 2019.**

Recommended Action: This action approves study session meeting minutes of April 22, 2019.

This action approves the study session meeting minutes of April 22, 2019.

4. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$2,789,875.50.

This action approved the bills and claims in the amount of \$2,790,875.50 as follows: payroll checks dated April 4, 2019 in the amount of \$132,629.77; bills and claims checks dated April 8, 2019 in the amount of \$1,432,541.37; bills and claims checks dated April 15, 2019 in the amount of \$181,906.33; payroll checks dated April 18, 2019 in the amount of \$91,455.91; and bills and claims checks dated April 22, 2019 in the amount of \$952,342.12.

7. **Approval of Specifications and Authorize Call for Bids for Annual Fuel Contract (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt the attached resolution approving the specifications for Annual Fuel Contract; authorizing a call for bids for furnishing and delivering unleaded gasoline and diesel fuel to City fueling stations for City vehicles; and authorizing the Public Works Director to execute a one-year agreement for the period beginning July 1, 2019 and ending June 30, 2020, with the option of extending the agreement for four (4) additional one-year periods upon mutual agreement between the City and the lowest responsible bidder.

Resolution 12424 approves the specifications for Annual Fuel Contract; authorizes a call for bids for furnishing and delivering unleaded gasoline and diesel fuel to City fueling stations for City vehicles; and authorizes the Public Works Director to execute a one-year agreement for the period beginning July 1,

2019 and ending June 30, 2020, with the option of extending the agreement for four (4) additional one-year periods upon mutual agreement between the City and the lowest responsible bidder.

8. **Adoption of Resolution Authorizing the West Valley Clean Water Program Authority to Collect the Storm Sewer Property-Related Fee on Behalf of the City of Campbell to Continue the West Valley Clean Water Program (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution authorizing the West Valley Clean Water Authority (JPA) to take over the collection of the storm sewer property-related fee that has been collected by the West Valley Sanitation District on the Santa Clara County annual property tax roll since 1992, and Direct the City Manager, or his designee, to work with the JPA to transfer to the JPA the collection duties for the property-related fee.

Resolution 12425 authorizes the West Valley Clean Water Authority (JPA) to take over the collection of the storm sewer property-related fee that has been collected by the West Valley Sanitation District on the Santa Clara County annual property tax roll since 1992, and directs the City Manager, or his designee, to work with the JPA to transfer to the JPA the collection duties for the property-related fee.

9. **Adopt a Resolution Authorizing the Public Works Director to Execute All Master Agreements, Program Supplemental Agreements, and Any Amendments Thereto for Federal And/Or State Funded Projects (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution authorizing the Public Works Director to execute all master agreements, program supplemental agreements, and any amendments thereto for federal and/or state funded projects.

Resolution 12426 authorizes the Public Works Director to execute all master agreements, program supplemental agreements, and any amendments thereto for federal and/or state funded projects.

11. **Approval of Specifications, Authorize Issuance of Request for Proposals (RFP) and Authorize the Public Works Director to Execute an Agreement for Street Sweeping Services (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt the attached resolution approving specifications, authorizing issuance of a request for proposals (RFP) and authorizing the Public Works Director or his designee to execute an agreement with the most qualified firm for street sweeping services.

Resolution 12427 approves specifications, authorizes issuance of a request for proposals (RFP) and authorizes the Public Works Director or his designee to execute an agreement with the most qualified firm for street sweeping services.

12. **Acceptance of Resignations of Marko Buric and Dave Porter from the Bicycle and Pedestrian Advisory Committee, and Approve Appointments of Laura Smith and Barton Smith (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt the attached resolution accepting the resignations of Marko Buric and Dave Porter from the Bicycle and Pedestrian Advisory Committee (BPAC), and approve appointments of Laura Smith to fill the vacancy to the term expiring August, 2020, and Barton Smith to the term expiring August, 2022.

Resolution 12428 accepts the resignations of Marko Buric and Dave Porter from the Bicycle and Pedestrian Advisory Committee (BPAC), and approves appointments of Laura Smith to fill the vacancy to the term expiring August, 2020, and Barton Smith to the term expiring August, 2022.

M/S: Resnikoff/Gibbons - that the City Council approve the consent calendar with the exception of items five, six, and ten. 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

5. **Declaring the Week of May 19 - 25, 2019 National Public Works Week**

Recommended Action: That the City Council adopt the attached resolution declaring the week of May 19-25, 2019, as National Public Works Week.

Councilmember Resnikoff recognized and thanked the Public Works Department for all their work.

M/S: Resnikoff/Landry - that the City Council adopt Resolution 12429, declaring the week of May 19-25, 2019, as National Public Works Week. Motion was adopted by the following roll call vote:

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

6. **Authorize Public Works Director to Execute Fourth Amendment with CSG**

Recommended Action: That the City Council adopt the attached resolution authorizing the Public Works Director to execute a fourth amendment to the existing agreement with CSG Consultants, Inc. for supplemental land development and engineering services.

Vice Mayor Landry spoke about the past extensions and commented on the process.

After discussion, **M/S: Landry/Resnikoff** - that the City Council adopt **Resolution 12430** authorizing the Public Works Director to execute a fourth amendment to the existing agreement with CSG Consultants, Inc. for supplemental land development and engineering services. Motion was adopted by the following roll call vote:

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

10. **Solicit Bids for Landscape Maintenance in Median Islands & Right of Ways**
Recommended Action: That the City Council adopt the attached resolution authorizing the Public Works Director to solicit bids for landscape maintenance services for the City's median islands and right-of-ways, and to enter into a one-year service agreement with the lowest bidder, with an option to renew the agreement for up to four (4) additional one (1) year terms.

Vice Mayor Landry commented on including RFPs and solicitation of bids with reports.

After discussion, **M/S: Landry/Gibbons** - that the City Council adopt **Resolution 12431** authorizing the Public Works Director to solicit bids for landscape maintenance services for the City's median islands and right-of-ways, and to enter into a one-year service agreement with the lowest bidder, with an option to renew the agreement for up to four (4) additional one (1) year terms. Motion was adopted by the following roll call vote:

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

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

13. **FY 2020 and FY 2021 Social Service Subgrant Funding**
Recommended Action: The Civic Improvement Commission recommends that the City Council approve the FY 2019-20 and FY 2020-21 Social Service Subgrant funding as proposed.

This is the time and place for a public hearing to discuss FY 2020 and FY 2021 Social Service Subgrant Funding.

Senior Services Supervisor Wong-Erling presented a staff report dated May 7,

2019.

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

Teresa Johnson, Director of Meals on Wheels for the Health Trust, spoke about the program and continued support from the City.

Georgia Bacil, Directing Attorney at Senior Adults Living Assistance (SALA), spoke about their services and continued support from the City.

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

After discussion, **M/S: Gibbons/Resnikoff - that the City Council approve the FY 2019-20 and FY 2020-21 Social Service Subgrant funding as proposed. Motion was adopted by the following roll call vote:**

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

14. **Approval of 2019-20 Schedule of Fees and Charges (Resolution/Roll Call Vote)**

Recommended Action: That the City Council approve the attached resolution adopting the FY 2019-20 (FY 20) Schedule of Fees and Charges to be effective July 8, 2019.

This is the time and place for a public hearing to consider approval of 2019-20 Schedule of Fees and Charges.

City Manager Loventhal introduced the item.

Terry Madsen, Consultant from Clearsource Financial, presented the proposed schedule of fees.

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

Jo-Ann Fairbanks, Campbell resident, spoke about the appeal fee for the Planning Commission and the City Council and stated the fee should be eliminated.

Audrey Kiehtreiber, Campbell resident and President of the San Tomas Area Community Coalition (STACC), spoke about the appeal fee for the Planning Commission and the City Council, and stated the fee is too high.

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

Council asked for clarification for various fees and discussed lowering the appeal fee.

After discussion, **M/S: Gibbons/Landry - that the City Council approve Resolution 12432 adopting the FY 2019-20 (FY 20) Schedule of Fees and Charges to be effective July 8, 2019 with an amendment to reduce the appeal fee to \$200 for each phase; and modify the initial year of fire fees to be 50% cost recovery with the removal of the requirement for the increase of 5% to 10% per year, and includes the desk item.**

Vice Mayor Landry made a friendly amendment to have the fields fee come back next year for review.

Councilmember Gibbons accepted the friendly amendment.

Motion including the friendly amendment was adopted by the following roll call vote:

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

15. **Public Hearing and Introduction of an Ordinance Amending Provisions of the Campbell Municipal Code to Revise the Business License Tax Rates (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council take a first reading of the attached Ordinance amending provisions of the Municipal Code to revise the business license tax rates.

This is the time and place for a public hearing to consider the introduction of Ordinance 2243 amending provisions of the Campbell Municipal Code to revise the Business License Tax Rates.

City Manager Loventhal presented the staff report dated May 7, 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 speak, Mayor Waterman closed the public hearing.

After discussion, **M/S: Landry/Bybee** - that the City Council take a first reading of Ordinance 2243 amending provisions of the Municipal Code to revise the business license tax rates. Motion was adopted by the following roll call vote:

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

City Clerk Wood read the title of Ordinance 2243.

M/S: Bybee/Waterman - that the City Council waive further reading of Ordinance 2243. Motion was adopted unanimously.

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

*****This item was reopened after approval of item 16.**

NEW BUSINESS

16. **Initiation of a General Plan Amendment to Modify the San Tomas Area Neighborhood Plan (STANP) to Incorporate by Reference Standards for Accessory Dwelling Units (ADUs) to be Adopted by Separate Ordinance in Order to Establish City-Wide Uniformity.**

Recommended Action: That the City Council initiate a General Plan Amendment to modify the San Tomas Area Neighborhood Plan (STANP) to incorporate by reference standards for accessory dwelling units (ADUs).

Senior Planner Fama presented the staff report dated May 7, 2019.

Audrey Kiehtreiber, Campbell resident and President of the San Tomas Area Community Coalition (STACC), commented on the San Tomas Area Neighborhood Plan and would like more information on the changes before this item gets approved.

Barbara Robinson, Campbell resident, commented on the San Tomas Area and would like more information on the changes before this item gets approved.

Ellen Dorsa, Campbell resident and STACC member, commented on the San Tomas Area Neighborhood Plan and would like more information on the changes before this item gets approved.

Jo-Ann Fairbanks, Campbell resident, commented on specific area plans and

stated that this process is taking place too soon.

After discussion, **M/S: Resnikoff/Gibbons** - that the City Council initiate a **General Plan Amendment to modify the San Tomas Area Neighborhood Plan (STANP) to incorporate by reference standards for accessory dwelling units (ADUs) with an amendment to add the clarifying language stating "with the intent of establishing uniform Citywide ADU standard if desired."** Motion was adopted by the following roll call vote:

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

Mayor Waterman stated that he needed to leave and passed the gavel to Vice Mayor Landry to continue the meeting.

Councilmember Bybee asked for clarification on a typo in the Business license fee of the mobile home parks schedule item 15.

City Attorney Seligmann stated to make a correction to the ordinance the public hearing would have to be reopened.

Council took a ten-minute recess.

Mayor Waterman and Councilmember Resnikoff left the meeting at 9:58 p.m.

Council reconvened at 10:08 p.m.

*****15. Public Hearing and Introduction of an Ordinance Amending Provisions of the Campbell Municipal Code to Revise the Business License Tax Rates (Ordinance/Roll Call Vote)**

***City Manager Loventhal stated that there was a typo in the ordinance for mobile home parks and trailer courts stating the fee listed is \$224 per year and it should be \$228 per year and to correct this Council will need to reopen the public hearing.

Vice Mayor Landry reopened the public hearing and asked if there was anyone in the audience wishing to be heard.

There being no one wishing to be heard Vice Mayor Landry closed the public hearing.

M/S: Gibbons/Bybee - that the City Council reintroduce Ordinance 2243 amending provisions of the Municipal Code to revise the business license

tax rates with a revision to section one of the ordinance correcting the mobile home parks and trailer courts fee to \$228 per year plus \$2 per unit. Motion was adopted by the following roll call vote:

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

City Clerk Wood read title of Ordinance 2243.

M/S: Gibbons/Bybee - that the City Council waive further reading of Ordinance 2243. Motion was adopted by a 3-0-2 vote. (Councilmember Resnikoff and Mayor Waterman were absent)

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

17. **2019 Priority Legislative Bills**

Recommended Action: Receive information on 2019 priority legislative bills, determine if the City Council will take an official position related to SB 50, and provide general guidance to staff whether or not to take a position on the remaining bills that impact local control, local zoning standards or finances.

City Manager Loventhal presented the staff report dated May 7, 2019.

After discussion, **M/S: Gibbons/Bybee - that the City Council authorize staff to prepare letters for the Mayor on behalf of the Council and the City of Campbell to be distributed to all appropriate legislators on opposing any legislation that takes away local control, local zoning control, and negatively impacts City's finances. Motion was adopted by the following roll call vote:**

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

COUNCIL COMMITTEE REPORTS

18. **Council Committee Reports**

Recommended Action: Report on committee assignments and general

comments.

Vice Mayor Landry stated they would continue this item to the next meeting.

ADJOURN

Vice Mayor Landry adjourned the meeting at 10:17 p.m.

APPROVED:

ATTEST:

Richard M. Waterman, Mayor

Wendy Wood, City Clerk