

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 Mayor Richard M. Waterman from the location at the 44-12 Kaimalu Place, Kaneohe, HI 96744. 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, July 2, 2019 – 7:00 p.m.

Ralph Doetsch Conference Room - 70 N. First Street

- A. Personnel
- B. Litigation
- C. Real Property - Conference with Real Property Negotiators – Campbell Community Center, 1 West Campbell Avenue, Campbell, CA 95008
City Negotiator: City Manager, Brian Loventhal
Negotiating Parties: Casa Di Mar
Under Negotiation: Lease

Conference with Real Property Negotiators – Campbell Community Center, 1 West Campbell Avenue, Campbell, CA 95008
City Negotiator: City Manager, Brian Loventhal
Negotiating Parties: Valley International Academy
Under Negotiation: Lease
- D. Labor Negotiations

Council met in Executive Session to discuss Item C. Council adjourned at 7:09 p.m.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, July 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.

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

PLEDGE OF ALLEGIANCE

Vice Mayor Landry led the Pledge of Allegiance.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

There were no special presentations or proclamations.

COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

ORAL REQUESTS

There were no oral requests.

COUNCIL ANNOUNCEMENTS

City offices will be closed Thursday, July 4 in observance of the Independence Day holiday and will reopen Friday, July 5. Police services will remain open to the public.

Join us Thursday nights for the 27th Annual Summer Concert Series from 6:30 p.m. to 8:00 p.m. through August 8, at the Orchard City Green located between City Hall and the Campbell Library. Thursday, July 11, will feature “TinMan” and on July 18, “Careless Whisper.”

The Civic Improvement Commission’s “Capture Campbell” photo contest is now running through 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.

Join us under the stars at John D. Morgan Park for “Movie Nights.” Bring your lawn chairs, blankets, jackets and snacks. It’s free! On Friday, July 12 “Ralph Breaks the Internet” will be the featured film.

Consider the Heritage Theatre for your next event. The Heritage Theatre and the adjacent Garden Courtyard are available for community and corporate rentals. For an appointment to view the facility, or to obtain availability please contact Theatre Manager, Kristyn Jacobson at (408) 866-2797.

Come sip snack and socialize and learn a little history at the History Happy Hour lecture series at the Ainsley House. Learn about interesting topics, meet new people and tour the Ainsley House. Meetings are held monthly from 5:30 p.m. to 7:30 p.m., admission is \$15 per person. Registration is required please visit www.campbellmuseums.com for event information and registration.

CONSENT CALENDAR

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

Councilmember Gibbons asked to pull item ten from consent.

The Consent Calendar was considered as follows:

1. **Minutes of City Council Special Meeting of June 17, 2019**

Recommended Action: This action approves special meeting minutes of June 17, 2019.

This action approves the special meeting minutes of June 17, 2019, including a desk item.

2. **Minutes of City Council Regular Meeting of June 18, 2019**

Recommended Action: This action approves regular meeting minutes of June 18, 2019.

This action approves the regular meeting minutes of June 18, 2019, including a desk item.

3. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$1,322,793.69.

This action approves the bills and claims in the amount of \$1,322,793.69 as follows: bills and claims checks dated June 10, 2019, in the amount of \$254,418.49; payroll checks dated June 13, 2019, in the amount of \$85,065.97; and bills and claims checks dated June 17, 2019, in the amount of \$983,309.23.

4. **Monthly Investment Report- April, 2019**

Recommended Action: That the Investment Report for April 2019 be noted and filed.

This action notes and files the Monthly Investment Report for April 2019.

5. **Monthly Investment Report- May, 2019**

Recommended Action: That the Investment Report for May 2019 be noted and filed.

This action notes and files the Monthly Investment Report for May 2019.

6. **Resolution Declaring the Month of July as Parks Make Life Better Month (Resolution/Roll Call Vote)**

Recommended Action: It is recommended that the City Council adopt a resolution recognizing July as Parks Make Life Better month.

Resolution 12468 recognizes July as Parks Make Life Better month.

7. **Commending Joy Francois for 11 Years of Outstanding Service with the City of Campbell (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution commending Joy Francois for eleven years of outstanding service to the City of Campbell.

Resolution 12469 commends Joy Francois for eleven years of outstanding service to the City of Campbell.

8. **Second Reading of Ordinance 2247 Approving a Zoning Map Amendment to Amend the Campbell Zoning Map Designation from R-1-6 to P-D for Properties Located at 1429 and 1445 Westmont Avenue (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council approve the second reading and adopt Ordinance 2247 approving a Zoning Map amendment to amend the Campbell Zoning Map designation from R-1-6 (Single-Family Residential) to P-D (Planned Development) for properties located at 1429 and 1445 Westmont Avenue.

Ordinance 2247 approves a Zoning Map amendment to amend the Campbell Zoning Map designation from R-1-6 (Single-Family Residential) to P-D (Planned Development) for properties located at 1429 and 1445 Westmont Avenue.

9. **Second Reading of Ordinance 2245 Approving a Zoning Map Amendment and Ordinance 2246 Approving a Planned Development Permit to Allow the Construction of Six Two-Story Single-Family Homes, an Accessory Dwelling Unit, a New Private Street, and Associated Site and Landscaping Improvements for Property Located at 1631 Hacienda Avenue (Ordinances/Roll Call Vote)**

Recommended Action: That the City Council approve the second reading and adopt Ordinance 2245 approving a Zoning Map Amendment and Ordinance 2246

approving a Planned Development Permit to allow the construction of six two-story single-family homes, an accessory dwelling unit, a new private street, and associated site and landscaping improvements for property located at 1631 Hacienda Avenue.

Ordinance 2245 approves a Zoning Map Amendment (PLN2018-155) to rezone the project site from R-1-9 (Single-Family Residential) to P-D (Planned Development); and Ordinance 2246 approves a Planned Development Permit to allow the construction of six two-story single-family homes, an accessory dwelling unit, a new private street, and associated site and landscaping improvements for property located at 1631 Hacienda Avenue.

11. **Reject Bid Proposal from Guerra Construction Group, Award a Contract to Wattis Construction Inc., Authorize the Public Works Director to Execute Contract, and Approve a Budget Adjustment for the Construction of the Harriet Avenue Traffic Calming Project 18-NN (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution to: 1) reject the bid proposal from Guerra Construction Group; 2) award a contract to Wattis Construction, Inc.; 3) authorize the Public Works Director to execute a construction contract in the amount of \$601,915.90 and encumber a construction contingency in an amount not to exceed \$60,192; 4) authorize the City Engineer to negotiate and execute contract change orders up to and within the allocated construction contingency; and 5) authorize the Finance Director to execute a budget adjustment for the Harriet Avenue Traffic Calming Project 18-NN.

Resolution 12470 rejects the bid proposal from Guerra Construction Group; awards a contract to Wattis Construction, Inc.; authorizes the Public Works Director to execute a construction contract in the amount of \$601,915.90 and encumber a construction contingency in an amount not to exceed \$60,192; authorizes the City Engineer to negotiate and execute contract change orders up to and within the allocated construction contingency; and authorizes the Finance Director to execute a budget adjustment for the Harriet Avenue Traffic Calming Project 18-NN.

12. **Amendment to the Personnel Rules and Regulations (Resolution/Roll Call Vote)**

Recommended Action: That the City Council approve a resolution amending the Personnel Rules and Regulations to add limited term appointments.

Resolution 12471 amends the Personnel Rules and Regulations to add limited term appointments.

M/S: Gibbons/Resnikoff - that the City Council approve the consent calendar with the exception of item ten and includes desk items for item one and two.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gibbons
SECONDER:	Resnikoff

AYES: Waterman, Landry, Resnikoff, Bybee, Gibbons

ITEMS PULLED FROM CONSENT

10. **Acceptance of Donations from the Campbell Police Foundation**
Recommended Action: It is recommended that the City Council accept donations in the aggregate amount of \$20,048.57 from the Campbell Police Foundation for equipment and supplies for the Campbell Police Department.

Councilmember Gibbons requested clarification regarding the drone and canine program.

Captain Berg provided clarification on each item.

After discussion, **M/S: Gibbons/Resnikoff - that the City Council accept donations in the aggregate amount of \$20,048.57 from the Campbell Police Foundation for equipment and supplies for the Campbell Police Department and noted that there was a desk item. 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

13. **Public Hearing to Receive Public Comment Concerning the Districting Map Boundaries and Sequence of the Elections for City Council Seats; Second Reading and Adoption of Ordinance 2248 Establishing a By-District Election Process and Election Sequence for Five Council Districts According to the Selected Map 111b (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council approve the second reading and adopt Ordinance 2248 establishing a by-district election process and election sequence for five council districts according to map 111b.

This is the time and place for a public hearing to receive public comment concerning the districting map boundaries and sequence of the elections for City Council seats; and approve the second reading and adoption of Ordinance 2248 establishing a by-district election process and election sequence for five council districts according to the selected map 111b.

City Manager Loventhal presented the staff report dated July 2, 2019.

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

There being no one wishing to speak, Vice Mayor Landry closed the public hearing.

M/S: Gibbons/Resnikoff - that the City Council approve the second reading and adopt Ordinance 2248 establishing a by-district election process and election sequence for five council districts according to map 111b including the desk item. Motion was adopted by the following roll call vote:

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

14. **Public Hearing to Consider Adopting a City-Initiated Text Amendment (PLN2019-054) to Amend Campbell Municipal Code (“CMC”) Chapter 5.55 (Sexually Oriented Businesses Regulations) to Correctly Reference Sexually Oriented Businesses Where Adult or Adult Oriented Businesses are Referenced and to Add an Exemption to the Definition of Sexually Oriented Retail Establishment Provided that the Certain Criteria and Standards are Satisfied and to Consider the Planning Commission’s Recommendation to Adopt a City-Initiated Zoning Code Text Amendment (PLN2019-011) to Amend CMC Chapter 21.72 (Definitions) to Correctly Reference the Term Sexually Oriented Businesses Where Adult or Adult Oriented Businesses Are Referenced and to Amend the Definition of Retail Stores, General Merchandise, to Include Exempt Sexually Oriented Retail in the List of Stores and Lines of Merchandise (Ordinance/Roll Call Vote)**

Recommended Action: It is recommended that the City Council take first reading and introduce an ordinance, adopting a City-initiated Text Amendment (PLN2019-054) to amend Campbell Municipal Code (“CMC”) Chapter 5.55 (Sexually Oriented Businesses Regulations) to correctly reference sexually oriented businesses where adult or adult oriented businesses are referenced and to add an exemption to the definition of sexually oriented retail establishment provided that the certain criteria and standards are satisfied and adopting a City-initiated Zoning Code Text Amendment (PLN2019-011) to amend Campbell Municipal Code (“CMC”) Chapter 21.72 (Definitions) to correctly reference the term sexually oriented businesses where adult or adult oriented businesses are referenced and to amend the definition of retail stores, general merchandise, to include exempt sexually oriented retail in the list of stores and lines of merchandise.

This is the time and place for a public hearing to consider a City-Initiated Text Amendment (PLN2019-054) to amend Campbell Municipal Code (“CMC”) Chapter 5.55 (Sexually Oriented Businesses Regulations) to correctly reference sexually oriented businesses where adult or adult oriented businesses are referenced and to add an exemption to the definition of sexually oriented retail establishment provided that the certain criteria and standards are satisfied and to consider the Planning Commission’s recommendation to adopt a City-Initiated Zoning Code Text Amendment (PLN2019-011) to amend CMC Chapter 21.72 (Definitions) to correctly reference the term sexually oriented businesses where adult or adult oriented businesses are referenced and to amend the definition of retail stores, general merchandise, to include exempt sexually oriented retail in the list of stores

and lines of merchandise.

Associate Planner Rose presented the staff report dated July 2, 2019.

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

There being no one wishing to speak, Vice Mayor Landry closed the public hearing.

Council discussed concerns about the proposed ordinance and the possibility of extending the amortization period for Pleasures from the Heart.

After discussion, **M/S: Gibbons/Bybee - that the City Council continue consideration of this item to a date uncertain providing direction to staff to modify the amortization provision such that Pleasures from the Heart can be allowed to operate for an additional 15 years effectively allowing the business to remain the only nonconforming grandfathered sexually oriented retail business in the City at such time as they abandon or discontinue their use. Motion was adopted by the following roll call vote:**

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

15. **Public Hearing to Consider a City-Initiated Zoning Code Amendment (PLN2018-163) Adding New Chapter 21.45 (Temporary Use Permits) to the Campbell Municipal Code and Amending Various Other Sections of Title 21 and Title 5 of the Campbell Municipal Code Pertaining to the Permitting and Regulation of Temporary Uses on Private Property and the Associated Rescission of City Council Policy 9.8 (Approval of Temporary Permits for Christmas Tree and Pumpkin Sales) (Ordinance/Resolution/Roll Call Vote)**
Recommended Action: The Planning Commission recommends that the City Council take the following actions: (1) take first reading and introduce an ordinance adding new Chapter 21.45 (Temporary Use Permits) to the Campbell Municipal Code and amending various other sections of Title 21 and Title 5 of the Campbell Municipal Code pertaining to the permitting and regulation of temporary uses on private property; and (2) adopt a resolution rescinding City Council Policy 9.8 (Approval of Temporary Permits for Christmas Tree and Pumpkin Sales).

This is the time and place for a public hearing to consider a City-Initiated Zoning Code Amendment (PLN2018-163) adding new Chapter 21.45 (Temporary Use Permits) to the Campbell Municipal Code and amending various other sections of Title 21 and Title 5 of the Campbell Municipal Code pertaining to the permitting and regulation of temporary uses on private property and the associated rescission of City Council Policy 9.8 (Approval of Temporary Permits for Christmas Tree and Pumpkin Sales).

Vice Mayor Landry stated that there was a desk item.

Community Development Director Kermoyan presented the staff report dated July 2, 2019.

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

Ken Johnson, Executive Director for the Campbell Chamber of Commerce, stated concerns with the proposed ordinance and would like the ability to collaborate with the City so that the Chamber can support the ordinance.

Store manager at the Campbell Home Depot spoke in support of the proposed ordinance and stated that the ability to have temporary use permits would help them provide more safety, convenience, and value to their customers.

There being no one else wishing to speak, Vice Mayor Landry closed the public hearing.

Council discussed concerns with the proposed ordinance, provided feedback to staff and had a general consensus that this item should be brought back addressing their feedback.

City Manager Loventhal stated that staff will bring this item back for discussion at a future meeting and summarized Council's feedback as follows: review streamlining the process to make it easier to apply and receive permits; review community events and how to regulate them so that they do not have to pay the fees for events that benefit the community; look at implementing performance standards or a policy that would be referenced in an ordinance allowing more flexibility in making changes over time; and review cannabis consumption.

16. **Introduction of Ordinance Amending Chapter 13.04 of the Campbell Municipal Code Regarding Park Regulations and Update of the Picnic Reservation Policy (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council introduce an ordinance amending Chapter 13.04 of the Campbell Municipal Code for first reading and approve changes to the Picnic Reservation Policy.

This is the time and place for a public hearing to consider an ordinance amending chapter 13.04 of the Campbell Municipal Code regarding Park Regulations and update of the Picnic Reservation Policy.

Recreation Services Manager, Bissell presented the staff report dated July 2, 2019.

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

There being no one wishing to speak, Vice Mayor Landry closed the public hearing.

After discussion, **M/S: Gibbons/Resnikoff - that the City Council introduce Ordinance 2249 amending Chapter 13.04 of the Campbell Municipal Code for first reading and adopt Resolution 12472 updating the Picnic Reservation Policy. Motion was adopted by the following roll call vote:**

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

City Clerk Wood read the title of Ordinance 2249.

M/S: Gibbons/Bybee - that the City Council waive further reading of Ordinance 2249. Motion was adopted unanimously.

NEW BUSINESS

- 17. Adoption of a Resolution to Authorize the City Manager to Execute the BMR Administrator Contract with HouseKeys (Resolution/Roll Call Vote)**
Recommended Action: Authorize the City Manager to execute a 12 month (expiring June 30, 2020) Professional Service Agreement with HouseKeys, Inc.

Senior Planner McCormick presented the staff report dated July 2, 2019.

Julius Nyanda, HouseKeys Program Administrator, provided additional information on the current ownership and rental program and spoke about the enforcement process.

Senior Planner McCormick presented three proposed amendments to the contract as follows:

- 1) Consultant and the City have agreed to the following mutually acceptable performance measures for BMR program administration. These measures shall be included in the quarterly BMR summary report.
 1. General Inquiries: Respond within 48 business hours
 2. Loan Requests: Respond within 48 business hours, complete request within 30 days
 3. Orientations: Minimum 6 per year, with more as needed for new opportunities
 4. Rental Vacancies: Fill vacancies within 60 days
 5. Annual Monitoring: Provide homeowners 30 days to submit recertification packages
 6. Follow up letters at 60 and 90 days before beginning enforcement procedures
 7. Eligibility List: Maintain a minimum buyer-to-property ratio of 5:1
 8. Application ID issuance: Issue within 5 business days

- 2) Consultant shall maintain the City's existing records, databases, and files through a file retention and management system for the program. All electronic records shall be considered work products that are property of the City of Campbell. The Consultant shall update the City's records quarterly to ensure a coordinated seamless record keeping process. The database shall include information as requested by the City and mutually agreed to by HouseKeys.

- 3) Consultant shall provide a quarterly BMR summary report to the City on the following dates and with the information requested by the City and mutually agreed to by HouseKeys:
 - Q1 (July – Sept): October 30, 2019
 - Q2 (Oct – Dec): January 31, 2020
 - Q3 (Jan – March): April 30, 2020
 - Q4 (April – June): July 31, 2020

After discussion, **M/S: Gibbons/Bybee - that the City Council adopt resolution 12473 authorizing the City Manager to execute a 12 month (expiring June 30, 2020) Professional Service Agreement with HouseKeys, Inc. including the three amendments to the contract. Motion was adopted by the following roll call vote:**

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

COUNCIL COMMITTEE REPORTS

18. Council Committee Reports

Recommended Action: Report on committee assignments and general

comments.

--Councilmember Resnikoff attended the Campbell Chamber of Commerce lunch where Mayor Waterman and Captain Cefalu were the speakers; attended the Fox KTVU Zip Trip featuring Campbell; and attended the LGBT Water Tower Lighting event.

--Vice Mayor Landry attended the State Route 85 Corridor Policy Advisory Board meeting; attended the League of California Cities Conference; attended the Recycling and Waste Reduction Commission of Santa Clara County meeting where she was re-appointed as Chair; and stated that she will be attending Assembly Member Low's Fourth of July Rose Garden Parade.

--Mayor Waterman spoke about his presentation to the Campbell Chamber of Commerce with Captain Cefalu; spoke about an interview he did for the Fox KTVU Zip Trip; and attended the Downtown Campbell Business Association event at the water tower; attended the LGBT Water Tower Lighting event; and spoke about a meeting with the City Manager and San Jose Councilmember Dev Davis.

Councilmember Gibbons spoke about concerns with upcoming housing legislative SB 330, SB 592, and AB 1487 and stated that Senator Beall asked if the City would support SB 5.

Councilmember Gibbons made a motion to put legislative issues on a subsequent Council agenda perhaps the first agenda in September. Motion failed due to a lack of a second.

Vice Mayor Landry commented on the Brown Act and made a motion that the Council have a presentation of the rules and clarifications on the Brown Act. Motion failed due to a lack of a second.

ADJOURN

Vice Mayor Landry adjourned the meeting at 9:48 p.m.

APPROVED:

ATTEST:

Richard M. Waterman, Mayor

Wendy Wood, City Clerk