

# CITY COUNCIL MINUTES

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



## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, July 16, 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

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

Mayor Waterman led the Pledge of Allegiance.

### SPECIAL PRESENTATIONS AND PROCLAMATIONS

Mayor Waterman presented an American flag that was received at the U.S. Conference of Mayors for the City Manager to accept on behalf of the City as a commemorative gift in honor of our military.

### COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

### ORAL REQUESTS

There were no oral requests.

## **COUNCIL ANNOUNCEMENTS**

Join us Thursday nights for the 27<sup>th</sup> 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 18, will feature “Careless Whisper” and on July 25, “The Top Shelf Band.”

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](http://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 26 “Mary Poppins Returns” will be the featured film.

The 36<sup>th</sup> annual National Night Out, sponsored by the National Association of Town Watch will be held on Tuesday, August 6 from 6:00 p.m. to 9:00 p.m. Join Police staff along with neighborhood groups, and city leaders, in celebrating this amazing community building event. For more information, or if you plan on having a neighborhood event, please call (408) 866-2171.

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](http://www.campbellmuseums.com) for event information and registration.

## **CONSENT CALENDAR**

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

City Manager Loventhal referenced desk items one and five and stated a typo was found in the item five resolution which staff will correct with Council approval.

The Consent Calendar was considered as follows:

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

This action approves the regular meeting minutes of July 2, 2019, including a desk item.

2. **Approving Bills and Claims**  
Recommended Action: Approve the bills and claims in the amount of

\$1,204,220.76.

This action approves the bills and claims in the amount of \$1,204,220.76 as follows: bills and claims checks dated June 24, 2019, in the amount of \$352,028.04; payroll checks dated June 27, 2019, in the amount of \$131,274.96; and bills and claims checks dated July 1, 2019, in the amount of \$720,917.76.

3. **Accept Donation to Campbell Recreation Scholarship Program**

Recommended Action: It is recommended that the City Council accept a donation of \$4,000 from the Campbell-San Jose West Rotary Foundation on behalf of the Downtown Campbell Business Association to support the Youth Recreation Scholarship program.

This action accepts a donation of \$4,000 from the Campbell-San Jose West Rotary Foundation on behalf of the Downtown Campbell Business Association to support the Youth Recreation Scholarship program. **(4-0-1 vote Councilmember Resnikoff abstained.)**

4. **Approval and Authorization to Purchase Three (3) New Police Ford Interceptor Utility Vehicles Using a California Statewide Contract (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution authorizing the Public Works Director to execute a purchase agreement for three (3) new 2020 Ford Police Interceptor Utility vehicles, by “piggybacking” on the California eProcurement State Contract (Contract ID 1-18-23-14B).

Resolution 12474 authorizes the Public Works Director to execute a purchase agreement for three (3) new 2020 Ford Police Interceptor Utility vehicles, by “piggybacking” on the California eProcurement State Contract (Contract ID 1-18-23-14B).

5. **Approving the Appropriation of Vehicle Impact Fees in Reserve to Fund Bascom Avenue Resurfacing Cost Share and Citywide Pavement Crack Sealing (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution approving 1) the appropriation of Vehicle Impact Fees (VIF) in reserve (Fund 202) to fund resurfacing and related work on Bascom Avenue and Citywide Pavement Crack Sealing; 2) authorizing the City Manager to negotiate and execute a cost share agreement with the City of San Jose for resurfacing of Bascom Avenue; and 3) authorizing the Finance Director to execute the budget adjustments to transfer VIF Reserve funds to the Bascom Avenue Resurfacing Cost Share with the City of San Jose and to the Citywide Pavement Crack Sealing Project in the amounts of \$200,000 and \$100,000, respectively.

Resolution 12475 approves the appropriation of Vehicle Impact Fees (VIF) in reserve (Fund 202) to fund resurfacing and related work on Bascom Avenue and Citywide Pavement Crack Sealing; and authorizes the City Manager to negotiate

and execute a cost share agreement with the City of San Jose for resurfacing of Bascom Avenue; and authorizes the Finance Director to execute the budget adjustments to transfer VIF Reserve funds to the Bascom Avenue Resurfacing Cost Share with the City of San Jose and to the Citywide Pavement Crack Sealing Project in the amounts of \$200,000 and \$100,000, respectively, including the desk item.

6. **Second Reading of Ordinance 2249 Amending Chapter 13.04 of the Campbell Municipal Code Regarding Park Regulations (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council approve the second reading and adopt Ordinance 2249 amending Chapter 13.04 of the Campbell Municipal Code regarding Park Regulations.

Ordinance 2249 approves amending Chapter 13.04 of the Campbell Municipal Code regarding Park Regulations.

7. **Amendment to City Council Policy Manual Section 20 - Council Financial Policies, Subsection IV. - Budget Policies (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution approving an amendment to Section 20 of the City Council Policy Manual to include language requiring a public hearing notice be published prior to the introduction of the annual budget.

Resolution 12476 approves an amendment to Section 20 of the City Council Policy Manual to include language requiring a public hearing notice be published prior to the introduction of the annual budget.

**M/S: Resnikoff/Landry - that the City Council approve the consent calendar including desk items for item one and item five. (Councilmember Resnikoff abstained from item three.)**

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

**PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES**

8. **Lighting and Landscaping District, Fiscal Year 2019/20 - Confirming Assessments (Resolution/Roll Call Vote)**

Recommended Action: That the City Council conduct a Public Hearing for comments regarding the levy of assessments for the City of Campbell Lighting and Landscaping District (LLA-1) for Fiscal Year (FY) 2019/20 and adopt a resolution overruling protests, if any, approving the Engineer's Report, ordering the improvements, and confirming the diagram and assessments.

This is the time and place for a public hearing for comments regarding the levy of assessments for the City of Campbell Lighting and Landscaping District (LLA-1) for Fiscal Year (FY) 2019/20 and adopt a resolution overruling protests, if any, approving the Engineer's Report, ordering the improvements, and confirming the diagram and assessments.

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

Deputy City Clerk Sanders read the Clerk's statement verifying public hearing notification with clarification on publishing dates and stated that no protests were received.

Senior Civil Engineer Storz provided a statement regarding the nature of the lighting and landscape district.

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

Councilmember Gibbons commented on potential incremental increases of the assessments.

**M/S: Gibbons/Landry - that the City Council conduct a public hearing for comments regarding the levy of assessments for the City of Campbell Lighting and Landscaping District (LLA-1) for Fiscal Year (FY) 2019/20, and adopt Resolution 12477 overruling protests, if any, approving the Engineer's Report, ordering the improvements, and confirming the diagram and assessments with an amendment, requesting staff to come back mid-year with the review of this item as a potential revenue source.**

Council discussed the request for the mid-year review.

After discussion, Councilmember Gibbons withdrew her amendment "requesting staff to come back mid-year with the review of this item as a potential revenue source."

Vice Mayor Landry accepted the change.

Revised motion - **that the City Council conduct a public hearing for comments regarding the levy of assessments for the City of Campbell Lighting and Landscaping District (LLA-1) for Fiscal Year (FY) 2019/20, and adopt Resolution 12477 overruling protests, if any, approving the Engineer's Report, ordering the improvements, and confirming the diagram and assessments. Motion was adopted by the following roll call vote:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gibbons

<b>SECONDER:</b>	Landry
<b>AYES:</b>	Waterman, Landry, Resnikoff, Bybee, Gibbons

9. **Placing the Cost of Abating Hazardous Vegetation on the Property Tax Assessment Roll (Resolution /Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution placing the cost of abating hazardous vegetation on the property tax assessment roll.

This is the time and place for a public hearing to consider placing the cost of abating hazardous vegetation on the property tax assessment roll.

Senior Planner Fama presented a staff report dated July 16, 2019.

Mayor Waterman opened the public hearing and asked if there was anyone in the audience who wished to speak.

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

After discussion, **M/S: Landry/Gibbons - that the City Council adopt Resolution 12478 placing the cost of abating hazardous vegetation on the property tax assessment roll. 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, Resnikoff, Bybee, Gibbons

10. **Public Hearing to Consider a City-Initiated Text Amendment (PLN2019-62) Amending the Campbell Municipal Code by Adding Chapter 6.40 “Camping and the Storage of Personal Property,” Deleting Section 18.04.040 “Camp Cars and/or Trailers,” and Amending Sections 13.04.150 “Camping,” 21.28.120 “Recreational Vehicle Parking,” 21.72.020 “Definitions,” and 6.10.020 “Nuisance Conditions” (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council take a first reading and introduce an Ordinance adding Chapter 6.40 “Camping and the Storage of Personal Property,” deleting Section 18.04.040 “Camp Cars and/or Trailers,” and amending various sections of the Campbell Municipal Code pertaining to camping and the storage of personal property.

This is the time and place for a public hearing to consider a City-Initiated Text Amendment (PLN2019-62) amending the Campbell Municipal Code by adding Chapter 6.40 “Camping and the Storage of Personal Property,” deleting Section 18.04.040 “Camp Cars and/or Trailers,” and amending Sections 13.04.150 “Camping,” 21.28.120 “Recreational Vehicle Parking,” 21.72.020 “Definitions,”

and 6.10.020 “Nuisance Conditions.”

City Attorney Seligmann presented a staff report dated July 16, 2019.

Mayor Waterman declared the public hearing open and asked if there was anyone in the audience who wished to speak.

Larry Edson, Campbell resident, stated general support of the Camping Ordinance and stated that the three-day camping is overly restrictive and recommends seven.

Reverend Naomi Schulz, Campbell resident, representing the Campbell United Church of Christ spoke about her concerns with the proposed ordinance and submitted her comments for the record.

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

Council commented on concerns and discussed possible changes.

After discussion, **M/S: Resnikoff/Landry - that the City Council take a first reading and introduce Ordinance 2250 adding Chapter 6.40 “Camping and the Storage of Personal Property,” deleting Section 18.04.040 “Camp Cars and/or Trailers,” and amending various sections of the Campbell Municipal Code pertaining to camping and the storage of personal property with the additional changes of allowing one vehicle at a residence on off street driveway for up to seven days per month with the approval of owner and occupant, and the expansion of a Safe Park program at our churches or religious facilities that have a City approved vetting and screening of participants with consecutive hours of parking not to exceed 12 hours in a day.**

Vice Mayor Landry made a friendly amendment to state that the restrooms will have to be in the existing facilities.

Friendly amendment was not accepted by Councilmember Resnikoff.

City Attorney Seligmann provided clarification that to approve the additional language regarding the vetting process, the ordinance would have to be brought back again for first reading.

Councilmember Resnikoff amended his motion as follows: **that the City Council take a first reading and introduce Ordinance 2250 adding Chapter 6.40 “Camping and the Storage of Personal Property,” deleting Section 18.04.040 “Camp Cars and/or Trailers,” and amending various sections of the Campbell Municipal Code pertaining to camping and the storage of personal property with the additional changes of allowing one vehicle at a**



residence on off street driveway for up to seven days per month with the approval of owner and occupant.

Vice Mayor Landry accepted the amended motion.

**Motion failed by the following roll call vote:**

<b>RESULT:</b>	<b>FAILED [2 TO 3]</b>
<b>MOVER:</b>	Resnikoff
<b>SECONDER:</b>	Landry
<b>AYES:</b>	Waterman, Resnikoff
<b>NAYS:</b>	Landry, Bybee, Gibbons

After discussion, **M/S: Gibbons/Bybee – that staff bring this item back to Council on a date uncertain and to include Council’s comments such as the distinction of the church programs from the general public streets and private property, clarification of what is required for the church programs, and to have an understanding of what other cities are doing about overnight parking, modifying the conditions for the churches, and allowing one vehicle at a residence on off street driveway for up to seven days.**

Councilmember Bybee added defining restroom facilities.

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

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

**NEW BUSINESS**

- 11. Pre-Application (PRE2019-02) to Authorize the Initiation of a General Plan Amendment Application to Allow 1308 Parsons Avenue and a Portion of 1336 Parsons Avenue to Change Their Respective General Plan Land Use Designations from Professional Office and Low-Density Residential (Less Than Six Units Per Gross Acre) to Neighborhood Commercial. (Resolution/Roll Call Vote)**

Recommended Action: That the City Council consider the applicant’s request and adopt a resolution approving the applicant’s pre-application request (PRE2019-02) by initiating a General Plan Amendment application to allow 1308 Parsons Avenue and a portion of 1336 Parsons Avenue to change their respective General Plan Land Use Designations from Professional Office and Low-Density Residential (Less than Six Units per Gross Acre) to Neighborhood Commercial.



Associate Planner Rose presented a staff report dated July 16, 2019.

Applicant Charles Bronitsky provided clarification on the changes of the project since it was last heard before the Council.

Egan Kingston, Campbell resident, stated concerns regarding parking and traffic issues.

Joe Charuez, Campbell resident, stated concerns with changing the zoning from office to commercial.

Campbell resident spoke about parking issues and against changing the zoning to commercial.

Applicant Charles Bronitsky spoke about being amenable to working with the City and addressing resident concerns.

Campbell resident spoke about concerns with changing the zoning.

After discussion, **M/S: - Resnikoff/Bybee - that the City Council consider the applicant's request and adopt Resolution 12479 approving the applicant's pre-application request (PRE2019-02) by initiating a General Plan Amendment application to allow 1308 Parsons Avenue and a portion of 1336 Parsons Avenue to change their respective General Plan Land Use Designations from Professional Office and Low-Density Residential (Less than Six Units per Gross Acre) to Neighborhood Commercial. 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

12. **Adoption of the City's Green Stormwater Infrastructure Plan (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution approving the City's Green Stormwater Infrastructure Plan that demonstrates the City of Campbell's long-term commitment to implementation of green stormwater infrastructure, as required by the City's Stormwater Permit.

Senior Civil Engineer Storz gave a brief introduction of the item and introduced Vishakha Atre from EOA, Inc.

Vishakha Atre of EOA, Inc. gave a presentation on the Green Stormwater Infrastructure Plan.

Senior Civil Engineer Storz presented a staff report dated July 16, 2019.

After discussion, **M/S: Resnikoff/Landry - that the City Council adopt Resolution 12480 approving the City's Green Stormwater Infrastructure Plan that demonstrates the City of Campbell's long-term commitment to implementation of green stormwater infrastructure, as required by the City's Stormwater Permit. 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

13. **Resolution Authorizing an Ad Valorem Tax Levy Based on a Debt Service Estimate to be Provided to Santa Clara County Respecting Unsold General Obligation Bonds for Fiscal Year 2019-20 (Resolution/Roll Call Vote)**  
Recommended Action: That the City Council adopt a resolution authorizing an ad valorem tax levy based on a debt service estimate to be provided to Santa Clara County respecting unsold general obligation bonds for Fiscal Year 2019-20.

Finance Director Fuentes presented a staff report dated July 16, 2019.

Councilmember Resnikoff recused himself from this item due to living within a 500-foot radius of this project and left the Council Chambers.

Steven Saunders, Campbell resident, spoke in support of the item and asked questions.

After discussion, **M/S: Landry/Bybee - that the City Council adopt Resolution 12481 authorizing an ad valorem tax levy based on a debt service estimate to be provided to Santa Clara County respecting unsold general obligation bonds for Fiscal Year 2019-20. Motion was adopted by the following roll call vote:**

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

Councilmember Resnikoff returned to the Council Chambers.

## **COUNCIL COMMITTEE REPORTS**

14. **Council Committee Reports**

Recommended Action: Report on committee assignments and general comments.

--Councilmember Gibbons spoke about Silicon Valley Clean Energy.

--Councilmember Resnikoff spoke about giving the welcoming remarks at the Relay for Life event in Mayor Waterman's absence; and attended a Chamber of Commerce fundraising event.

--Councilmember Bybee attended the Downtown Campbell Business Association meeting; stated that the Valley Transportation Authority Policy Advisory Committee meeting was cancelled due to lack of a quorum; and attended the Legislative Subcommittee meeting.

--Vice Mayor Landry attended the Legislative Subcommittee meeting; attended Assembly Member Low's Fourth of July Rose Garden Parade; and spoke about the Recycling and Waste Reduction Committee meeting.

--Mayor Waterman attend the U.S. Conference of Mayors.

## **ADJOURN**

Mayor Waterman adjourned the meeting at 10:13 p.m.

APPROVED:

ATTEST:

\_\_\_\_\_  
Richard M. Waterman, Mayor

\_\_\_\_\_  
Andrea Sanders, Deputy City Clerk