

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, August 21, 2018 7:30 PM

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, at the City Hall Council Chamber, 70 N. First St., Campbell, California.

ROLL CALL

Attendee Name	Title	Status
Paul Resnikoff	Mayor	Present
Rich Waterman	Vice Mayor	Present
Elizabeth 'Liz' Gibbons	Councilmember	Present
Susan M. Landry	Councilmember	Present
Jeffrey Cristina	Councilmember	Present

PLEDGE OF ALLEGIANCE

Mayor Resnikoff led the Pledge of Allegiance.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

There were no special presentations or proclamations.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

ORAL REQUESTS

Bradley Davis, President of West Valley College, stated that the college is offering classes to high schools students and spoke about the school's bond measure.

Steve Saunders, Campbell resident, commented on safety concerns with e-scooters.

COUNCIL ANNOUNCEMENTS

You are cordially invited you to the annual State of the City Address. Please join the Mayor as he discusses the current state of the City, recent accomplishments, and information on upcoming projects. The State of the City address will be held at the Orchard City Banquet Hall on Wednesday, September 5. Doors open at 5:30 p.m. with the event beginning promptly at 6:00 p.m. Please RSVP to MayorStateOfTheCity@cityofcampbell.com by Friday, August 31.

The County of Santa Clara will award the City \$1 million in funding towards the cost of a \$2 million all-inclusive playground design to provide play areas for people with diverse abilities or mobility challenges. Santa Clara County Board of Supervisors unanimously approved Supervisor Ken Yeager's proposal to provide funding for this an all-inclusive one acre site at John D. Morgan Park. Design work for the project is scheduled to begin this fall, including public workshops where local residents will be able to provide input. Construction is scheduled to begin in 2020 with the playground's opening anticipated in 2021.

You are cordially invited to attend a dedication for the City's newest playground at the Campbell Community Center. The new play structure, for ages 5 -12, provides a shaded play area, safety surfacing and picnic tables. A site needs assessment and community input led to the design of this new structure. Please join me tomorrow, Wednesday, August 22, at 10:00 a.m. at the Community Center, next to the athletic fields, for this exciting event.

Come sip, snack and socialize at the History Happy Hour lecture series at the Ainsley House. It is a great place to learn about interesting topics, meet new people and tour the Ainsley House. On Friday, September 14, from 5:30 p.m. to 7:30 p.m., learn about Santa Clara Valley's early history. Registration is required. \$15 per person includes appetizers, drinks and entry to the Ainsley House. For more information, please visit www.campbellmuseums.com.

Back to School means sharing the road. As the school year begins again this fall, please remember to keep an eye out for young students who are walking or bicycling to school. Pay attention to school zones; avoid distractions, stay alert; take extra precaution when you're behind or approaching a school bus and be prepared for more traffic and for motorists making sudden stops. If you would like to do your part to help improve traffic safety for our young students, consider serving as a volunteer at your child's school. Help make our schools safe places to walk and bike.

CONSENT CALENDAR

Mayor Resnikoff asked if any Councilmember or anyone in the audience wished to remove an item from the consent calendar.

Councilmember Cristina asked to pull item three.

Mayor Resnikoff pulled item six.

The consent calendar was considered as follows:

1. **Minutes of City Council Regular Meeting of July 31, 2018**
Recommended Action: This action approves regular meeting minutes of July 31, 2018.

This action approves the regular meeting minutes July 31, 2018.

2. **Minutes of City Council Special Meeting of August 3, 2018**
Recommended Action: This action approves special meeting minutes of August 3, 2018.

This action approves the special meeting minutes August 3, 2018.

3. **Bills and Claims was moved to ITEMS PULLED FROM CONSENT**

4. **Monthly Investment Report - June, 2018**
Recommended Action: That the investment report for June, 2018 be noted and filed.

This action is to note and file the monthly investment report for June, 2018.

5. **Approval of Retention of Management Partners for Consulting Services (Resolution/Roll Call Vote)**
Recommended Action: That the City Council approves the continued use of Management Partners for professional consulting services for a not-to-exceed contract amount of \$75,000.

Resolution 12346 approves the continued use of Management Partners for professional consulting services for a not-to-exceed contract amount of \$75,000.

6. **St. Lucy Fun and Food Fest was moved to ITEMS PULLED FROM CONSENT**

M/S: Gibbons/ Landry - that the City Council approve the consent calendar with the exception of item three and six. Motion was adopted by the following roll call vote:

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

ITEMS PULLED FROM CONSENT

Item 3. Bills and Claims

Recommended Action: Approve the bills and claims in the amount of \$1,795,558.92.

Councilmember Cristina thanked Lisa Harmer for her contribution in helping fund the beatification project in her neighborhood.

M/S: Cristina/Gibbons - that the City Council approve the bills and claims in the amount of \$1,795,558.92. Motion was adopted by the following roll call vote:

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

Item 6. St. Lucy Fun and Food Fest

Recommended Action: That the City Council adopts a resolution approving the issuance of a Carnival Permit for the St. Lucy Parish School Carnival on October 5-7, 2018, subject to the restrictions and conditions as described in the resolution; and waive 50% of the permit fee.

Mayor Resnikoff commented on the amount of the fee.

M/S: Gibbons/Cristina - that the City Council adopt Resolution 12347 including the desk item, approving the issuance of a Carnival Permit for the St. Lucy Parish School Carnival on October 5-7, 2018, subject to the restrictions and conditions as described in the resolution; and waive 50% of the permit fee. Motion was adopted by the following roll call vote:

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

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

7. Public Hearing to Consider a City-Initiated Rescission of the Historic Designation of 14 Structures on the Historic Resource Inventory (Resolutions/Roll Call Vote)

Recommended Action: That the City Council adopt a resolution, adopting a Negative Declaration for the proposed rescission; and adopt a resolution, approving the rescission of the historic designation of 14 structures on the Historic Resource Inventory that have been demolished, significantly altered, or significantly neglected to the point that the structures no longer meet the City’s criteria for historic designation (PLN2018-212).

This is the time and place for a public hearing to consider a City-Initiated Rescission of the historic designation of 14 structures on the Historic Resource Inventory.

Senior Planner McCormick presented staff report dated August 21, 2018.

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

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

M/S: Gibbons/Landry - that the City Council adopt Resolution 12348 adopting a Negative Declaration for the proposed rescission; and approving the rescission of the historic designation of 14 structures on the Historic Resource Inventory that have been demolished, significantly altered, or significantly neglected to the point that the structures no longer meet the City's criteria for historic designation (PLN2018-212). Motion was adopted by the following roll call vote:

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

OLD BUSINESS

8. Approval of the Trail Alignment for the San Tomas Aquino Creek Trail Improvement Project (Resolution/Roll Call Vote)

Recommended Action: That the City Council adopt the attached resolution approving the trail alignment along the top of bank of San Tomas Aquino Creek between Westmont Avenue and Virginia Avenue as proposed by the Feasibility Study (Reaches 1, 2, and 3); directing staff to begin environmental and preliminary design for the San Tomas Aquino Creek Trail between Westmont Avenue and San Tomas Aquino Road with the interim on-street connection between San Tomas Aquino Road and Virginia Avenue via Hazel Avenue; and directing staff to seek grant funding to proceed with final design and construction.

Senior Civil Engineer Ho presented staff report dated August 21, 2018.

Yves Zsutty, Trail Manager for the Department of Parks, Recreation and Neighborhood Services for the City of San Jose, spoke about the proposed project.

Gary Gairaud, Campbell resident, spoke against the proposed project.

Janet Hammerlund, Campbell resident, stated concerns and spoke against the proposed project.

David Bell, Campbell resident, stated concerns and spoke against the proposed project.

Toni Bell, Campbell resident, stated concerns and spoke against the proposed project.

Annette Falkowski, San Jose resident, stated concerns and spoke against the proposed project.

Brain Malone, Campbell resident, spoke in favor of the proposed project.

Kelly Arenica, Campbell resident, stated concerns and spoke against the proposed project.

Sam Francis, Campbell resident, stated concerns and spoke against the proposed project.

Sri Vara, Campbell resident, spoke in favor of the proposed project.

Doug Gillison, Campbell resident, stated concerns and spoke against the proposed project.

Bill Rankin, San Jose resident and president of "Save our Trails: Connecting Santa Clara County Communities," spoke in favor of the proposed project.

Chris Dangerfield, Campbell resident, stated concerns and spoke against the proposed project.

Harry Greenwood, Campbell resident, stated concerns and spoke against the proposed project.

Paul Tuttle, Campbell resident and Bicycle and Pedestrian Advisory Committee member, spoke in favor of the proposed project.

Chris Kyne, Campbell resident, stated concerns and spoke against the proposed project.

Debbie Gairaud, Campbell resident, stated concerns and spoke against the proposed project.

Scott Falkowski, San Jose resident, stated concerns and spoke against the proposed project.

Campbell resident spoke in favor of the proposed project.

After discussion, **Waterman/Landry - that the City Council adopt Resolution**

12349 with an amendment approving the trail alignment along the top of bank of San Tomas Aquino Creek between Westmont Avenue and San Tomas Aquino (bend) as proposed by the Feasibility Study (Reaches 1 and 2); directing staff to begin environmental and preliminary design for the San Tomas Aquino Creek Trail between Westmont Avenue and San Tomas Aquino Road (bend) with the interim on-street connection between San Tomas Aquino Road and said bend; and directing staff to seek grant funding to proceed with final design and construction and amend the resolution accordingly.

Councilmember Landry asked for a friendly amendment to remove the language stated in the motion for “interim on-street connection between San Tomas Aquino Road and said bend.” Vice Mayor Waterman accepted the friendly amendment.

After discussion, the motion with the friendly amendment was adopted by the following roll call vote:

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

Mayor Resnikoff stated that they would take a brief recess.

Council reconvened at 10:26 p.m.

NEW BUSINESS

9. **Authorization (PRE2018-06) to Proceed with a General Plan Amendment and Zoning Map Amendment to Allow a Portion of 1336 Parsons Avenue to Change the General Plan Land Use Designation from Low-Density Residential (Less Than Six Units Per Gross Acre) to Professional Office, and Zoning District Map Designation from R-1-6 (Single-Family Residential) to P-O (Professional Office), in Order to Facilitate the Transfer of a Portion of a Commercial Parking Lot Built on a Residential Property to an Adjoining Commercial Property Located at 1308 Parsons Avenue. Project Applicant: Charles Bronitsky.**

Recommended Action: That the City Council consider and approve the applicant’s request to authorize the initiation of a General Plan Amendment and Zoning Map Amendment to allow a portion of 1336 Parsons Avenue to change the General Plan Land Use Designation from Low-Density Residential (Less than Six Units per Gross Acre) to Professional Office, and zoning district map designation from R-1-6 (Single-Family Residential) to P-O (Professional Office), in order to facilitate the transfer of a portion of a commercial parking lot built on a residential property to an adjoining commercial property located at 1308 Parsons

Avenue.

Associate Planner Rose presented staff report dated August 21, 2018.

After discussion, **M/S: Cristina/Gibbons - that the City Council approve the applicant's request to authorize the initiation of a General Plan Amendment and Zoning Map Amendment to allow a portion of 1336 Parsons Avenue to change the General Plan Land Use Designation from Low-Density Residential (Less than Six Units per Gross Acre) to Professional Office, and zoning district map designation from R-1-6 (Single-Family Residential) to P-O (Professional Office), in order to facilitate the transfer of a portion of a commercial parking lot built on a residential property to an adjoining commercial property located at 1308 Parsons Avenue. Motion was adopted by the following roll call vote:**

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

10. **Approval of Appointments to the Bicycle and Pedestrian Advisory Committee (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt the attached resolution appointing Dave Porter and David Sausjord to the Bicycle and Pedestrian Advisory Committee (BPAC) for terms expiring August, 2022.

Public Works Director Capurso presented staff report dated August 21, 2018.

M/S: Gibbons/Cristina - that the City Council adopt Resolution 12350 appointing Dave Porter and David Sausjord to the Bicycle and Pedestrian Advisory Committee (BPAC) for terms expiring August, 2022. Motion was adopted by the following roll call vote:

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

COUNCIL COMMITTEE REPORTS

11. **Approve Appointments to Civic Improvement Commission and Extend the Deadline for the Rental Fact Finding Committee Opening**

Recommended Action: It is recommended that the City Council approve the recommendation of the Advisory Commissioner Appointment Interview Subcommittee regarding appointments to the Civic Improvement Commission for three four-year terms expiring August 2022; and extend the application deadline for the Rental Increase Fact Finding Committee for a Tenant and a Landlord

Representative, until a sufficient number of applications are received.

Vice Mayor Waterman reported on the Commissioner Appointment Interviews and recommended that Council approve the appointments of Richard Capatosto, Viral Khajuria, and William Kaufman to the Civic Improvement Commission and extend the application deadline for the Rental Increase Fact Finding Committee for a Tenant and a Landlord Representative, until a sufficient number of applications are received.

M/S: Cristina/Gibbons - that the City Council approve the recommendation of the Advisory Commissioner Appointment Interview Subcommittee appointing Richard Capatosto, Viral Khajuria, and William Kaufman to the Civic Improvement Commission for four-year terms expiring August 2022; and extend the application deadline for the Rental Increase Fact Finding Committee for a Tenant and a Landlord Representative, until a sufficient number of applications are received. Motion was adopted unanimously.

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

12. **Designation of Voting Delegate and Alternate for 2018 League of California Cities Annual Conference**

Recommended Action: That the City Council designate a Voting Delegate and Alternate(s) for the League of California Cities Annual Conference General Business Meeting to be held on September 14, 2018.

City Manager Loventhal provided staff report dated August 21, 2018.

After discussion, no designation was made due to the lack of attendance.

13. **Council Committee Reports**

Recommended Action: Report on committee assignments and general comments.

--Councilmember Cristina attended the Cities Association of Santa Clara County Selection Committee and Legislative Action Committee meeting.

--Councilmember Gibbons attended the retirement event for Fire Chief Ken Kehmna and attended the opening day of the Campbell Union School District welcoming the faculty and staff.

--Vice Mayor Waterman attended the Downtown Campbell Business Association meeting.

--Mayor Resnikoff attended five National Night Out events; attended the

Campbell Chamber of Commerce lunch; participated in the Jim Beall Creek Clean Up; welcomed parents at the Delphi back to school breakfast; and spoke about attending the upcoming West Valley Mayors and Managers meeting.

Councilmember Gibbons asked that the webpage be correct to reflect that we do not have the fuel reduction program available; commented on the process for items on the priorities carried forward and suggested a memo updating Council on items from a preceding year that were lowered in priority.

Councilmember Cristina made a motion that the City Council agendaize a future closed session to discuss potential litigation with the Campbell Unified School District for breach of contract.

Councilmember Gibbons recused herself from the discussion due to her proximity to the school.

M/S: Cristina/Landry - that the City Council agendaize a future closed session to discuss potential litigation with the Campbell Unified School District for breach of contract. Motion was adopted by the following vote:

RESULT:	ADOPTED [3 TO 1]
MOVER:	Cristina
SECONDER:	Landry
AYES:	Resnikoff, Landry, Cristina
NAYS:	Waterman
RECUSED:	Gibbons

ADJOURN

Mayor Resnikoff adjourned the meeting at 10:47 p.m.

APPROVED:

ATTEST:

Paul Resnikoff, Mayor

Wendy Wood, City Clerk