

# CITY COUNCIL MINUTES

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



## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, September 3, 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 invited the students in the audience to lead the Pledge of Allegiance.

### SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. **Presentation from Northern California High Intensity Drug Trafficking Area (HIDTA) to the Campbell Community Center**  
Recommended Action: Accept presentation.

Mike Sena, Director of the Northern California High Intensity Drug Trafficking Area (HIDTA), spoke about the program and recognized the Campbell Community Center for their role in providing a meeting space for HIDTA training classes. Mr. Sena presented certificates to Community Center staff, handed out challenge coins to staff and Council, and presented Mayor Waterman with a plaque.

### COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

### **ORAL REQUESTS**

There were no oral requests.

### **COUNCIL ANNOUNCEMENTS**

The American Foundation for Suicide Prevention and the Civic Improvement Commission present “Youth Mental Health First Aid Training” on Sunday, September 22, from 8:30 a.m. to 5:30 p.m. at the Campbell Community Center. This training is designed for adults who regularly interact with young people. Learn how to help an adolescent who is experiencing a mental health or addictions challenge, or is in crisis. This training is free to community members. For more information, visit [www.afspfbay.com](http://www.afspfbay.com).

The Santa Clara County Office of LGBTQ Affairs, in partnership with the City of Campbell, will host a LGBTQ Listening Forum on Tuesday, September 24, from 6:30 p.m. - 8:30 p.m. in room Q80 of the Community Center. Recreation staff will provide free childcare during the meeting in room Q84.

Please join Mayor Waterman at the annual State of the City Address as he discusses the current State of the City, recent accomplishments, and provides information on upcoming projects. The State of the City address will be held at the Orchard City Banquet Hall on Thursday, September 26. Doors will open at 5:30 p.m. and the event will begin promptly at 6:00 p.m. Please RSVP to [www.MayorStateOfTheCity@cityofcampbell.com](mailto:www.MayorStateOfTheCity@cityofcampbell.com) by Thursday, September 19.

### **CONSENT CALENDAR**

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

Council asked to pull item six.

The Consent Calendar was considered as follows:

- 2. Minutes of City Council Regular Meeting of August 20, 2019**  
Recommended Action: This action approves regular meeting minutes of August 20, 2019.

This action approves the regular meeting minutes of August 20, 2019.

- 3. Approving Bills and Claims**  
Recommended Action: Approve the bills and claims in the amount of \$716,229.57.

This action approves the bills and claims in the amount of \$716,229.57 as

follows: payroll checks dated August 8, 2019, in the amount of \$135,483.45; bills and claims checks dated August 9, 2019, in the amount of \$134,164.55; bills and claims checks dated August 12, 2019, in the amount of \$162,773.97; and bills and claims checks dated August 19, 2019, in the amount of \$283,807.60.

4. **Second Reading of Ordinance 2250 Amending Campbell Municipal Code (“CMC”) Chapter 5.55 (Sexually Oriented Businesses Regulations) to Clarify Provisions and Correctly Reference the Term "Sexually Oriented Businesses" Where "Adult" or "Adult Oriented Business" Are Referenced and Amending CMC Section 21.36.205 (Sexually Oriented Businesses) to Eliminate the Amortization Period for Nonconforming Sexually Oriented Business Uses, Establishing 60-Calendar Days as the Period of Time a Business May Discontinue or Abandon a Use Without Resulting in a Loss of Legal Non-Conforming Status and Making Other Minor Changes and Amending CMC Chapter 21.72 (Definitions) to Correctly Reference the Term "Sexually Oriented Businesses" Where "Adult" or "Adult Oriented Business" Are Referenced (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council approve the second reading and adopt Ordinance 2250 amending Campbell Municipal Code (“CMC”) Chapter 5.55 (Sexually Oriented Businesses Regulations) to clarify provisions and correctly reference the term "sexually oriented businesses" where "adult" or "adult oriented businesses" are referenced; amending CMC Section 21.36.205 (Sexually oriented businesses) to eliminate the amortization period for nonconforming sexually oriented business uses, establishing 60-calendar days as the period of time a business may discontinue or abandon a use without resulting in a loss of legal non-conforming status and making other minor changes; and amending CMC Chapter 21.72 (Definitions) to correctly reference the term "sexually oriented businesses" where "adult" or "adult oriented businesses" are referenced.

Ordinance 2250 amends Campbell Municipal Code (“CMC”) Chapter 5.55 (Sexually Oriented Businesses Regulations) to clarify provisions and correctly reference the term "sexually oriented businesses" where "adult" or "adult oriented businesses" are referenced; amends CMC Section 21.36.205 (Sexually oriented businesses) to eliminate the amortization period for nonconforming sexually oriented business uses, establishing 60-calendar days as the period of time a business may discontinue or abandon a use without resulting in a loss of legal non-conforming status and making other minor changes; and amends CMC Chapter 21.72 (Definitions) to correctly reference the term “sexually oriented businesses” where “adult” or “adult oriented businesses” are referenced.

5. **Re-Appropriate Budget Funds for Heritage Theatre Maintenance and Enhancement Project in Fiscal Year 2020 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council approve a resolution authorizing the re-appropriation of budget funds for Heritage Theatre Maintenance and Enhancement Project in Fiscal Year 2020.

Resolution 12497 authorizes the re-appropriation of budget funds for Heritage Theatre Maintenance and Enhancement Project in Fiscal Year 2020.

**M/S: Resnikoff/Landry – that the City Council approve the consent calendar with the exception of item six. 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 PULLED FROM CONSENT**

**6. Approval of City’s Response to 2018-2019 Santa Clara County Civil Grand Jury Report: “Inquiry into the Governance of the Valley Transportation Authority”**

Recommended Action: That the City Council authorize the Mayor to submit, on behalf of the City Council, the attached letter as the City’s response to the 2018-2019 Santa Clara County Civil Grand Jury Report: “Inquiry into the Governance of the Valley Transportation Authority”

Council discussed the cover letter and suggested changes.

City Manager Loventhal addressed Council’s comments about the cover letter and stated that the City met with the West Valley and North County Cities and had a general agreement that study should be done, Valley Transportation Agency (VTA) should fund it, the study should not be done by each city and it should be done by using a comprehensive approach to make it consistent. City Manager Loventhal stated that the cover letter could be revised as suggested by Council to reflect the regional discussions in a more comprehensive analysis, reference the Grand Jury findings, and cite the multiple functions of VTA, as a congestion management agency, transportation agency and social service agency.

Councilmember Resnikoff asked for clarification on wording in the recommendation for 1d.

After further discussion, **M/S: Resnikoff/Landry - that the City Council authorize the Mayor to submit, on behalf of the City Council, a letter as the City’s response to the 2018-2019 Santa Clara County Civil Grand Jury Report: “Inquiry into the Governance of the Valley Transportation Authority” with an amendment to the cover letter as suggested by Council to the City Manager and with the typo change in recommendation 1d. Motion was adopted by the following roll call vote:**

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

**PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES**

There were no public hearings or introduction of ordinances.

**NEW BUSINESS**

**7. SB2 Application and RFP for Objective Standards (Resolutions/Roll Call Vote)**

Recommended Action: That the City Council adopt resolutions authorizing the distribution of a Request for Proposals to review and amend select policy documents and municipal code ordinances to be more objective and authorize the City Manager to enter into a professional services agreement with said consultant; and authorizing submittal of an application to receive SB2 funding for development of objective standards and authorize the City Manager to sign all required grant documents.

Senior Planner McCormick presented the staff report dated September 3, 2019.

After discussion, **M/S: Landry/Resnikoff - that the City Council adopt Resolution 12498 authorizing the distribution of a Request for Proposals to review and amend select policy documents and municipal code ordinances to be more objective and authorize the City Manager to enter into a professional services agreement with said consultant; and adopt Resolution 12499 authorizing submittal of an application to receive SB2 funding for the development of objective standards and authorize the City Manager to sign all required grant documents.**

Councilmember Gibbons made a friendly amendment for staff to review the contract to make sure there is a way out if the situation changes going forward.

The friendly amendment was accepted by Vice Mayor Landry and Councilmember Resnikoff.

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

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

**COUNCIL COMMITTEE REPORTS**

8. **Council Committee Reports**

Recommended Action: Report on committee assignments and general comments.

--Councilmember Resnikoff attended the Cities Association of Santa Clara County Transportation Subcommittee meeting; attended the AT&T store grand opening and ribbon cutting event; and attended Senator Jim Beall's "Annual Creek Clean Up."

--Councilmember Bybee attended the West Valley and North County Cities meeting to discuss Valley Transportation Authority (VTA); and attended the AT&T store grand opening and ribbon cutting event.

--Councilmember Gibbons attended the Silicon Valley Clean Energy (SVCE) Board meeting, SVCE Executive Committee meeting, and SVCE Finance and Audit Subcommittee meeting; attended the Campbell Police Department swearing in ceremony; and spoke about Assembly Bill 1487, Senate Bill 330 and Senate Bill 592.

--Vice Mayor Landry attended the San Jose Earthquakes "Campbell Neighborhood Night"; attended the Pruneyard Cinemas event; attended and spoke at the Senior Health Fair; and attended the Woman's Leadership forum at NASA.

Councilmember Resnikoff commented on the RV, Camping and safe park item that was continued until a date uncertain and requested that it be agendized for the October 1, 2019 Council meeting.

Council discussed concerns with the item and if the concerns could be addressed by the October 1 meeting.

Council had a general consensus that at the minimum this ordinance should be brought back with a definition of "restroom."

After further discussion, **M/S: Resnikoff/Landry - Bring this back on the first of October with what they had before and addressing at a minimum the restroom issue. 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

Vice Mayor Landry suggested closing the meeting in memory of all the lives lost to gun violence this month.

**ADJOURN**

Mayor Waterman, adjourned the meeting at 8:50 p.m.

APPROVED:

ATTEST:

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Richard M. Waterman, Mayor

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Andrea Sanders, Deputy City Clerk