

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, October 1, 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 the Campbell Youth Commission.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. **2019-2020 Campbell Youth Commission Introduction**

Recommended Action: Receive the Campbell Youth Commission presentation.

Acting Recreation Supervisor Bybee introduced the 2019/2020 Campbell Youth Commissioners.

Youth Commission Chair Manasi Nekkar and Commission Secretary, Lexie Garcia, spoke about the Commission's work plan items for the upcoming year.

2. **Presentation to Thank the 2019 Summer Concert Series Sponsor Kaiser Permanente and Event Support Organizations the Campbell Historical**

Museum and Ainsley House Foundation, Kiwanis Club of Campbell and the Key Club from Westmont High School.

Recommended Action: Accept presentation.

Mayor Waterman presented Dr. Beth Robie, head Physician for Kaiser Permanente, Campbell campus, with a certificate of appreciation for the seven years of sponsorship to help support the Campbell Summer Concert Series.

Mayor Waterman presented Lauren Merriman, Recreation Supervisor, with certificates of appreciation on behalf of the Campbell Historical Museum and Ainsley House Foundation; the Kiwanis Club of Campbell; and the Key Club from Westmont High School for their support of the 2019 Summer Concert Series.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

ORAL REQUESTS

Tim Hegstrom, Campbell resident, spoke about the eviction of several families, stated concerns that these "no-cause evictions" may be a result of the upcoming state tenant requirements, and asked that Council consider a moratorium on "no-cause evictions."

Raymond Langford, representative from St. Lucy's Parish, commented on several families that received "no-cause eviction" notices, asked the City to help facilitate a meeting with the owner and tenants to negotiate the terms of the eviction, and requested Council pass an emergency moratorium.

Reverend Naomi Schultz, Pastor of Campbell United Church of Christ, spoke on behalf of her congregation and the Silicon Valley Industrial Area Interfaith Collaborative and requested an emergency moratorium on "no-cause evictions" until January 2020.

Tom Morman, Campbell property owner and part of the Silicon Valley Sponsoring Committee, spoke about several families that had been given eviction notices, commented on the financial issues this has caused them and requested an emergency moratorium on "no-cause evictions."

Ivonn Rivera, Campbell resident, stated that she was one of the families that received an eviction notice, commented on concerns with finding a new place to live in the time given, and requested an emergency moratorium on "no-cause evictions."

Ming Hong Yang, Campbell resident, commented on the evictions and urged the Council to take immediate action on this issue.

COUNCIL ANNOUNCEMENTS

Get connected by dialing 2-1-1. 2-1-1 is the comprehensive information and referral

service for Bay Area Counties. 2-1-1 connects callers with local community services, such as food, shelter, counseling, employment assistance, quality childcare, senior services and more. During a disaster 2-1-1 provides incident-specific information in coordination with local emergency services, including road closures and shelters. Dial 2-1-1 to get connected to a specialist for personalized assistance. It's free, confidential, and available twenty-four hours a day in multiple languages.

Come sip snack and socialize at the History Happy Hour lecture series at the Ainsley House. This is a great place to learn about interesting topics, meet new people, and tour the Ainsley House. On Friday, October 11, from 5:30 p.m. to 7:30 p.m., Jan Batiste Adkin will discuss her book *African Americans of San Jose and Santa Clara County*. Registration for this event is required and for more information please visit www.campbellmuseums.com.

The City of Campbell will be hosting its annual community garage sale on Saturday, October 12, from 8:00 a.m. - 4:00 p.m. For more information please visit the City's website at www.cityofcampbell.com.

Come out laden in lederhosen with your family and friends! There is still time to participate in the 12th annual Oktoberfest 5K and 10K Fun Run. The run will take place on Saturday, October 19, at 9:00 a.m. at Campbell Park. The cost is \$45 for adults and \$25 for youth. For more information, please visit www.cityofcampbell.com.

If you are interested in getting involved in our City, the Planning Commission has an opening for one short term expiring August 31, 2021. The application deadline is Monday, October 14. For more information, please visit the city's website at www.cityofcampbell.com.

CONSENT CALENDAR

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

Mayor Waterman stated that he had requests to pull items six and seven.

The Consent Calendar was considered as follows:

3. **Minutes of City Council Special Meeting of September 9, 2019**
Recommended Action: This action approves the special meeting minutes of September 9, 2019.

This action approves the special meeting minutes of September 9, 2019.

4. **Minutes of City Council Regular Meeting of September 17, 2019**
Recommended Action: This action approves the regular meeting minutes of September 17, 2019.

This action approves the regular meeting minutes of September 17, 2019.

5. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$1,058,841.20.

This action approves the bills and claims in the amount of \$1,058,841.20 as follows: payroll checks dated September 5, 2019, in the amount of \$131,260.06; bills and claims checks dated September 9, 2019, in the amount of \$461,947.06; and bills and claims checks dated September 16, 2019, in the amount of \$465,634.08.

M/S: Gibbons/Resnikoff – that the City Council approve the consent calendar with the exception of items six and seven. Motion was adopted by the following roll call vote:

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

ITEMS PULLED FROM CONSENT

6. **Request for Proposals for a Part-Time Code Enforcement Officer Position and Authorize the City Manager to Enter into a Professional Services Agreement (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution to authorize the distribution of a Request for Proposals for a part-time Code Enforcement Officer and authorize the City Manager to enter into a professional services agreement with said consultant.

Councilmember Gibbons acknowledged the substantive amount of work done on the backlogged code enforcement cases over the last few years by the part-time consultant and hopes that the current provider can bid on the services.

M/S: Gibbons/Resnikoff - that the City Council adopt Resolution 12506 to authorize the distribution of a Request for Proposals for a part-time Code Enforcement Officer and authorize the City Manager to enter into a professional services agreement with said consultant with the modification in 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

7. **Authorization to Issue a Request for Proposals for Consultant Services and**

to Execute a Consultant Services Agreement for the East Campbell Avenue Plan Line Project 19-GG (Resolution/Roll Call Vote)

Recommended Action: That the City Council adopt a resolution authorizing the issuance of a Request for Proposals (RFP) for consultant services associated with the East Campbell Avenue Plan Line Project 19-GG and authorize the City Manager to execute a Consultant Services Agreement in an amount not to exceed \$100,000.

Vice Mayor Landry requested clarification on the project plan line diagram regarding an extension to Harrison Avenue.

City Engineer Olay provided clarification.

Councilmember Gibbons stated concerns with referencing the East Campbell Avenue Master Plan because it was done in 2007 and asked staff to challenge the content of the Plan in regards to traffic, volume and development. She commented on having the Planning Commission involved in the project and provided clarification regarding the diagram labeled PDA (Planned Development Area).

After discussion, **M/S: Landry/Gibbons - that the City Council adopt Resolution 12507 authorizing the issuance of a Request for Proposals (RFP) for consultant services associated with the East Campbell Avenue Plan Line Project 19-GG and authorizing the City Manager to execute a Consultant Services Agreement in an amount not to exceed \$100,000 and add going to the Planning Commission and getting at least to Harrison Avenue.**

Councilmember Gibbons commented on concerns with extending the project to Harrison Avenue.

Vice Mayor Landry removed the language to include Harrison Avenue and Councilmember Gibbons accepted the change.

City Manager Loventhal clarified that the motion is to adopt Resolution 12507 authorizing the issuance of a Request for Proposals (RFP) for consultant services associated with the East Campbell Avenue Plan Line Project 19-GG and authorizing the City Manager to execute a Consultant Services Agreement in an amount not to exceed \$100,000 and add in Planning Commission review.

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

8. **Public Hearing to Consider the Application of Adrian Nieto, on Behalf of 8X8, Inc., for a Sign Permit (PLN2019-162) to Allow Two Freeway-Oriented Signs (54 Sq. Ft. Each) and Two Monument Signs (50 Sq. Ft. and 78 Sq. Ft. Respectively) on Property Located at 675 Creekside Way in a P-D (Planned Development) Zoning District (Resolution/Roll Call Vote)**

Recommended Action: The Planning Commission recommends that the City Council adopt a resolution approving a Sign Permit (PLN2019-162) to allow two freeway-oriented signs (54 sq. ft. each) and two monument signs (50 sq. ft. and 78 sq. ft. respectively) on property located at 675 Creekside Way.

This is the time and place for a public hearing to consider the application of Adrian Nieto, on behalf of 8X8, Inc., for a Sign Permit (PLN2019-162) to allow two freeway-oriented signs (54 Sq. Ft. Each) and two monument signs (50 Sq. Ft. and 78 Sq. Ft. Respectively) on property located at 675 Creekside Way in a P-D (Planned Development) Zoning District.

Associate Planner Rose presented the staff report dated October 1, 2019.

Scott Trobbe spoke about the project and proposed signs.

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 speak, Mayor Waterman closed the public hearing.

After discussion, **M/S: Resnikoff/Landry - that the City Council adopt Resolution 12508 approving a Sign Permit (PLN2019-162) to allow two freeway-oriented signs (54 sq. ft. each) and two monument signs (50 sq. ft. and 78 sq. ft. respectively) on property located at 675 Creekside Way. Motion was adopted by the following roll call vote:**

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

9. **Public Hearing to Consider the Application of Iradj Rahnama for a Major Modification (PLN2019-104) to a Previously Approved Planned Development Permit (PD 82-05) to Allow Construction of a 539 Square-Foot Addition to an Existing One-Story Medical Office Building and an Authorization to Remove a Dead Tree on Property Located at 429 Llewellyn Avenue in the P-D (Planned Development) Zoning District (Resolution/Roll Call Vote)**

Recommended Action: The Planning Commission recommends that the City

Council adopt a resolution approving a Major Modification (PLN2019-104) to a previously approved Planned Development Permit (PD 82-05) and approval of an authorization to remove a dead tree.

This is the time and place for a public hearing to consider the application of Iradj Rahnama for a major modification (PLN2019-104) to a previously approved Planned Development Permit (PD 82-05) to allow construction of a 539 square-foot addition to an existing one-story medical office building and an authorization to remove a dead tree on property located at 429 Llewellyn Avenue in the P-D (Planned Development) Zoning District.

Assistant Planner Pouya presented the staff report dated October 1, 2019 and referenced a desk item that was received.

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 speak, Mayor Waterman closed the public hearing.

After discussion, **M/S: Gibbons/Resnikoff - that the City Council accepts the Planning Commission's recommendation to adopt Resolution 12509 approving a Major Modification (PLN2019-104) to a previously approved Planned Development Permit (PD 82-05) and approval of an authorization to remove a dead tree with an amendment to add a condition of approval about the maintenance of the trash enclosure area to be maintained and graffiti-free.**

Councilmember Resnikoff asked if the maintenance and graffiti are normally in the conditions.

Community Development Director Kermoyan clarified that there are already public nuisance requirements in the Government Code that address this issue and noted that staff will ensure that the enclosure meets current state codes, drainage, roof sprinklers, and the opening will allow ease of access.

Councilmember Gibbons accepted the language of the Community Development Director and withdrew her amended language.

Councilmember Resnikoff seconded the motion.

City Clerk Wood clarified that the motion is that the City Council accepts the Planning Commission' recommendation to adopt Resolution 12509 approving a Major Modification (PLN2019-104) to a previously approved Planned Development Permit (PD 82-05) and approval of an authorization to remove a dead tree with an amendment that staff will ensure that the enclosure meets current state codes, drainage, roof sprinklers, and the opening will allow ease of

access.

Motion was adopted by the following roll call vote:

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

10. **Public Hearing to Consider the Application of Linda Tsai to Remove/Rescind (PLN2019-101) a Structure of Merit Commonly Known as the Smith House from the City of Campbell Historic Preservation Inventory, on Property Located at 74 N. Second Street in the R-1 (Single-Family Residential) Zoning District. (Resolution/Roll Call)**

Recommended Action: The Planning Commission and Historic Preservation Board recommend that the City Council adopt a resolution, denying the request to remove/rescind the property from the Historic Preservation Inventory.

This is the time and place for a public hearing to consider the application of Linda Tsai to remove/rescind (PLN2019-101) a structure of merit commonly known as the Smith House from the City of Campbell Historic Preservation Inventory, on property located at 74 N. Second Street in the R-1 (Single-Family Residential) Zoning District.

Senior Planner Fama presented the staff report dated October 1, 2019.

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

Applicant Linda Tsai spoke about her house and the reasons she would like it removed from the City of Campbell's Historic Preservation Inventory.

Student from Prospect High School questioned the historical merit of the house and commented on the fairness of placing restrictions on the homeowner.

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

Council requested clarification on the process for a house to be placed on the inventory list.

Staff explained the previous process and the current process.

Mayor Waterman reopened the public hearing to allow Ms. Tsai to comment.

Linda Tsai commented on the process in 2013 and stated that it was an oversight on her part to not make this request at that time.

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

After discussion, **M/S: Resnikoff/Gibbons - that the City Council adopt Resolution 12510 denying the request without prejudice to remove/rescind the property from the Historic Preservation Inventory with an amendment to allow the homeowner to come back through the process with an additional fee waiver at that time.**

Vice Mayor Landry asked if the fee waiver is only for an appeal and Councilmember Resnikoff confirmed.

Motion was adopted by the following roll call vote:

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

11. **Public Hearing to Consider a City-Initiated Text Amendment (PLN2019-62) Amending the Campbell Municipal Code by Adding Chapter 6.40 “Camping and 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: Staff recommends that the City Council take a first reading and introduce an ordinance, adding Chapter 6.40 “Camping and 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; and provide direction to Staff on any future modification to the ordinance that the Council would like to consider.

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 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 the staff report dated October 1, 2019.

Raymond Langford, representative from St. Lucy's Parish, commented on the safe park program and shared a success story of an individual utilizing the program.

Reverend Naomi Schultz, Pastor of Campbell United Church of Christ, spoke

about veterans, the homeless, and would like affordable housing made a priority.

Phil Mastrocola, co-founder of the Interfaith Collaborative in Santa Clara County, spoke about the safe park program and overnight shelters.

Ming Hong Yang, Campbell resident, thanked the Council for addressing this issue and would like the City to take steps to deal with the homeless problem.

A member of the public commented on government, ministers, politicians, and Masons.

Brian Link, representative from First Congregational Church, spoke about the safe parking program, future growth of the program, zoning, and would like the City to be proactive in finding solutions for the homeless.

Campbell resident spoke about problems with homeless in an encampment near his residence distributing food and creating a nuisance in the area.

Campbell resident spoke about issues with a homeless individual in her neighborhood.

Student from Prospect High School commented on the homeless and spoke about finding a sustainable temporary solution while working towards a permanent solution.

Student from Prospect High School commented on the homeless and spoke about providing an incentive or method to help them out of their situation.

Student from Prospect High School commented on the homeless and stated that there needs to be a way to access resources for everyone.

Student from Prospect High School commented on the homeless and urged the City to invest in creating a place for the homeless to go in Campbell.

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

Council discussed changing all the durations of legal camping listed in the ordinance to seven days for consistency.

After discussion, **Councilmember Resnikoff made a motion that the City Council take a first reading and introduce Ordinance 2251 adding Chapter 6.40 "Camping and 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; and provide direction to staff on any future modification to the ordinance that the Council would like to consider including the**

change to seven days for all categories of legal camping.

Councilmember Gibbons asked to add language stating that the City does not have to retain perishable items for the 90 days.

City Attorney Seligmann suggested adding that language to the final paragraph of subsection (b) of section 6.40.040.

Councilmember Resnikoff added the requested language per the City Attorney's comments.

City Attorney Seligmann asked if Council wanted to proceed in bringing back the modifications necessary to allow the safe parking programs outside the P-F by way of use permit.

Councilmember Resnikoff stated that they would discuss an expansion.

Vice Mayor Landry seconded the motion with all the amendments.

Council discussed CUP amendments to locations, not in the P-F district.

City Attorney Seligmann stated that direction on the issue with the P-F district can be made in a separate motion.

After discussion, Councilmember Resnikoff stated he would like to remove the previously discussed piece of the motion. Vice Mayor Landry accepted the change.

Councilmember Resnikoff clarified that the motion is as written in the staff report with the addition of the seven days and the perishable items.

City Clerk Wood asked for clarification on the language for the perishable items.

City Attorney Seligmann clarified the language should state that nothing in that section shall require the storage of perishable items.

Motion is as follows: **That the City Council take a first reading and introduce Ordinance 2251 adding Chapter 6.40 "Camping and 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; and provide direction to staff on any future modification to the ordinance that the Council would like to consider including the change to seven days for all categories of legal camping and amending the final paragraph of subsection (b) of section 6.40.040 to include the language stating that nothing in that section shall require the storage of perishable items. Motion was adopted by the following roll call vote:**

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

City Clerk Wood read the title of Ordinance 2251.

M/S: Resnikoff/Gibbons - that the City Council waive further reading of Ordinance 2251. Motion was adopted unanimously.

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

M/S: Gibbons/Landry - that the City Council provide direction to staff to come back with a solution to the non-P-F zoning areas such that safe parking programs could exist and that they would be limited to the industrial areas that have been identified as part of SB5 or anywhere there is assembly use. Motion was adopted by the following roll call vote:

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

NEW BUSINESS

There were no agendized items.

COUNCIL COMMITTEE REPORTS

12. Council Committee Reports

Recommended Action: Report on committee assignments and general comments.

-- Councilmember Resnikoff attended the West Valley Clean Water JPA meeting; attended the West Valley Solid Waste Authority JPA meeting; attended the West Valley Sanitation District meeting; attended the Cities Association of Santa Clara County meeting; and attended the Mayor's State of the City event.

-- Councilmember Bybee attended the Downtown Campbell Business Association meeting; Valley Transportation Authority Policy Advisory Committee meeting; attended the Friends of the Heritage Theatre meeting; volunteered at the Wine Walk; attended the Mayor's State of the City event; and attended the memorial for the Kelly Crowley, manager of Khartoum's, DCBA member and past

Citizen of the Year.

-- Councilmember Gibbons attended the Association of Bay Area Governments meeting; attended the Campbell Historical Museum & Ainsley House Board meeting; attended an LGBTQ meeting with the County; attended the Education Subcommittee meeting; attended the Silicon Valley Clean Energy meeting; attended the Mayor's State of the City event; attended candidate forums for Senate District 15; attended the Campbell Police Foundation breakfast; supported Saratoga at the Hakone Annual Gala event; attended the California League of Cities webinar on State Legislation; and attend the Campbell Chamber of Commerce Lunch where Museum Supervisor, Kerry Perkins spoke on the history of post offices in Campbell; and attended Supervisor Joe Simitian's presentation on senior shared housing.

-- Vice Mayor Landry attended the Mayor's State of the City event; attended the State Route 85 Corridor Policy Advisory Board meeting; attended the Campbell police active shooter training; and attended Assembly Member Anna Eshoo and Assembly Member Evan Low's senior scam workshop.

-- Mayor Waterman spoke at the State of the City event; attended Mathnasium's tenth-anniversary event; attended the LGBTQ event; and attended the Silicon Valley Animal Control's Pour for Paws fundraising event.

Councilmember Gibbons made a motion to have staff come back in two to three meetings, with a moratorium on evictions.

Motion failed due to a lack of a second.

ADJOURN

Mayor Waterman adjourned the meeting at 10:26 p.m.

APPROVED:

ATTEST:

Richard M. Waterman, Mayor

Wendy Wood, City Clerk