

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, October 2, 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, 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

The Pledge of Allegiance was led by Mayor Resnikoff.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. **"Safe Routes to School" Presentation**
Recommended Action: Accept presentation.

Deputy City Manager Bito introduced the item.

Sergeant Mendez spoke about enforcement and education.

Traffic Engineer Jue spoke about past and present Safe Routes to School projects.

Debbie Nogales, Capri Elementary School Community Liaison, spoke about school's participation and support of the program.

Alice Kawaguchi representative from Santa Clara County Public Health spoke about sustainability within the program.

Deputy City Manager Bito spoke about Safe Routes to School goals and next steps.

2. **Permit System Replacement Presentation**
Recommended Action: Accept presentation.

Information Technology Manager Lawson presented an project update on the Building department permitting system.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

ORAL REQUESTS

There were no oral requests.

COUNCIL ANNOUNCEMENTS

Meet your neighbors and local police officers for a cup of java and conversation. Come celebrate National Coffee With A Cop Day on Wednesday, October 3, from 8:00 a.m. to 10:00 a.m. at the Starbucks located at 771 W. Hamilton Avenue in Campbell. No agendas or speeches, just a chance to ask questions and get to know the officers in your community.

Join us on Saturday, October 6, at the Campbell Community Center's Orchard City Banquet Hall for a Ceremony honoring the Campbell High School Alumni from 1900 thru 1980 (when the school closed). A special plaque and tree planting is part of the celebration. Doors open at 9:00 a.m. and the program will start at 10:00 a.m. This is a free event. All Campbell High School Alumni, friends and family are welcome.

Come Sip Snack and Socialize History Happy Hour lecture series at the Ainsley House is a great place to learn about interesting topics meet new people and tour the Ainsley House from 5:30 to 7:30 p.m. On Friday, October 12, experience the New Almaden Quicksilver Mining museum. Registration is required for more information please visit www.campbellmusuems.com.

Join us on Sunday, November 4, from 2:00 – 4:00 p.m., for the Ainsley House Sunday Concert Series. A joint partnership between the San Jose Guitar School of Music & the Campbell Museum Foundation. Come listen to live jazz music, sip some wine, enjoy light appetizers and explore the Ainsley House. Admission is \$20. For more information, please visit www.campbellmuseums.com.

The Silicon Valley Leadership Group has challenged our Council to participate in the

largest Thanksgiving race in the United States - the 14th annual Applied Materials Silicon Valley Turkey Trot, Thursday (Thanksgiving) morning, November 22. Together, let's reach the goal of \$1 million for local charities and re-claim the Mayor's cup. For more information, please visit www.svturkeytrot.com.

The City's Civic Improvement Commission is accepting applications for new beautification grants to improve neighborhoods and business. The goal of this program is to encourage and incentivize beautification efforts in our community. Grant awards are between \$500 and \$5,000. Grants are awarded as reimbursement for completed work. For more information, please visit www.cityofcampbell.com.

CONSENT CALENDAR

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

Consent Calendar was considered as follows:

3. **Minutes of City Council Regular Meeting of September 18, 2018**
Recommended Action: This action approves Regular Meeting minutes of September 18, 2018

This action approved the regular meeting minutes of September 18, 2018.

4. **Approving Bills and Claims**
Recommended Action: Approve the bills and claims in the amount of \$703,898.60

This action approves the bills and claims checks in the amount of \$703,898.60 as follows: payroll checks dated September 9, 2018 in the amount of \$127,705.20; bills and claims checks dated September 10, 2018 in the amount of \$202,837.55; bills and claims checks dated September 17, 2018 in the amount of \$373,355.85.

5. **Second Reading of Ordinance 2236 Approving a Zoning Map Amendment (PLN2017-393) to Change the Zoning District Designation from R-M (Multiple-Family Residential) to P-D (Planned Development) for the Project Located at 50 Shelley Avenue (Second Reading/Roll Call Vote)**

Recommended Action: That the City Council take second reading of Ordinance 2236 approving a Zoning Map Amendment (PLN2017-393) to change the zoning district designation from R-M (Multiple-Family Residential) to P-D (Planned Development) for the project located at 50 Shelley Avenue.

Second reading of Ordinance 2236 approves a Zoning Map Amendment (PLN2017-393) to change the Zoning Designation from R-M (Multiple-Family Residential) to P-D (Planned Development) for the project located at 50 Shelley Avenue.

M/S: Gibbons/Cristina - that the City Council approve the consent calendar. 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

6. **Public Hearing to Consider the Application of Jeffrey Mar for a Major Modification (PLN2018-213) to a Previously Approved Planned Development Permit (PD 82-09) to Allow Construction of a 550 Square-Foot Accessory Structure Within the Heritage Village Apartments on Property Located at 23 Heritage Village Lane 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 (PLN2018-213) to a previously approved Planned Development Permit (PD 82-09) for property located at 23 Heritage Village Lane.

This is the time and place for a public hearing to consider the application of Jeffrey Mar for a Major Modification (PLN2018-213) to a previously approved Planned Development Permit (PD 82-09) to allow construction of a 550 square-foot accessory structure within the Heritage Village Apartments on property located at 23 Heritage Village Lane in the P-D (Planned Development) Zoning District.

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

After discussion, **M/S: Gibbons/Cristina - that the City Council accepts the Planning Commission recommendation to adopt Resolution 12363 approving a Major Modification (PLN2018-213) to a previously approved Planned Development Permit (PD 82-09) for property located at 23 Heritage Lane. Motion was adopted by the following roll call vote:**

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

7. **Amendment to Chapter 2.40 of the Campbell Municipal Code – Conflict of Interest Code (First Reading of Ordinance/Resolution/Roll Call Vote)**

Recommended Action: That the City Council introduce an ordinance for first reading amending Chapter 2.40 of the Campbell Municipal Code - Conflict of Interest Code and adopt a resolution adopting the Conflict of Interest Code Appendix A and B.

This is the time and place for a public hearing to amend Chapter 2.40 of the Campbell Municipal Code - Conflict of Interest Code.

City Clerk Wood presented staff report dated October 2, 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.

After discussion, **M/S: Landry/Cristina - that the City Council introduce an ordinance for first reading amending Chapter 2.40 of the Campbell Municipal Code - Conflict of Interest and adopt a resolution adopting the Conflict of Interest Code Appendix A and B including the desk item. Motion was adopted by the following roll call vote:**

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

Deputy City Clerk Sanders read the title of Ordinance 2237.

M/S: Gibbons/Landry – that the City Council waive further reading of Ordinance 2237. Motion was adopted unanimously.

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

8. **Adopt an Urgency Ordinance Establishing a Temporary Moratorium on Shared Mobility Services (Ordinance/Roll Call Voter)**

Recommended Action: Adopt an Urgency Ordinance of the City Council of the City of Campbell Establishing a Temporary Moratorium on Motorized Scooter and Bike Share Programs, Amending Chapter 10.04, and Adding Chapter 10.49 to the Campbell Municipal Code regarding the Operation of Shared Mobility Services.

This is the time and place for a public hearing to consider adopting an Urgency Ordinance establishing a Temporary Moratorium on Shared Mobility Services.

City Manager Loventhal presented the staff report dated October 2, 2018.

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

Jeremy Kemp, charger for Bird and Lime, spoke about the motorized scooters.

Audrey Kiehtreiber, president of San Tomas Aquino Community Coalition (STACC), asked that the City develop criteria for the scooters and spoke about enforcement.

Ev Ellington, General Manager of Lime Bay Area spoke against the proposed Ordinance and provided information about Lime.

Roger Pennington, Campbell resident, spoke in favor of the proposed Ordinance.

Robert Fenerty, San Jose resident, spoke against motorized vehicles on the Los Gatos Creek Trail.

Nathan Walker, Campbell resident, spoke against the proposed Ordinance.

Dave Porter, Campbell resident, spoke in favor of motorized scooters and stated opposition for the proposed Ordinance.

Member of the public spoke against the motorized scooters in Campbell.

Campbell resident spoke about concerns regarding the motorized scooters.

Campbell resident spoke about public safety concerns regarding the scooters.

Council had a general discussion about forming a subcommittee, and bringing the item back in 30 days.

M/S: Landry/Gibbons - Adopt an Urgency Ordinance of the City Council of the City of Campbell establishing a temporary moratorium on Motorized Scooters and Bike Share Programs, amending Chapter 10.04, and adding Chapter 10.49 to the Campbell Municipal Code regarding the operation of Shared Mobility devices with an amendment to add, a 72-hour noticing period for the equipment to be removed; a 45 day period for staff to come back with a policy with the main focus being enforcement, docking, Geo fence which would include certain areas and basic guidelines.

After discussion, **Councilmember Landry made a friendly amendment to the last portion of her motion, removing the direction to staff, stating “the main**

focus being enforcement, docking, Geo fence which would include certain areas and basic guidelines.”

Councilmember Gibbons accepted the friendly amendment.

City Attorney Seligmann made a clarification that the 72-hour advance notice applies to one notice per Company and not for every scooter.

Motion required a four-fifths vote and failed by a 3-2 vote. (Vice Mayor Waterman and Councilmember Cristina voted No.)

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

Mayor Resnikoff appointed Councilmember Cristina and Councilmember Landry to serve on an Ad Hoc Subcommittee to discuss Shared Mobility Devices.

OLD BUSINESS

There were no agenda items.

NEW BUSINESS

9. **Schedule a City Council Meeting on November 5, 2018, and Cancel the City Council Meeting on November 6, 2018 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution to schedule a City Council meeting on November 5, 2018, at the regularly scheduled time of 7:30 p.m. and to cancel the meeting on November 6, 2018.

Councilmember Cristina left the Council Chambers.

City Clerk Wood presented the staff report dated October 2, 2018.

M/S: Gibbons/Landry - that the City Council adopt Resolution 12365 to schedule a City Council meeting on November 5, 2018, at the regularly scheduled time of 7:30 p.m. and to cancel the meeting on November 6, 2018. Motion was adopted by the following roll call vote:

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

10. **Historic Preservation Board Appointment or Extension**
Recommended Action: It is recommended that the City Council either reappoint Board members Susan Blake and Laura Taylor Moore or extend the application deadline for the Historic Preservation Board until a sufficient number of applications, as determined by Council, are received.

Councilmember Cristina returned to the Council Chambers.

City Clerk Wood presented staff report dated October 2, 2018.

After discussion, **M/S: Gibbons/Landry - that the City Council reappoint Susan Blake and Laura Taylor Moore to the Historic Preservation Board. Motion failed with a 2-3 vote. (Mayor Resnikoff, Vice Mayor Waterman, Councilmember Cristina voted no.)**

Councilmember Cristina made a motion to extend the application deadline for the Historic Preservation Board until a sufficient number of applications are received. Motion failed due to lack of a second.

M/S: Gibbons/Waterman to extend the application period for a period of two months and that the two existing members Susan Blake and Laura Taylor Moore have an interim appointment for those two months. Motion was adopted unanimously.

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

COUNCIL COMMITTEE REPORTS

11. **Council Committee Reports**
Recommended Action: Report on committee assignments and general comments.

--Councilmember Cristina spoke about the Silicon Valley Turkey Trot.

--Councilmember Landry attended the State of the District and attended the San Tomas Aquino Community Coalition (STACC) ice cream social.

--Councilmember Gibbons attended the Campbell Historic Museum and Ainsley House Foundation meeting; attended the Education Subcommittee meeting; attended the Finance Subcommittee meeting; attended the Silicon Valley Clean Energy meeting; attended the STACC social; spoke of the upcoming CERT fundraiser "A Taste of Campbell"; and the Veteran's Foundation dinner.

Councilmember Gibbons asked that staff look into grant funds that were released

by the County Board of Supervisors relating to housing for disabled adults and those terming out of foster care.

--Vice Mayor Waterman attended the Finance Subcommittee and attended the SVACA meeting.

--Mayor Resnikoff attended the Campbell Chamber of Commerce Luncheon; attended Assemblymember Evan Low's State of the District; attended the Mayor's and Managers meeting; attended the joint child seat safety event hosted by AAA, Lucille Packard Hospital and Good Samaritan Hospital.

ADJOURN

Mayor Paul Resnikoff adjourned the meeting at 9:53 PM.

APPROVED:

ATTEST:

Paul Resnikoff, Mayor

Andrea Sanders, Deputy City Clerk