

CITY COUNCIL MINUTES

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



CITY COUNCIL EXECUTIVE SESSION

Tuesday, February 2, 2021 – 6:00 p.m.

City Hall – 70 N. First Street

- A. Personnel**
- B. Litigation - CONFERENCE WITH LEGAL COUNSEL— NOTICE OF EXISTING LITIGATION**

(Paragraph (1) of subdivision (d) of [Section 54956.9](#))

Name of case: William Perry v. City of Campbell

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of [Section 54956.9](#): One case - attorney has advised City that he has filed action on behalf of his client challenging administrative code enforcement decision.

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of [Section 54956.9](#): One case

- C. Real Property**
- D. Labor Negotiations** - Pursuant to G.C. Section 54957.6: Conference with Labor Negotiator - Agency Designated Representatives: City Council, City Manager Brian Loventhal
Employee Organizations: Campbell Municipal Employees Association (CMEA); Campbell Police Civilian Employees Association (CPCEA); Campbell Peace Officers' Association (CPOA); Carpenters; Management Employees; and Confidential Employees

The City Council met in Executive Session to discuss Items B and D. City Manager Brian Loventhal and City Attorney Bill Seligmann were in attendance for all items. Community Development Director Paul Kermoyan and Code Enforcement Officer Randy Sweet were in attendance for Item B. Acting Human Resources Manager Salina Flores and attorneys Lisa Charbonneau and Rick Bolanos of Liebert Cassidy Whitmore, were in attendance for Item D.

**City Attorney Seligmann reported that pursuant to Item B, the Council unanimously authorized the City Attorney's Office to defend a lawsuit filed on behalf of William Perry to challenge a code enforcement action that was upheld by an administrative hearing officer regarding 209 Railway Avenue. Additionally, by unanimous action, the Council authorized the City Attorney's Office to pursue civil injunctive relief in order to remedy those violations if Mr. Perry does not do so.

Executive Session adjourned at 7:25 p.m.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL
Tuesday, February 2, 2021 – 7:30 p.m.
City Hall – 70 N. First Street

This City Council meeting was conducted pursuant to the Governor’s Executive Order N-29-20.

This meeting was recorded and can be viewed in its entirety at:
<https://campbellca.gov/agendacenter> and <https://www.youtube.com/user/CityofCampbell>.

CALL TO ORDER

The City Council of the City of Campbell convened on the regularly scheduled day of February 2, 2021, via telecommunication.

Mayor Gibbons stated that this City Council meeting was conducted pursuant to provisions of the Brown Act and an Executive Order issued by the Governor to facilitate teleconferencing to reduce the risk of COVID-19 transmission at public meetings.

ROLL CALL

Attendee Name	Title	Status
Elizabeth 'Liz' Gibbons	Mayor	Remote
Paul Resnikoff	Vice Mayor	Remote
Anne Bybee	Councilmember	Remote
Susan M. Landry	Councilmember	Remote
Sergio Lopez	Councilmember	Remote

PLEDGE OF ALLEGIANCE

Mayor Gibbons led the Pledge of Allegiance.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

There were no special presentations and proclamations.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

ORAL REQUESTS

Campbell Chamber of Commerce, Executive Director Ken Johnson reported that the Campbell Chamber Community Foundation selected Armin JR McKee as Citizen of the Year for all his efforts serving the Campbell community. Also selected were Business of the Year finalists, Sports Basement, Orchard Valley Coffee and Marvel Cakes. A winner will be chosen at the Virtual Celebrate Campbell event to be held on March 20, 2021.

COUNCIL ANNOUNCEMENTS

The City of Campbell continues to work closely with our partnering agencies to monitor how the coronavirus is impacting our communities. We are actively monitoring the information provided by the U.S. Centers for Disease Control and reviewing guidance provided by the County's Public Health Department. We continue to take proactive steps to prioritize the health and safety of our employees and community members. Our focus is to maintain essential services and keep you informed.

Santa Clara County has published a new online dashboard which tracks the number of vaccine doses received and administered by vaccine providers in Santa Clara County. To find out who can currently be vaccinated, who will be eligible to receive the vaccine next, and other frequently asked questions, please visit sccfreevax.org.

City Hall Offices will be closed for business on Monday, February 15 in observance of Presidents' Day. The Police Department will remain open.

The City Clerk's office is accepting applications for a vacancy on the Historic Preservation Board for one short term expiring October 2021. Appointment of members to the Historic Preservation Board shall be made from among professionals in the historic preservation-related disciplines. To be eligible for appointment on this volunteer advisory commission, applicants must reside within Campbell city limits and be at least eighteen years of age. Applications may be obtained from the City Clerk's Office, or on the Boards and Commission page of the City's website. For more information, please visit the city's website at campbellca.gov or email the clerk's office at ClerksOffice@campbellca.gov.

Housing Trust Silicon Valley is partnering with the City of Campbell to host an Empower Homeowners SCC informational webinar on Wednesday, February 10 from 2:00 - 3:30 p.m. The webinar discusses the County's down payment assistance program to help low to moderate income households purchase their first home in the County. For more information, please visit housingtrustsv.org.

Spread the love at Campbell's 44th annual Valentine 5K Virtual Fun Run/Walk from February 13 - 21. Create your own 5K, anywhere, anytime-virtually. Register by Friday, February 5, 2021 to receive your race shirt. For more information please visit campbellca.gov/recreation.

One of pop-music's most fascinating success stories and the bestselling solo pianist of our time, Jim Brickman will support the Heritage Theatre with "Share the Love" virtual Valentine's Day themed concerts from February 12-14. For ticket information, please visit heritagetheatre.org.

The Campbell Museum presents "History at Home." On Friday, February 12, join us for a virtual meeting where history meets fiction as Ehsaneh Sadr reads from her novel, "A Door Between Us." Tickets can be purchased by visiting the Campbell museum's website at campbellmuseums.com.

Celebrate Campbell's rich heritage at the "Early Settlers Day" virtual event on Wednesday, February 17 at noon. Kerry Perkins from the Campbell Museum will

discuss the 175th Anniversary of the Campbell's coming to California. Updates on city business will also be presented. Register for free at CampbellChamber.net.

The Campbell Library offers extensive virtual story time and weekly classes including: baby story time, kid's art club, yoga for adults and so much more. Check the online calendar for more information about classes, virtual book discussion groups and other programs at sccl.org.

**City Attorney Seligmann reported on Council's action taken at the February 2, 2021 Executive Session.

CONSENT CALENDAR

Mayor Gibbons asked if there was anyone who wished to pull an item off the Consent Calendar.

The Consent Calendar was considered as follows:

1. **Minutes of City Council Special Meeting of January 11, 2021**
Recommended Action: Approve the special meeting minutes of January 11, 2021.

This action approves the special meeting minutes of January 11, 2021.

2. **Minutes of City Council Regular Meeting of January 19, 2021**
Recommended Action: Approve the regular meeting minutes of January 19, 2021.

This action approves the regular meeting minutes of January 19, 2021.

3. **Approving Bills and Claims**
Recommended Action: Approve the bills and claims in the amount of \$405,366.61.

This action approves the bills and claims in the amount of \$405,366.61 as follows: bills and claims checks dated December 28, 2020, in the amount of \$177,475.42; payroll checks dated January 7, 2021, in the amount of \$38,595.92; and bills and claims checks dated January 11, 2021, in the amount of \$189,295.27.

4. **Investment Report - Quarter Ending December 2020**
Recommended Action: That the Investment Report for the quarter ending December 2020 be noted and filed.

This action notes and files the Investment Report for the quarter ending December, 2020.

5. **Extension of Declaration of Local Emergency (Resolution/Roll Call Vote)**
Recommended Action: That the City Council adopt a resolution extending the December 15, 2020 City Council proclamation declaring the existence of a local

emergency resulting from community spread of COVID-19 in the City of Campbell to April 13, 2021.

Resolution 12671 extends the December 15, 2020 City Council proclamation declaring the existence of a local emergency resulting from community spread of COVID-19 in the City of Campbell to April 13, 2021.

6. **Resolution Approving an Updated Salary Schedule Effective February 2, 2021 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt by resolution an updated Salary Schedule for the Campbell Police Civilian Employee Association (CPCEA) effective August 24, 2020 and the Campbell Peace Officers' Association (CPOA) effective January 11, 2021.

Resolution 12672 updates the Salary Schedule for the Campbell Police Civilian Employee Association (CPCEA) effective August 24, 2020 and the Campbell Peace Officers' Association (CPOA) effective January 11, 2021.

7. **Resolution Reviewing and Accepting the Annual Developer Fee Disclosure Information for the Environmental Services Fee, Parkland Dedication Fee, and Vehicle Impact Fee and Making Five-Year Findings for the Parkland Dedication Fee and Vehicle Impact Fee for the Fiscal Year Ended June 30, 2020 Pursuant to California Government Code (GC) Section 66001 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution consistent with the Mitigation Fee Act (AB-1600) to review and accept the annual developer fee disclosure information for the Environmental Services Fee, Parkland Dedication Fee, and Vehicle Impact Fee and make five-year findings for the Parkland Dedication Fee and Vehicle Impact Fee for the Fiscal Year ended June 30, 2020 pursuant to California Government Code (GC) Section 66001.

Consistent with the Mitigation Fee Act (AB-1600) Resolution 12673 reviews and accepts the annual developer fee disclosure information for the Environmental Services Fee, Parkland Dedication Fee, and Vehicle Impact Fee and make five-year findings for the Parkland Dedication Fee and Vehicle Impact Fee for the Fiscal Year ended June 30, 2020 pursuant to California Government Code (GC) Section 66001.

8. **Letter to Santa Clara Valley Transportation Authority Regarding Measure B Funds**

Recommended Action: That the City Council authorize the Mayor to submit a letter to the Santa Clara Valley Transportation Authority supporting a comprehensive 2016 Measure B 10-Year Outlook plan that meets transportation needs countywide and provides fairness in funding countywide.

This action authorizes the Mayor to submit a letter to the Santa Clara Valley Transportation Authority supporting a comprehensive 2016 Measure B 10-Year Outlook plan that meets transportation needs countywide and provides fairness in funding countywide.

9. **Commending Records Specialist Janet Sullivan for Over 18 Years of Service to the City of Campbell (Resolution/Roll Call Vote)**

Recommended Action: Adopt a Resolution commending Records Specialist Janet Sullivan upon her retirement after over 18 years of outstanding service with the City of Campbell Police Department.

Resolution 12674 commends Records Specialist Janet Sullivan upon her retirement after over 18 years of outstanding service with the City of Campbell Police Department.

M/S: Landry/Resnikoff – That the City Council approve the consent calendar. The motion was adopted by the following roll call vote:

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

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

10. **Public Hearing to Consider the Request of Scott Cooley for an Authorization to Proceed with an Amendment to the General Plan to Change the Land Use Designation of Property Located at 700 W. Hamilton Avenue, from General Commercial to Residential/Commercial/Professional Office to Allow for a Future Proposal for a Mixed-Use Development (Resolution/Roll Call)**

Recommended Action: Staff recommends that the City Council adopt a resolution, authorize an application for a General Plan Amendment, subject to a Development Agreement to provide an increased percentage of Below-Market-Rate (BMR) housing units.

This is the time and place for a public hearing to consider the request of Scott Cooley for an authorization to proceed with an amendment to the General Plan to change the Land Use Designation of property located at 700 W. Hamilton Avenue, from General Commercial to Residential/Commercial/Professional Office to allow for a future proposal for a Mixed-Use Development.

Senior Planner Fama presented a staff report dated February 2, 2021.

Mayor Gibbons declared the public hearing open and asked if anyone wished to speak.

Property owner Scott Cooley spoke about his property, past tenants and stated reasons for requesting the Zoning change.

Applicant team member Kurt Anderson spoke of the proposed project including zoning, design, parking and Below Market Rate units.

There being no else wishing to speak Mayor Gibbons closed the public hearing.

Council discussed the proposed site plan, the neighborhood park and its maintenance, increased affordable housing units and retail use on the property.

Council was generally supportive of the proposed General Plan Amendment with a Development Agreement with additional density, mixed-use and an increased amount of Below Market Rate units.

Community Development Director Kermoyan provided additional information, stating the architect could return to the Council with several design options that reflect the various housing types Council had discussed.

M/S: Landry/Lopez - That the City Council adopt Resolution 12675 to authorize an application for a General Plan Amendment, subject to a Development Agreement to provide an increased percentage of Below Market Rate housing units with mixed housing types.

Councilmember Landry made a friendly amendment to include that the park should be maintained by the Developer.

Councilmember Lopez accepted the friendly amendment. The motion was adopted by the following roll call vote:

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

11. **Public Hearing to Consider a City-Initiated Zoning Code Amendment (PLN2018-163) Adding New Chapter 21.45 (Temporary Use Permits) to the Campbell Municipal Code and Amending Various Other Sections of Title 21 and Title 5 of the Campbell Municipal Code Pertaining to the Permitting and Regulation of Temporary Uses on Private Property and the Associated Rescission of City Council Policy 9.8 (Approval of Temporary Permits for Christmas Tree and Pumpkin Sales). (Ordinance/Resolution/Roll Call Vote)**
Recommended Action: The Planning Commission recommends that the City Council take the following actions: (1) Take first reading and introduce an ordinance, adding new Chapter 21.45 (Temporary Use Permits) to the Campbell Municipal Code and amending various other sections of Title 21 and Title 5 of the Campbell Municipal Code pertaining to the permitting and regulation of temporary uses on private property; a (2) Adopt a resolution, rescinding City Council Policy 9.8 (Approval of Temporary Permits for Christmas Tree and Pumpkin Sales).

This is the time and place for a public hearing to consider a City-Initiated Zoning Code Amendment (PLN2018-163) adding new Chapter 21.45 (Temporary Use Permits) to the Campbell Municipal Code and amending various other sections of Title 21 and Title 5 of the Campbell Municipal Code pertaining to the permitting

and regulation of Temporary Uses on private property and the associated rescission of City Council Policy 9.8 (Approval of Temporary Permits for Christmas Tree and Pumpkin Sales).

Senior Planner Fama presented a staff report dated February 2, 2021.

Mayor Gibbons declared the public hearing open and asked if anyone wished to speak.

Campbell Chamber of Commerce, Executive Director Ken Johnson stated various concerns related to the proposed Ordinance.

There being no else wishing to speak Mayor Gibbons closed the public hearing.

Council provided feedback, discussed the permit fees and associated community benefits of events.

After discussion, Council took no action so that staff could return at a future date with a revised ordinance addressing their concerns with greater specificity.

Council took a five-minute recess and reconvened at 9:15 p.m.

UNFINISHED BUSINESS

12. Receive and Consider Conceptual Design Alternatives for the Police Operations Building, Select a Preferred Design Alternative and Provide Feedback to Staff

Recommended Action: That the City Council receive and consider conceptual design alternatives for the Police Operations Building, select a preferred design alternative and provide feedback to staff regarding further details to be focused on during schematic design phase.

Vice Mayor Resnikoff recused himself from the item due to the proximity of the project location to his residence and disconnected from the meeting.

Public Works Director Capurso provided background on the item and introduced the project consultants.

LPA, Inc. consultants gave a presentation on the Police Operations Building design alternatives.

Former Councilmember, Jeff Cristina commented on the Police Building project and spoke about the importance of accommodating the Departments needs for future growth.

Diane Rock, Campbell resident stated that current Council project concerns could be discussed at future stages and urged the Council to move the project forward.

Council discussed the conceptual design options, parking and budget.

Council had a majority preference for Design Option 2 and approved by consensus the project moving forward to the schematic design phase.

Vice Mayor Resnikoff returned to the meeting at 11:05 p.m.

NEW BUSINESS

There was no new business.

COUNCIL COMMITTEE REPORTS

13. Council Committee Reports

Recommended Action: Report on committee assignments and general comments.

--Councilmember Landry attended the Santa Clara Valley Water District: County Water Commission meeting.

--Mayor Gibbons attended County Supervisors Chavez and Simitian's weekly Check-In meeting and participated in the City Clerk interviews with the City Council.

--Councilmember Bybee attended the Finance Subcommittee meeting.

--Vice Mayor Resnikoff attended the Finance Subcommittee meeting; Silicon Valley Animal Control Authority meeting; and spoke of the upcoming West Valley Solid Waste Authority meeting; and the upcoming West Valley Clean Water meeting.

ADJOURN

Mayor Gibbons adjourned the meeting at 11:10 p.m.

APPROVED:

ATTEST:

Elizabeth 'Liz' Gibbons, Mayor

Andrea Sanders, Deputy City Clerk