

# CITY COUNCIL MINUTES

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



**CITY COUNCIL EXECUTIVE SESSION**  
**Tuesday, February 18, 2020 – 7:00 p.m.**  
**Ralph Doetsch Conference Room**  
**City Hall– 70 N. First Street**

- A. **Personnel**
- B. **Anticipated Litigation** – Conference with Legal Counsel – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of section 54956.9: (One case: employee is seeking workers compensation for alleged job-related injuries.)
- C. **Real Property**
- D. **Labor Negotiations**

The City Council met in Executive Session to discuss item B. City Manager, Brian Loventhal, City Attorney Bill Seligmann, Human Resources Manager, Jill Lopez, and Rick Peoples, Partner with Testan Law, were in attendance. Executive Session adjourned at approximately 7:15 p.m.

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**REGULAR MEETING OF THE CAMPBELL CITY COUNCIL**  
**Tuesday, February 18, 2020 - 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, in the City Hall Council Chamber, located at 70 N. First St., Campbell, California.

## **ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Susan M. Landry	Mayor	Present
Elizabeth 'Liz' Gibbons	Vice Mayor	Present
Rich Waterman	Councilmember	Present

Anne Bybee	Councilmember	Present
Paul Resnikoff	Councilmember	Present

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Sanjana Manikandan and Sanskriti Singh.

Mayor Landry recognized these students for their achievements in the 2019 Santa Clara County Synopsys Science Fair, presented them with certificates of recognition for earning awards for their respective projects, and presented them with certificates of appreciation for leading the Pledge of Allegiance.

### **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

1. **Proclamation Recognizing Nancy Howe for Her Services as the County Librarian and Executive Director of the Award-Winning Santa Clara County Library District**

Recommended Action: Present a proclamation recognizing Nancy Howe for her services as the County Librarian and Executive Director of the award-winning Santa Clara County Library District.

Mayor Landry presented a proclamation to Nancy Howe in recognition of her services as the County Librarian and Executive Director of the Santa Clara County Library District.

Nancy Howe commented on her service and thanked the City Council for their support.

Council gave congratulatory comments.

### **COMMUNICATIONS AND PETITIONS**

There were no communications or petitions.

### **ORAL REQUESTS**

Scott Largent, homeless advocate, spoke about a stay-away order for a homeless individual, commented on concerns with her due process, and would like this individual to have the opportunity to go to court.

Buddhadeb Basu, Campbell resident, commented on an Accessory Dwelling Unit (ADU) amnesty program, stated that he has a code enforcement case for an ADU that has been there since the '80s, and would like the Council to consider this program.

Mike Kotowski, Campbell resident, and former Councilmember spoke about the Heritage Day Celebration, commented on Deputy City Manager, Al Bito's and Recreation and Community Services Director Regina Maurantonio's upcoming

retirements, and the appointment of the new Police Chief.

## **COUNCIL ANNOUNCEMENTS**

Mayor Landry invites you to attend a community meeting with the Mayor to learn about what's happening in Campbell, talk about what goals you would like accomplished in 2020, and share your concerns. For more information about this meeting, please visit the city's website at [www.campbellca.gov](http://www.campbellca.gov).

Santa Clara County residents are urged to apply for service on the Civil Grand Jury. For more information, please contact the Santa Clara County Superior Court at [www.CGJ@scscourt.org](mailto:www.CGJ@scscourt.org).

Dispose of unsafe and unwanted firearms. The Campbell Police Department is partnering with local law enforcement agencies for the second North County Gun Buyback program on Saturday, February 29, 2020. The event is being held at the Sunnyvale Presbyterian Church located at 728 W. Fremont Avenue in Sunnyvale from 8:00 a.m. to noon. Buybacks will be first-come, first-serve. For more information, please contact Captain Craig Anderson at (650) 382-2603.

The AARP Foundation is providing free income tax assistance from February 4 through April 14 at the Community Center's Adult Center. This service is available for low to moderate-income adults and families ages 18+. For more information, please visit [www.campbellca.gov](http://www.campbellca.gov).

The City of San Jose is partnering with the National Council on Aging to offer the Aging Mastery Program for Caregivers. This 12-week program is designed to educate caregivers about the impacts of caregiving and provide tools to stay healthy. There are limited spots available. For more information, please visit [www.sjregistration.com](http://www.sjregistration.com).

## **CONSENT CALENDAR**

Mayor Landry stated that there were desk items for items two, four, seven, and eight.

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

A member of the public wished to pull item six.

The Consent Calendar was considered as follows:

- Minutes of City Council Study Session Meeting of February 4, 2020**  
Recommended Action: Approve the study session meeting minutes of February 4, 2020.

This action approves the study session meeting minutes of February 4, 2020, including a desk item.

3. **Minutes of City Council Regular Meeting of February 4, 2020**

Recommended Action: Approve the regular meeting minutes of February 4, 2020.

This action approves the regular meeting minutes of February 4, 2020.

4. **Minutes of City Council Special Meeting of February 5, 2020**

Recommended Action: Approve the special meeting minutes of February 5, 2020.

This action approves the special meeting minutes of February 5, 2020, including a desk item.

5. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$720,311.77.

This action approves the bills and claims in the amount of \$720,311.77 as follows: bills and claims checks dated January 20, 2020, in the amount of \$296,843.38; payroll checks dated January 23, 2020, in the amount of \$42,992.54; and bills and claims checks dated January 27, 2020, in the amount of \$380,475.85.

7. **Addendum to Water Tower Annual Lighting Schedule - Recognizing Pride Month (June) (Resolution/Roll Call Vote)**

Recommended Action: It is recommended that the City Council adopt a resolution to approve an addendum to the City's Water Tower Lighting schedule.

Resolution 12553 approves an addendum to the City's Water Tower Lighting schedule, including a desk item.

8. **Resolution of the City Council of the City of Campbell Adopting a Debt Management Policy (Resolution /Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution approving the Debt Management Policy.

Resolution 12554 approves the Debt Management Policy, including a desk item.

9. **Approval and Authorization to Purchase Three New Police Ford Interceptor Utility Vehicles Using a California Statewide Contract (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution authorizing the Public Works Director to execute a purchase agreement for three (3) new 2020 Ford Police Interceptor Utility vehicles, by "piggybacking" on the California eProcurement State Contract (Contract ID 1-18-23-14B) in an amount not to exceed \$168,000.

Resolution 12555 authorizes the Public Works Director to execute a purchase agreement for three (3) new 2020 Ford Police Interceptor Utility vehicles, by “piggybacking” on the California eProcurement State Contract (Contract ID 1-18-23-14B) in an amount not to exceed \$168,000.

**M/S: Resnikoff/Gibbons - that the City Council approve the consent calendar with the exception of item six and including desk items two, four, seven, and eight. The motion was adopted by the following roll call vote:**

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

### **ITEMS PULLED FROM CONSENT**

6. **Second Reading of Ordinance 2260 to Amend Title: 18, Chapter 18 of the Campbell Municipal Code to Prohibit the Use of Natural Gas for Warm Air Heating and Water Heating in All New Residential Living Units (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council approve the second reading and adopt Ordinance 2260 to amend Title: 18, Chapter 18 of the Campbell Municipal Code to prohibit the use of natural gas for warm air heating and water heating in all new residential living units.

Audrey Kiehtreiber, Campbell resident, commented on concerns with the prohibited use of gas, questioned the intent of the ordinance, and stated that it sends a confused message.

After discussion, **M/S: Gibbons/Bybee - that the City Council approve the second reading and adopt Ordinance 2260 to amend Title: 18, Chapter 18 of the Campbell Municipal Code to prohibit the use of natural gas for warm air heating and water heating in all new residential living units. The motion was adopted by the following roll call vote:**

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

### **PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES**

10. **Authorization to Enter into an ESCO Services Contract with Syserco Energy Solutions and Authorization to Apply for Funding through PG&E On-Bill Financing and through the California Energy Commission (Resolutions/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the City Manager to enter into an Energy Services Contract agreement with Syserco Energy Solutions (an Energy Services Company) of Fremont, California to provide turnkey services for the proposed “Energy Conservation Upgrades and Infrastructure Improvements” project in an amount not to exceed \$4,065,049; and adopt a resolution approving the application of funding through the California Energy Commission for energy efficiency measures.

This is the time and place for a public hearing to consider authorization to enter into an ESCO services contract with Syserco Energy Solutions and authorization to apply for funding through PG&E on-bill financing and through the California Energy Commission.

Public Works Director Capurso presented the staff report dated February 18, 2020.

Mayor Landry 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 Landry closed the public hearing.

Vice Mayor Gibbons made a motion to move forward with the two resolutions with the recommendation that staff keep an open mind for opportunities to convert some of the equipment to electric if at all possible.

After discussion, the motion failed due to a lack of a second.

**M/S: Waterman/Resnikoff - that the City Council adopt Resolution 12556 authorizing the City Manager to enter into an Energy Services Contract agreement with Syserco Energy Solutions (an Energy Services Company) of Fremont, California to provide turnkey services for the proposed “Energy Conservation Upgrades and Infrastructure Improvements” project in an amount not to exceed \$4,065,049; and adopt Resolution 12557 approving the application of funding through the California Energy Commission for energy efficiency measures including a desk item. The motion was adopted by the following roll call vote:**

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

11. **Public Hearing to Consider a City-Initiated Zoning Code Text Amendment to Amend Title 21 and Title 5 of the Campbell Municipal Code to Establish a New List of Allowable Land Uses for the C-3 (Central Commercial District) Zoning District, Including Related Text Corrections and Revisions, and an Associated General Plan Text Amendment to Amend the Downtown**

## **Development Plan to Incorporate Revised Policy Language (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 to amend Title 21 and Title 5 of the Campbell Municipal Code and (2) adopt a resolution adopting a General Plan Text Amendment to amend the Downtown Development Plan to incorporate revised policy language.

This is the time and place for a public hearing to consider a City-Initiated Zoning Code Text Amendment to amend Title 21 and Title 5 of the Campbell Municipal Code to establish a new list of allowable land uses for the C-3 (Central Commercial District) Zoning District, including related text corrections and revisions, and an associated General Plan Text Amendment to amend the Downtown Development Plan to incorporate revised policy language.

Senior Planner Fama presented the staff report dated February 18, 2020.

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

Russell Pfirman, Campbell resident, commented on concerns with the zoning amendment being applied to the areas surrounding the downtown; and that pedestrian-oriented businesses may not need to get a conditional use permit to be approved, and would like to make sure the community does not lose the ability to provide input or appeal.

Audrey Kiehtreiber, President of the San Tomas Area Community Coalition (STACC), stated that she has the same concerns as the previous speaker Russell, in regards to the approval process, and commented on concerns with providing an adequate sidewalk area for safety.

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

Community Development Director Kermoyan clarified that the approval process is administrative and that administrative approvals do require a 300-foot radius notice and is appealable.

Council discussed modifying the list of permissible land uses and had a general consensus to add pet grooming and pet daycare to the list.

After discussion, **M/S: Waterman/Resnikoff - that the City Council take first reading and introduce Ordinance 2261 to amend Title 21 and Title 5 of the Campbell Municipal Code; and adopt Resolution 12558 adopting a General Plan Text Amendment to amend the Downtown Development Plan to incorporate revised policy language with an amendment to include pet grooming and pet daycare as an addition to table 2-11 of the ordinance as a**

permitted use on the lower floor and conditional use on the second floor. The motion was adopted by the following roll call vote:

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

City Clerk read the title of Ordinance 2262.

**M/S: Waterman/Bybee - that the City Council waive further reading of Ordinance 2261. The motion was adopted by a 4-1 vote (Vice Mayor Gibbons voted no)**

Mayor Landry announced that they would take a brief recess.

Council reconvened at 9:26 p.m.

### **UNFINISHED BUSINESS**

12. **Adopt Resolutions Granting the Appeals and Denying with Prejudice a Conditional Use Permit with Site and Architectural Review, for Construction of a 4,554 Square Foot Fast-Food Restaurant with an 84-Seat Interior Dining Area, a 16-Seat Outdoor Dining Area, a 19-Vehicle Drive-Through Lane with Outdoor Activities (Drive-Up Window), and Associated Site, Lighting, Parking, Refuse Collection, and Landscaping Improvements (PLN2018-206); and Denying a Tree Removal Permit to Allow Removal of Protected On-Site Trees (PLN2018-207); for Property Located at 2060 S. Bascom Avenue (Resolutions/Roll Call Vote)**

Recommended Action: Staff recommends that the City Council take the following actions: grant the appeal and deny with prejudice the proposed project, subject to the following: a) adopt a resolution denying a Conditional Use Permit with Site and Architectural Review that would have allowed the construction of a 4,554 square-foot fast-food restaurant with an 84-seat interior dining area, a 16-seat outdoor dining area, a 19-vehicle drive-through lane with outdoor activities (drive-up window), and associated site, lighting, parking, refuse collection, and landscaping improvements (PLN2018-206); and b) adopt a resolution denying a Tree Removal Permit that would have allowed the removal of protected on-site trees (PLN2018-207).

Mayor Landry referenced the desk item received.

Community Development Director Kermoyan stated that the property owner was unable to attend the meeting and requested that this item be continued to the April 7 meeting.

Council discussed the request.

City Attorney Seligmann stated that the Council would need to allow the public to speak on this item before making any motion to continue.

Community Development Director Kermoyan presented the staff report dated February 18, 2020, and read an email for the record, that he received too late to print out for the Council.

Campbell resident commented on concerns with Chick-fil-A.

City Attorney Seligmann stated comments should be specifically addressed to the resolutions before the Council, and no new testimony can be taken.

Campbell resident commented in support of the decision that the Council made at the previous meeting, stated that if this item is delayed people will be upset, and requested that the Council proceed with their final decision.

Council discussed the request and the process.

After further discussion, **M/S: Gibbons/Bybee - that the City Council grant the appeal and deny with prejudice the proposed project, subject to Resolution 12559 denying a Conditional Use Permit with Site and Architectural Review that would have allowed the construction of a 4,554 square-foot fast-food restaurant with an 84-seat interior dining area, a 16-seat outdoor dining area, a 19-vehicle drive-through lane with outdoor activities (drive-up window), and associated site, lighting, parking, refuse collection, and landscaping improvements (PLN2018-206); and Resolution 12560 denying a Tree Removal Permit that would have allowed the removal of protected on-site trees (PLN2018-207). The motion was adopted by the following roll call vote:**

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

## **NEW BUSINESS**

- 13. A Resolution of the City Council of the City of Campbell Adopting Citizen's Bond Oversight Committee Measure O Bylaws (Resolution/Roll Call Vote)**  
Recommended Action: That the City Council adopt a resolution approving the City of Campbell Citizen's Bond Oversight Committee Measure O Bylaws.

Councilmember Resnikoff recused himself from this item due to the proximity of his house to the proposed project and left the Council Chambers.

Finance Director Fuentes presented the staff report dated February 18, 2020.

Steve Saunders, Campbell resident, commented on the duties of the committee, stated that it does not seem to have any real purpose or action, questioned the value of the committee, and asked about financial engagement.

Council discussed appointments by districts and allowing one at-large alternate.

After further discussion, **M/S: Gibbons/Bybee - that the City Council adopt Resolution 12561 approving the City of Campbell Citizen's Bond Oversight Committee Measure O Bylaws with the confirmation that they will be appointed by-district and an alternate at-large. The motion was adopted by the following roll call vote:**

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

Councilmember Resnikoff returned to the Council Chambers.

## **COUNCIL COMMITTEE REPORTS**

### **14. Approve Appointment to the Civic Improvement Commission**

Recommended Action: That the City Council approve the recommendation of the Advisory Commissioner Appointment Interview Subcommittee regarding an appointment to the Civic Improvement Commission for one short term expiring August 2022.

Councilmember Resnikoff reported on the Advisory Commissioner Appointment Interview Subcommittee meeting and recommended the City Council appoint Davis Fields to the Civic Improvement Commission for one short term expiring August 2022.

**M/S: Resnikoff/Waterman - that the City Council appoint Davis Fields to the Civic Improvement Commission for one short term expiring August 2022. The motion was adopted unanimously.**

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

### **15. Council Committee Reports**

Recommended Action: Report on committee assignments and general comments.

--Councilmember Waterman attended a half-day Library event.

-Councilmember Resnikoff attended the Cities Association of Santa Clara County Board meeting; the West Valley Clean Water JPA meeting; the West Valley Solid Waste Authority JPA meeting; West Valley Sanitation District meeting; and announced that he was appointed as the chair to the West Valley Clean Water JPA, the West Valley Solid Waste Authority JPA, and West Valley Sanitation District.

--Councilmember Bybee attended the Valley Transportation Authority Policy Advisory Committee meeting in January, stated that the February meeting was canceled; attended the Friends of the Heritage Theatre meeting in January; and attended the January West Valley Mayors and Managers meeting, in the absence of both the Mayor and Vice Mayor.

--Vice Mayor Gibbons attended two meetings of the Santa Clara County Community Block Grant Programs; two Education Subcommittee meetings; the Santa Clara County Emergency Operations Commission meeting; stated that Silicon Valley Clean Energy announced two contracts to construct and operate new renewable facilities have been authorized; attended eight meetings of the Association of Bay Area Government and commented on their upcoming Regional Housing Needs Allocation (RHNA) numbering process, plan, ballot measures, and grants.

--Mayor Landry attended the U.S. Conference of Mayors in Washington D.C. in January; met with the Chairs of the City of Campbell's Boards and Commissions; met with the presidents of the local neighborhood associations; held two Meet the Mayor events; spoke about the upcoming Recycling and Waste Reduction Commission of Santa Clara County meeting; stated that Congresswoman Anna Eshoo is having a Town Hall meeting at 4:00 p.m. on Thursday at San Jose State in the theatre; and spoke about the upcoming Mayor's and Managers meeting.

Councilmember Gibbons requested that the City Council have a study session to put in context the recommendation and impact on what the General Plan land use might be as a result of RHNA and Bay Area Plan 2050 and made a motion to have staff schedule a study session a half-hour or forty-five minutes before a Council meeting to get updated.

The motion failed due to a lack of a second.

## **ADJOURN**

Mayor Landry adjourned the meeting at 10:37 p.m.

APPROVED:

ATTEST:

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Susan M. Landry, Mayor

\_\_\_\_\_  
Wendy Wood, City Clerk