

CITY COUNCIL MINUTES

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



CITY COUNCIL EXECUTIVE SESSION

Tuesday, March 3, 2020 – 6:30 p.m.

Ralph Doetsch Conference Room

City Hall– 70 N. First Street

- A. **Personnel** –Pursuant to G.C. Section 54957: Public Employee Performance Evaluation – City Clerk
- B. **Litigation**
- C. **Real Property**
- D. **Labor Negotiations** - Pursuant to G.C. Section 54957.6: Conference with Labor Negotiator - Agency Designated Representatives: City Council and City Clerk Performance/Compensation Subcommittee Members Susan M. Landry and Anne Bybee

The City Council met in Executive Session to discuss items A and D. City Manager, Brian Loventhal, and City Clerk, Wendy Wood were in attendance. The City Council continued the Executive Session at 7:25 p.m. The City Council reconvened at approximately 9:50 p.m. to discuss items A and D. Executive Session adjourned at approximately 10:30 p.m.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, March 3, 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.

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
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 Al Bito, retired Deputy City Manager.

Mayor Landry commended Al Bito for his 22 years of service to the City of Campbell and presented him with a certificate of appreciation for leading the pledge.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. **Proclamation Declaring the Month of March as “American Red Cross Month” in the City of Campbell**

Recommended Action: It is recommended that the City Council proclaim the month of March as “American Red Cross Month” in the City of Campbell.

Mayor Landry presented a proclamation to David Wells, Board member of the Silicon Valley Chapter of the American Red Cross.

David Wells accepted the proclamation on behalf of the American Red Cross, spoke about the services the Red Cross provided to the community, and thanked the City Council for honoring them.

2. **Proclamation Declaring the Month of March as "Youth Art Month" in the City of Campbell**

Recommended Action: It is recommended that the City Council proclaim the month of March as "Youth Art Month" in the City of Campbell.

Mayor Landry presented a proclamation to Eileen Beckley, representative of the Artspiration Committee of Santa Clara County Office of Education.

Eileen Beckley accepted the proclamation on behalf of the Artspiration Committee of Santa Clara County Office of Education and thanked the City Council for honoring them.

COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

ORAL REQUESTS

Buddhadeb Basu, Campbell resident, wanted to raise awareness on ADU amnesty and

commented on concerns with a house for sale with an ADU.

COUNCIL ANNOUNCEMENTS

Early Bird Summer Registration for Summer Day Camps and Swim Lessons begin 8:00 a.m. on Tuesday, March 10, for Campbell residents. Schedules are available on the City's website at www.campbellca.gov.

Join the Campbell Police Department from 5:00 – 8:00 p.m. on Wednesday, March 18, for the Tip-A-Cop event at the Water Tower Kitchen restaurant in Campbell. Our officers will work as hosts and servers. Tips raised will support the Special Olympics of Northern California.

In response to our residents' concerns regarding mail service in our City, the United States Postal Service will attend a Town Hall Meeting on Thursday, March 19, from 6:00 - 7:00 p.m. in the Adult Center Meeting Room (C-35) at the Campbell Community Center. This meeting will focus on mail delivery, staffing, and what the USPS can do to improve mail service reliability.

Campbell Kiwanis presents the 40th Annual Campbell Eggstravaganza event on Saturday, April 11, from 9:00 -11:00 a.m.

Following the Eggstravaganza, the public is invited to Downtown Campbell's 22nd Annual Bunnies and Bonnets Parade. The parade will begin at noon and will feature marching bands, baton dancers, classic cars, and more. This event is a wonderful Campbell tradition for the entire family.

The AARP Foundation is providing free tax assistance through April 14, at the Community Center's Adult Center. This service is available for low to moderate-income adults and families ages 18+. Please visit www.campbellca.gov for more information.

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. Programs are held each month from 5:30 to 7:30 p.m. For program registration and upcoming events, please visit www.campbellca.gov.

CONSENT CALENDAR

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

City Manager Loventhal stated that staff is recommending that the Council pull item five and re-notice it as a public hearing for introduction at a future meeting.

Senior Planner Fama clarified that there was an error in the approved ordinance, and for it to be properly adopted, it would need to be re-noticed.

Mayor Landry asked when this item will be back to the City Council, and staff responded that it will be brought back at the April 7 meeting.

Councilmember Resnikoff asked to pull items seven and eight.

The Consent Calendar was considered as follows:

3. **Minutes of City Council Regular Meeting of February 18, 2020**
Recommended Action: Approve the regular meeting minutes of February 18, 2020.

This action approves the regular meeting minutes of February 18, 2020.

4. **Approving Bills and Claims**
Recommended Action: Approve the bills and claims in the amount of \$488,030.57.

This action approves the bills and claims in the amount of \$488,030.57 as follows: bills and claims checks dated February 3, 2020, in the amount of \$221,173.79; payroll checks dated February 6, 2020, in the amount of \$75,624.19; and bills and claims checks dated February 10, 2020, in the amount of \$191,232.59.

6. **Use of Surface Transportation Program (STP) and Congestion Mitigation Air Quality Improvement (CMAQ) Grant Funds for the Harriet Avenue Sidewalk Project (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution assuring the Santa Clara Valley Transportation Authority (VTA) and Metropolitan Transportation Commission (MTC) that the City of Campbell will complete the Harriet Avenue Sidewalk Project under the VTA's Vehicle Emissions Reduction Based at Schools (VERBS) Program and committing the necessary local match for the project.

Resolution 12562 assures the Santa Clara Valley Transportation Authority (VTA) and Metropolitan Transportation Commission (MTC) that the City of Campbell will complete the Harriet Avenue Sidewalk Project under the VTA's Vehicle Emissions Reduction Based at Schools (VERBS) Program and commits the necessary local match for the project.

M/S: Gibbons/Resnikoff - that the City Council approve the consent calendar with the exceptions of item five, seven, and eight. The motion was adopted by the following roll call vote:

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

ITEMS PULLED FROM CONSENT

- 5. **Second Reading of Ordinance 2261 Amending 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 (Ordinance/Roll Call Vote)**
Recommended Action: That the City Council approve the second reading and adopt Ordinance 2261 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 Zoning District.

Mayor Landry asked if there were any members of the public wishing to speak on this item this evening and stated that they could speak at the April 7 meeting when this item will be back on the agenda.

There was no one in the audience wishing to speak on this item.

- 7. **Resolution Commending Al Bito for 22 Years of Outstanding Service with the City of Campbell Upon His Retirement (Resolution/Roll Call Vote)**
Recommended Action: That the City Council adopt a resolution commending Al Bito for 22 years of service with the City of Campbell upon his retirement.

Council commented on Al Bito's years of service and gave congratulatory remarks.

Patrick Ahrens spoke on behalf of Assembly Member Evan Low congratulating Al Bito on his retirement and presented him with a resolution from the State Assembly.

Al Bito thanked the City Council and staff for the accolades and recognition.

M/S: Bybee/Resnikoff - that the City Council adopt Resolution 12563 commending, Al Bito for 22 years of service with the City of Campbell upon his retirement. The motion was adopted by the following roll call vote:

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

- 8. **Resolution Congratulating Ana Spear on Being Selected “Citizen of the Year” by the Campbell Chamber of Commerce (Resolution/Roll Call Vote)**
Recommended Action: It is recommended that the City Council adopt a resolution congratulating Ana Spear on being selected Campbell’s 2019 “Citizen of the Year.”

Councilmember Resnikoff commented on the community events Ana Spear has

volunteered her time to participate in and wanted to congratulate her on being named Citizen of the Year.

Ana Spear thanked the City Council for the recognition.

M/S: Resnikoff/Gibbons - that the City Council adopt Resolution 12564 congratulating Ana Spear on being selected Campbell’s 2019 “Citizen of the Year.” The motion was adopted by the following roll call vote:

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

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

- 9. **Public Hearing to Consider the Application of Dollinger Properties for a Zoning Map Amendment, Planned Development Permit, Tree Removal Permit (PLN2017-381), and Final Environmental Impact Report Which Includes a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations (PLN2018-148) to Allow Construction of a 161,870 Square Foot Four-Story Office Building, a 146,478 Square Foot Five-Story Parking Garage (With One Level of Underground Parking), Additional Surface Parking, and On-Site Open Space on Property Located at 1700 Dell Avenue (Resolutions/Ordinances/Roll Call Vote)**

Recommended Action: That the City Council take the following action: 1) adopt a resolution certifying a Final Environmental Impact Report, and adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding Considerations; 2) introduce an ordinance approving a Zoning Map Amendment; 3) introduce an ordinance approving a Planned Development Permit with Site and Architectural Review; and 4) adopt a resolution approving a Tree Removal Permit.

This is the time and place for a public hearing to consider the application of Dollinger Properties for a Zoning Map Amendment, Planned Development Permit, Tree Removal Permit (PLN2017-381), and Final Environmental Impact Report which includes a mitigation monitoring and reporting program and a Statement of Overriding Considerations (PLN2018-148) to allow construction of a 161,870 square foot four-story office building, a 146,478 square foot five-story parking garage (with one level of underground parking), additional surface parking, and on-site open space on property located at 1700 Dell Avenue.

Community Development Director Kermoyan presented the staff report dated March 3, 2020.

Vice Mayor Gibbons commented that there was no language in the conditions of approval, stating that this is a unique situation and does not set a precedent, and

suggested language to incorporate.

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

Applicant, Scott Athearn, thanked the City Council and staff and stated concerns with condition 16, mitigation measure BIO-4B regarding the installation of bird glass.

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

After discussion, **M/S: Gibbons/Waterman - that the City Council adopt Resolution 12565 certifying a Final Environmental Impact Report, and adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding Considerations; introduce Ordinance 2262 approving a Zoning Map Amendment; introduce Ordinance 2263 approving a Planned Development Permit with Site and Architectural Review; and adopt Resolution 12566 approving a Tree Removal Permit with an amendment to add the following evidentiary findings: 1) that the size and location of the property is unique within the City, the property is currently underutilized, age and design are not supportive of leasing as such that it remains significantly vacant and 2) the proposed project is unique to this site and does not establish a development precedent for the remainder of the parcels in the Dell area or the City. The motion was adopted by the following roll call vote:**

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

City Clerk Wood read the title of Ordinance 2262.

M/S: Gibbons/Bybee - that the City Council waive further reading of Ordinance 2262. The motion was adopted unanimously.

City Clerk Wood read the title of Ordinance 2263.

M/S: Gibbons/Waterman - that the City Council waive further reading of Ordinance 2263. The motion was adopted unanimously.

10. **Public Hearing to Consider the Application of Robson Homes for a Major Modification (PLN2019-238) to a Previously-Approved Planned Development Permit (PLN2018-178) to Allow Three Accessory Dwelling Units (ADUs) Within an Approved Six-Lot Single-Family Residential**

Planned Development, for Properties Located at 100-300 Haymarket Court (Formally 880 and 910 Harriet Avenue) (Ordinance/Roll Call Vote)

Recommended Action: The Planning Commission recommends that the City Council take first reading and introduce an ordinance approving a Major Modification (PLN2019-238) to a previously approved Planned Development Permit (PLN2018-178).

This is the time and place for a public hearing to consider the application of Robson Homes for a major modification (PLN2019-238) to a previously-approved planned development permit (PLN2018-178) to allow three accessory dwelling units (ADUs) within an approved six-lot single-family residential planned development, for properties located at 100-300 Haymarket Court.

Senior Planner Fama presented the staff report dated March 3, 2020.

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

Representative from Robson Homes, Richard Yee, spoke about the project and requested that the City Council approve the project.

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

Vice Mayor Gibbons asked about adding a cover over the landing.

Mayor Landry re-opened the public hearing so that the representative from Robson Homes could respond.

Representative from Robson Homes, Richard Yee, stated that the overhang does cover the doorway.

Architect, Sam Lee, stated that they could make a bigger extension to cover the entire landing.

Mayor Landry closed the public hearing.

M/S: Gibbons/Waterman - that the City Council take first reading and introduce Ordinance 2264 approving a Major Modification (PLN2019-238) to a previously approved Planned Development Permit (PLN2018-178). The motion was adopted by the following roll call vote:

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

City Clerk Wood read the title of Ordinance 2264.

M/S: Waterman/Gibbons - that the City Council waive further reading of Ordinance 2264. The motion was adopted unanimously.

NEW BUSINESS

11. Housing Element Annual Progress Report

Recommended Action: That the City Council receive public comment, accept the Housing Element Annual Progress Report, and direct staff to send the Annual Progress Report to the required State agencies.

Associate Planner Rose presented the staff report dated March 3, 2020.

After discussion, **M/S: Waterman/Resnikoff - that the City Council accept the Housing Element Annual Progress Report, and direct staff to send the Annual Progress Report to the required State agencies. The motion was adopted unanimously.**

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

12. Acceptance of Fiscal 2018-19 Comprehensive Annual Financial Report and Auditor’s Written Communication on Internal Control Structure and Audit Process

Recommended Action: That the City Council accept the fiscal 2018-19 Comprehensive Annual Financial Report (CAFR) and Auditor’s written communication on internal control structure and the audit process as submitted with this report.

Finance Manager Vong presented the staff report dated March 3, 2020.

After discussion, **M/S: Resnikoff/Bybee - that the City Council accept the fiscal 2018-19 Comprehensive Annual Financial Report (CAFR) and Auditor’s written communication on internal control structure and the audit process as submitted with the report. The motion was adopted unanimously.**

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

13. Fiscal Year (FY) 2019-20 Mid-Year Financial Update and Budget Adjustments (Resolution/Roll Call Vote)

Recommended Action: Staff recommends that the City Council accept the Fiscal Year (FY) 2019-20 Mid-Year Financial Update Report and adopt by resolution the FY 2019-20 Mid-Year Budget Adjustments.

Finance Director Fuentes presented the staff report dated March 3, 2020.

After discussion, **M/S: Resnikoff/Bybee - that the City Council accept the Fiscal Year (FY) 2019-20 Mid-Year Financial Update Report and adopt by Resolution 12567 the FY 2019-20 Mid-Year Budget Adjustments. The motion was adopted by the following roll call vote:**

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

14. **Resolution Authorizing the Police Department to Purchase a Mobile Emergency Operations Center (MEOC) with Funds Received from the State of California and Approving an Amendment to the 2020-2024 Capital Improvement Plan (CIP) Budget (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution authorizing the purchase of a new fully self-contained Mobile Emergency Operations Center (MEOC) with the funds received from the State of California in the amount of \$550,000 and approving an amendment to the 2020-2024 Capital Improvement Plan (CIP) Budget.

Police Captain Cefalu presented the staff report dated March 3, 2020.

After discussion, **M/S: Resnikoff/Waterman - that the City Council adopt Resolution 12568 authorizing the purchase of a new fully self-contained Mobile Emergency Operations Center (MEOC) with the funds received from the State of California in the amount of \$550,000 and approving an amendment to the 2020-2024 Capital Improvement Plan (CIP) Budget. The motion was adopted by the following roll call vote:**

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

COUNCIL COMMITTEE REPORTS

15. **Council Committee Reports**

Recommended Action: Report on committee assignments and general comments.

--Councilmember Waterman attended the Economic Development Subcommittee

meeting with the Mayor.

--Vice Mayor Gibbons attended the Association of Bay Area Governments meeting and spoke about the Plan Bay Area 2050 and the RHNA numbers; attended the Silicon Valley Clean Energy meeting; attended the Santa Clara County Emergency Operational Area Council meeting; participated in the Rolling Hills eighth grade project reviews.

--Mayor Landry attended the Recycling and Waste Reduction Commission of Santa Clara County meeting, and stated that she was selected as the Chair; attended the Mayors and Managers meeting and stated that the Fire Chief announced that they would be moving their headquarters from Los Gatos to Campbell; spoke about the creek clean-up; spoke about the "Meet the Mayor" events; encouraged the community to attend the Campbell Little League Opening Day Ceremony this coming Saturday; and commented on the up-coming Celebrate Campbell event.

Mayor Landry announced that the City Council would be reconvening in Executive Session.

ADJOURN

Mayor Landry adjourned the meeting at 9:46 p.m.

APPROVED:

ATTEST:

Susan M. Landry, Mayor

Wendy Wood, City Clerk