



# *City Council Agenda*

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

**NOTE:** To protect our constituents, City officials, and City staff, the City requests all members of the public follow the guidance of the California Department of Health Services', and the County of Santa Clara Health Officer Order, to help control the spread of COVID-19. Additional information regarding COVID-19 is available on the City's website at [www.campbellca.gov](http://www.campbellca.gov).

This Special City Council meeting will be conducted via telecommunication and is compliant with provisions of the Brown Act and Executive Order N-29-20 issued by the Governor.

The following Councilmembers of the Campbell City Council are listed to permit them to appear electronically or telephonically at the Special City Council meeting on April 30, 2020: Councilmember Rich Waterman, Councilmember Anne Bybee, Councilmember Paul Resnikoff, Vice Mayor Elizabeth "Liz" Gibbons, and Mayor Susan M. Landry.

Members of the public will not be able to attend meetings at the Campbell City Council Chamber physically. The City Council meeting will be live-streamed on YouTube at (<https://www.youtube.com/user/CityofCampbell>).

Public comment for the City Council meetings will be accepted via email at [ClerksOffice@campbellca.gov](mailto:ClerksOffice@campbellca.gov) during the meeting, prior to the close of public comment on an item. Please note that the City cannot guarantee that any emails sent during the meeting will be received by the close of the public comment, so to ensure Council's consideration, it is recommended that all comments be submitted prior to the meeting. If you choose to email your comments during the meeting, please indicate in the subject line "FOR PUBLIC COMMENT" Comments will be read during the comment period for the item and will be subject to the two-minute time limitation (approximately 250 words). Written comments received by 1:00 p.m. on the day of the meeting will be posted on the website and distributed to the Council before the meeting.

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## **SPECIAL MEETING OF THE CAMPBELL CITY COUNCIL**

Thursday, April 30, 2020 2:00 p.m.

City Hall – 70 N. First Street

**CALL TO ORDER**

**ROLL CALL**

**PUBLIC COMMENT**

## **NEW BUSINESS**

1. **Adopt a Resolution Setting Forth Code Enforcement Priorities During the COVID-19 Emergency (Resolution/Roll Call)**

Recommended Action: That the City Council adopt a resolution setting forth code enforcement priorities during the COVID-19 emergency.

## **ADJOURN**

In compliance with the Americans with Disabilities Act, listening assistive devices are available for all meetings held in the City Council Chambers. If you require accommodation, please contact the City Clerk's Office, (408) 866-2117, at least one week in advance of the meeting.



*City  
Council  
Report*

**Item:** 1  
**Category:** NEW BUSINESS  
**Meeting Date:** April 30, 2020

**TITLE:** Adopt a Resolution Setting Forth Code Enforcement Priorities During the COVID-19 Emergency (Resolution/Roll Call)

**RECOMMENDED ACTION**

That the City Council adopt the attached resolution setting forth code enforcement priorities during the COVID-19 emergency.

**DISCUSSION**

The Campbell Municipal Code (CMC) provides land use regulations within Title 21 (Zoning) which is intended to set forth rules and procedures which address various land use allowances and permitting requirements within the City's many zoning districts for the purpose of protecting the public's health, safety and welfare. These codified permitting requirements provide specific direction for staff and decision makers to follow and they provide no deviation outside what is otherwise codified within the CMC or as set by City Council Resolution.

The COVID-19 pandemic resulted in the County of Santa Clara Public Health Department issuing two Shelter-in-Place Orders to curb the spread of the disease. The most recent Order, adopted on March 31<sup>st</sup>, requires many businesses to temporarily close operations while allowing other businesses that provide "Essential Services" to serve the public during this health crisis.

Given the CMC's rules and regulations governing land uses and the City's responsibility to apply what has been officially adopted in a consistent manner, the ability to allow businesses to alter their operations outside of a codified permitting process seems cumbersome during a global health crisis. To this end, the City Council may wish to consider relaxation of land use provisions or other enforcement measures in order to expand essential services for the Campbell community.

**ANALYSIS**

The City Attorney's office researched methods in which the City Council could grant temporarily allowances (or tolerances) to enforcement of CMC provisions pertaining to its prescribed land uses and permitting procedures. What was observed from other municipalities as well as from past City decisions is that the City Council could relax its code enforcement expectations in order to temporarily allow businesses to provide

essential services. This approach parallels the City Council's October 2009 decision establishing processes and procedures for Code Enforcement efforts (Resolution 11094, Exhibit B) and provides sufficient justification to tolerate the altering of normal business operations to those offering essential services without penalty. However, once the health crisis concludes to the satisfaction of the City Council, such tolerances would be rescinded and normal code enforcement activities would recommence.

### **FISCAL IMPACT**

There are no foreseen costs associated with implementation of this Resolution.

Prepared by:



Paul Kermoyan, Community Development  
Director

Approved by:



Brian Loventhal, City Manager

### **Attachment:**

- a. Resolution - Setting Code Enforcement Priorities for COVID Emergency
- b. Code Enforcement Policy\_CC

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CAMPBELL SETTING FORTH ENFORCEMENT  
PRIORITIES DURING COVID-19 EMERGENCY**

**WHEREAS**, conditions of extreme peril to the safety of persons and property have arisen within the City, based on the following:

1. Coronavirus Disease 2019 (named "COVID-19") was first detected in Wuhan City, Hubei Province, China, in December 2019. The Centers for Disease Control and Prevention (CDC) considers the virus to be a very serious public health threat with outcomes ranging from mild sickness to severe illness and death. COVID-19 has spread globally to over 85 countries, infected more than 95,000 people, and killed more than 3,000 individuals;
2. On January 30, 2020, the World Health Organization declared the COVID-19 outbreak a Public Health Emergency of International Concern;
3. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency;
4. On January 31, 2020, the first case of COVID-19 was confirmed in the County of Santa Clara ("County");
5. On February 5, 2020, the County Health Officer determined that there is an imminent and proximate threat to public health from the introduction of COVID-19 in the County and issued a Declaration of Local Health Emergency. At the same time, the County Director of Emergency Services declared the existence of a Local Emergency in the County.
6. On February 10, 2020, the County Board of Supervisors ratified and extended the Declaration of a Local Health Emergency and the Proclamation of a Local Emergency.
7. On February 26, 2020, the third of COVID-19 was confirmed in the County.
8. By March 4, 2020, the number of confirmed cases of COVID-19 had increased to eleven (11) in the County with confirmed community spread. The California Department of Health Services reported its first death related to COVID-19, and the Governor of California declared a state of emergency.
9. By March 5, 2020, the number of confirmed cases of COVID-19 had increased to twenty (20) in the County, with strong evidence of increasing community spread. The County expanded its guidance as a result.

10. By March 6, 2020, the number of confirmed cases of COVID-19 had increased to twenty-four (24) in the County, with strong evidence of increasing community spread.
11. By March 9, 2020, the number of confirmed cases of COVID-19 had increased to forty-three (43) in the County. On March 9, 2020, the County of Santa Clara Public Health Department announced the first death from COVID-19 in the County. The County Health Officer imposed a countywide moratorium on mass gatherings of 1,000 or more persons to mitigate the spread of COVID-19.
12. On March 10, 2020, the County Board of Supervisors again ratified and extended the Proclamation of a Local Health Emergency.
13. On March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic.
14. As of April 27, 2020, there have been approximately 2,084 cases of COVID-19 related disease in Santa Clara County and approximately 100 COVID-19 related fatalities.

**WHEREAS**, on March 12, 2020, the Director of Emergency Services issued a proclamation declaring the existence of a local emergency within the City; and

**WHEREAS**, on March 17, 2020, the City Council adopted a Resolution ratifying the Director of Emergency Services' proclamation of the existence of a local emergency in the City; and

**WHEREAS**, on March 31, 2020, the County of Santa Clara Public Health Department issued an Order, which among other things, identified certain "essential services" necessary to remain open and available during the COVID-19 Emergency; and

**WHEREAS**, the COVID-19 Emergency has placed an extreme financial burden of the provision of essential services; and

**WHEREAS**, it is imperative that essential service are open and available during the COVID-19 Emergency; and

**WHEREAS**, some flexibility in the operations of essential service providers is necessary in order to allow them to temporarily alter their business operations so they may provide such services to the public.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Campbell that during the existence of the declared local emergency, code enforcement officials should exercise their discretion in a manner that recognizes the need for flexibility by essential services providers, and gives a low priority to code enforcement efforts against businesses that have been identified by the County of Santa Clara Public Health Department as essential services, except for code violations that present a serious threat

to the public health or safety, or violations for which enforcement efforts had already been commenced prior to March 12, 2020.

**PASSED AND ADOPTED** this \_\_\_\_ day of April 2020, by the following roll call vote:

AYES: Councilmembers:  
 NOES: Councilmembers:  
 ABSENT: Councilmembers:

APPROVED

\_\_\_\_\_  
Susan M. Landry, Mayor

ATTEST:

\_\_\_\_\_  
Andrea Sanders, Deputy City Clerk

Attachment: Resolution - Setting Code Enforcement Priorities for COVID Emergency (Code Enforcement Priorities)

RESOLUTION NO. 11094

**A RESOLUTION OF THE CITY OF CAMPBELL CITY COUNCIL  
APPROVING CITY COUNCIL POLICY ESTABLISHING  
PROCESS AND PROCEDURE FOR CODE ENFORCEMENT IN  
THE CITY OF CAMPBELL**

**WHEREAS,** The City of Campbell operates under a set of rules and regulations established in its Municipal Code; and

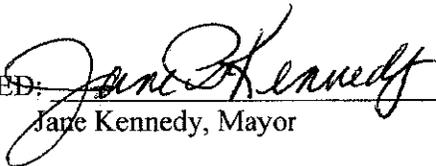
**WHEREAS,** These regulations are intended to protect the public's health, safety and welfare and provide a certain quality of life for its residents, businesses and its visitors; and

**WHEREAS,** The City's Strategic Plan states as a goal of having a safe, clean, comfortable and healthy environment as well as attractive residential neighborhoods and commercial districts.

**NOW, THEREFORE, BE IT RESOLVED,** that the City of Campbell City Council approves the attached policy establishing procedures and process for code enforcement in the City of Campbell.

**PASSED AND ADOPTED,** this 20<sup>th</sup> day of October, 2009 by the following roll call vote:

AYES:	Council members	Kotowski, Furtado, Baker, Low, Kennedy
NOES:	Council members	None
ABSTAIN:	Council members	None
ABSENT:	Council members	None

APPROVED:   
Jane Kennedy, Mayor

ATTEST:   
Anne Bybee, City Clerk

## Code Enforcement Policies

### I. Purpose and Intent

The Code Enforcement Program is intended to achieve compliance to the Municipal Code and Zoning Ordinance in an efficient and fair with an emphasis on cooperation and education. It is necessary to achieve code compliance so as to ensure the enjoyment of property by all, to sustain property values and to satisfy the community goals as stated in the City's Strategic Plan for a "safe, clean, comfortable and healthy environment" and "attractive residential neighborhoods and commercial districts."

This policy is established so as to provide clear direction to staff and the community as to process of code enforcement and the approach to achieving compliance.

### II. Enforcement Polices

- A. Health and safety violations that have been determined by the Building Official to present an immediate or possible threat to the health and safety of the community shall be the highest priority in attaining swift compliance. This may require the streamlining of the Enforcement Procedures from time to time to ensure the public's safety. Examples of violations that fall into categories Priority 1 and 2 include, but are not limited to:

#### Priority 1

- Unsecured swimming pools
- Raw Sewage
- Serious substandard housing
- Unsecured refrigerator
- Exposed wiring posing an immediate fire danger

#### Priority 2

- Traffic sight obstructions
- Garbage or "Hoarder" dwelling creating a possible health hazard
- Polluted swimming pools
- High weeds during fire season
- Unlawful dwelling occupancies

#### Priority 3

- Zoning Code violations including illegal signs
- Property maintenance issues/public nuisance
- Illegal fences
- Garbage complaints
- All other non-urgent matters

- B. Code enforcement in residential zones will generally be reactive on a complaint basis, except for health and safety code violations or when discovered by an inspector during the course of his or her duties.
- C. Anonymous complaints will generally not be acted upon in residential zones, except related to verifiable health and safety code violations.
- D. Code enforcement in commercial zones will be proactive as well as reactive.

### III. Enforcement Procedures

The following procedure for enforcement is intended to serve as a general guideline for processing complaints regarding the violation of the municipal code and zoning regulations. While each complaint has unique features and may necessitate slightly differing compliance periods, the sequence of actions and general approach shall be consistent with this policy.

- A. Upon receipt of a complaint by the Code Enforcement Officer, the person filing the complaint will be contacted by City staff within two business days.
- B. Within three business days of receiving a complaint, City staff will attempt to contact the offender either by phone, personal visit or by written letter.
- C. Upon verification of a violation, generally anywhere from 3 days to 30 days will be provided to either correct the violation or depending upon the complexity of the violation, move toward substantial compliance.
- D. At the conclusion of the compliance period, a follow up inspection will be conducted to determine whether compliance has been achieved.
- E. If compliance has not been achieved, a second notice is sent stating that either an administrative citation will be issued or criminal or civil prosecution will be initiated if the violation is not corrected within a prescribed period of time. This period of time will be relatively short.
- F. If after the prescribed period of time, compliance is still not achieved, one of the City's citation tools will be employed that results in monetary fines and if necessary, legal action in cooperation with the City Attorney to achieve compliance.

These policies are intended to provide general guidance to City personnel. Specific responses and courses of action may need to vary based on the particular circumstances of each matter. Failure to follow these policies shall not be a defense to any enforcement action that is carried out in an otherwise lawful manner.