



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.

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 July 24, 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 prior to the start of the meeting. Written comments will be posted on the website and distributed to the Council. If you choose to email your comments, please indicate in the subject line "FOR PUBLIC COMMENT" and indicate the item number.

Those members of the public wishing to participate are asked to register in advance at: https://us02web.zoom.us/webinar/register/WN_IRlwNZD2QMeG-Wi-grFyWA

After registering, you will receive a confirmation email containing information about joining the meeting.

SPECIAL MEETING OF THE CAMPBELL CITY COUNCIL

Friday, July 24, 2020 1:00 p.m.

City Hall - 70 N. First St., Campbell, California

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT

AGENDA ITEMS

1. **Provide City Manager Direction to Create Operational Allowances for All Business Establishments Necessary to Expand Their Ability to Operate Outdoors During the COVID-19 Pandemic and Involving Temporary Relaxation of Development Standards, Permit Processes, Code Enforcement Activities and Waiving of Application Fees for Permits (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution granting the City Manager authority to establish operational allowances for all businesses outside Downtown Campbell in order to allow expansion to their ability to operate outdoors during the COVID-19 pandemic and involving temporary relaxation of development standards, permit processes, Code Enforcement activities and waiving of application fees for Permits.

2. **Extension of Declaration of a Local Emergency Due to COVID-19 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution extending the City Council May 5, 2020 proclamation declaring the existence of a local emergency resulting from community spread of the coronavirus, also known as COVID-19 in the City of Campbell.

ADJOURN

IMPORTANT NOTICE: Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection with the agenda packet in the lobby of City Clerk's Office, 70 N. First Street, Campbell, CA 95008, during normal business hours. These materials will also be available on the City website at <https://www.ci.campbell.ca.us/agendacenter> with the agenda packet following the last item of the agenda, subject to staff's ability to post the documents prior to the meeting. All documents not posted prior to the meeting will be posted the next business day.

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 48 hours in advance of the meeting.



*City
Council
Report*

Item: 1
Meeting Date: July 24, 2020

TITLE: Provide City Manager Direction to Create Operational Allowances for All Business Establishments Necessary to Expand Their Ability to Operate Outdoors During the COVID-19 Pandemic and Involving Temporary Relaxation of Development Standards, Permit Processes, Code Enforcement Activities and Waiving of Application Fees for Permits (Resolution/Roll Call Vote)

RECOMMENDED ACTION

That the City Council adopt a resolution granting the City Manager authority to establish operational allowances for all businesses outside Downtown Campbell in order to allow expansion to their ability to operate outdoors during the COVID-19 pandemic and involving temporary relaxation of development standards, permit processes, Code Enforcement activities and waiving of application fees for Permits.

BACKGROUND

On June 9, 2020, the City Council adopted a Resolution to relax development standards and operational allowances for restaurant and retail businesses. In doing so, they waived permit processes and established a low priority to code enforcement efforts against businesses located outside of the C-3 (Central Business District) to certain reasonable limitations necessary to protect the public health, safety and welfare.

DISCUSSION

The City Council met on July 21 to discuss street closure of Campbell Avenue, within Downtown Campbell, to allow expansion of businesses to utilize outdoor spaces to expand business operations. During their discussion, they expressed the need to expand allowance for all other businesses to operate outside of their physical business consistent with previously issued allowances for restaurant and retail uses. The attached Resolution captures the Council's direction.

FISCAL IMPACT

The fiscal impact would consist of staff time necessary to process permits and monitor the business operations.

Prepared by:



Paul Kermoyan, Community Development
Director

Approved by:



Brian Loventhal, City Manager

Attachment:

- a. Resolution allowing ALL outdoor business outside downtown

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF CAMPBELL SETTING FORTH ENFORCEMENT PRIORITIES AFFECTING ALL BUSINESSES OUTSIDE OF THE DOWNTOWN AREA 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 case 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 June 5, 2020, there have been approximately 2,850 cases of COVID-19 related disease in Santa Clara County and approximately 144 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;

WHEREAS, on March 16, 2020, the County of Santa Clara Public Health Department issued an Order, which severely restricted business operation in Santa Clara County;

WHEREAS, the restrictions issued by the County of Santa Clara Public Health Department have been extended and continued in modified fashion until June 5, 2020;

WHEREAS, the COVID-19 Emergency has placed an extreme financial burden on businesses and their employees operating under the orders of the County of Santa Clara Public Health Department;

WHEREAS, in response to the strain placed on essential businesses by the County Health Orders, on April 30, 2020, the City Council of the City of Campbell adopted a Resolution authorizing Campbell code enforcement officials to exercise their discretion in a manner that recognizes the need for flexibility by essential services providers, and gave a low priority to code enforcement efforts against businesses providing products or services of the type that were regularly utilized by the business prior to March 16, 2020;

WHEREAS, on May 5, 2020, the City Council adopted a Resolution extending the local state of emergency for up to sixty (60) days;

WHEREAS, the County Health Department has issued an order effective June 5, that continues many of the prior restrictions on businesses, but among other things, allows restaurants to provide outdoor dining; and retail establishments to provide in-store shopping, subject to limitations/social distancing; and

WHEREAS, the City desires to promote the recovery its businesses in a safe and responsible manner.

WHEREAS, on June 9, 2020, the City Council passed a Resolution creating operational allowances for restaurant and retail businesses to expand their ability to operate outdoors resulting in the need to relax development standards, permit processes, and waiving of application fees for permits; and

WHEREAS, the City Council met on July 21, 2020 and determined that due to the prolonged existence of the COVID-19 pandemic and its impact on businesses, the City Council extended its previously adopted Resolution to expand to all businesses operating outside of Downtown Campbell.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Campbell, pursuant to California Government Code section 8634, and the Council's authority under the California Constitution, it is hereby ordered that during the existence of the declared local emergency, code enforcement officials are authorized to exercise their discretion in a manner that recognizes the need for flexibility by all businesses in providing their products and services, and gives a low priority to code enforcement efforts against businesses located outside of the C-3 (Central Business District) by facilitating outdoor dining, outdoor display of merchandise, and outdoor operations in general, subject to certain reasonable limitations necessary to protect the public, health, safety and welfare, including but not limited to:

1. **Location:** The outdoor business activity may be located:

- a. On private property owned, leased and lawfully controlled by the business with the written consent of the property owner;
- b. Within common areas of a business center with the written consent of the property owner; and
- c. Within the parking areas of the premises with the consent of the property owner;

2. **Use of Private Parking Spaces:**

- a. The number of parking stalls utilized for outdoor activities and operations shall not exceed 40% of the parking spaces required for the particular business;
- b. Parking stalls used for dining, outdoor retail, and other business activities shall be located immediately contiguous to any sidewalk which fronts the subject building occupied by merchants, so as to avoid having a guest walk across a vehicle drive aisle in order to gain access into the area being used for the dining or retail activity;

3. **Hours of Operation:** The hours of operation shall not exceed 6:00 a.m. to 11:00 p.m., unless otherwise permitted under the existing land use entitlement for the particular business;

4. **Heating Devices:** Heating devices, such as propane heaters, may be utilized for day or night-time operations. Storage of propane canisters shall be in conformance with required Fire Codes;

5. **Tents and Coverings:** Tents and coverings are permitted only within private parcels, private common areas or private parking lots so long as all businesses that occupy the subject property use the same model and color in order to achieve design consistency. Such fabric should be fire retardant and comply with applicable Fire Codes. Umbrellas are permitted within the public right-of-way sidewalk;

6. **Lighting:** Lighting will be permitted for night-time operations. Such lighting shall not disrupt surrounding properties or create vehicle circulation issues. Any extension cords used to provide power to the expanded area shall be securely fastened to the ground to avoid tripping hazards or impede in accessibility;

7. **Alcohol Service:** Operational expansions involving the sale of alcoholic beverages will need an updated ABC license. The applicant is responsible for securing a permit from the State Department of Alcohol Beverage Control;

8. **Live Entertainment:** No live entertainment or amplified music is allowed exterior to the business unless live entertainment has previously been issued that specifically authorizes the use of an outdoor area;

9. **Performance Measures:** The following measures shall be followed:

a. Maintenance – The business expansion area shall be maintained free of debris and clutter and shall not create public nuisance issues as specified in Campbell Municipal Code Chapter 6.10 (Nuisance Abatement and Administrative Penalties). Appropriate waste collection containers shall be provided and all areas shall be regularly cleaned pursuant to the current County Public Health Officer Order. It is the responsibility of the tenant to implement this requirement on a regular basis;

b. Storage – Except for any tents, furniture or display racks, all loose items and products shall be brought inside the business tenant space at close of business to diminish vandalism or clutter;

c. Discontinuance – Once the County Public Health Officer Order has been rescinded or the City of Campbell terminates this order, all outdoor areas shall be returned to its pre-existing purpose; and

d. Accessibility – All accessibility requirements shall be maintained consistent with Federal, State and local laws.

BE IT FURTHER RESOLVED that any fees normally associated with any permits required to implement the outdoor dining and displays contemplated by this Resolution are hereby waived during the declared local state of emergency;

BE IT ALSO FURTHER RESOLVED that the City Manager is authorized to enact and enforce any guidelines or regulations that are substantially consistent with this Resolution as are necessary to implement the intent of this Resolution and protect the public, health, safety and welfare in the process.

PASSED AND ADOPTED this 24th day of July 2020, by the following roll call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED

Susan M. Landry, Mayor

ATTEST:

Andrea Sanders, Acting City Clerk

Attachment: Resolution allowing ALL outdoor business outside downtown (Allowances for All Businesses to Conduct Outdoor Activities)



*City
Council
Report*

Item: 2
Meeting Date: July 24, 2020

**TITLE: Extension of Declaration of a Local Emergency Due to COVID-19
(Resolution/Roll Call Vote)**

RECOMMENDED ACTION

That the City Council adopt a resolution extending the City Council May 5, 2020 proclamation declaring the existence of a local emergency resulting from community spread of the coronavirus, also known as COVID-19 in the City of Campbell.

BACKGROUND

Since March 2020, the nation, state, county and city have been responding to a pandemic of a respiratory virus spreading from person to person caused by a novel (new) coronavirus. The virus, named "coronavirus disease 2019" (COVID-19), poses a serious public health risk and can cause mild to severe illness. Most severe illness occurs in adults 65 years and older and people of any age with serious underlying medical problems.

On March 17, 2020, the City Council adopted a resolution ratifying the Director of Emergency Services' proclamation dated March 12, 2020 declaring the existence of a local emergency resulting from community spread of COVID-19 in the City of Campbell. As required by Government Code 8630 (c), the City Council must review the need to continue the local emergency declaration every 60 days until conditions warrant termination. On May 5, 2020, the City Council adopted a resolution extending the declaration of a local emergency.

This declaration of a local emergency provided the City the authority to provide and request mutual aid from state and other governmental agencies, consistent with the provisions of local ordinances, resolutions, emergency plans, and agreements; as well as promulgate orders and regulations, and exercise emergency police powers necessary to provide for protection of life and property.

Pursuant to the Campbell Municipal Code 2.28.060 (a)(1) and California Government Code Section 8630 (b), these actions must be ratified by the City Council, as it is required by law in order to allow the City the ability to exercise emergency police powers such as: evacuation; immunity for emergency actions; authorization of issuance of orders and regulations; activation of pre-established emergency provisions; and is a prerequisite for requesting state or federal assistance.

DISCUSSION

As COVID-19 rates across the state and region began to increase, the Santa Clara County Health Officer began to issue a series of Public Health Orders with directives that sought to protect the safety of the community by imposing strict risk reduction measures on activities and businesses in the County. The list below is a summary of the various Orders issued to date:

Issue Date	Public Order Title
03/09/20	Order to Cancel Mass Gatherings
03/13/20	Order Imposing Moratorium on Mass Gatherings
03/16/20	Order to Shelter in Place
03/31/20	Order to Continue Sheltering in Place
04/06/20	Order to Report Inventories of PPE and Ventilators
04/29/10	Order to Shelter in Place extended and revised
05/13/20	Order for Personal Protective Equipment (PPE) and Ventilators
05/22/20	Order to Shelter in Place
06/05/20	Executive Summary of Update to May 22, 2020 Order to Shelter in Place
06/10/20	Order Requiring Large Healthcare Facilities to Offer COVID-19 Testing to Their Patients
07/02/2020	Order Establishing Risk Reduction Measures

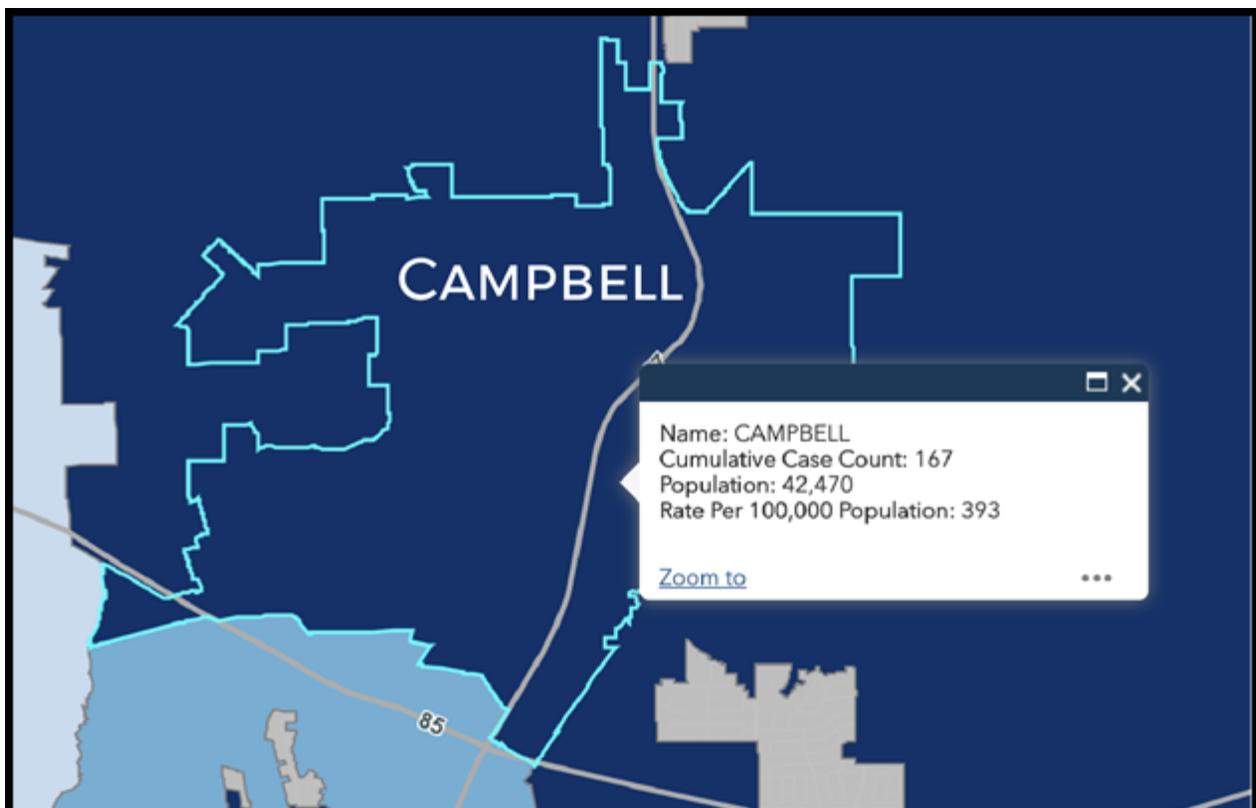
The issuance of the March 16 Shelter In Place (SIP) Order marked the beginning of a period where significant restrictions on activities and businesses were placed. In addition, new requirements such as social distancing, face coverings and limited occupancy requirements at indoor facilities are the new normal for state and county residents.

In general, each County Public Health Order sought to update the type of allowable activities and businesses based on flat or at times decreasing COVID-19 case numbers. The July 2 Order stated that the County Health Officer is “shifting to a new approach to contain the virus and protect the safety of our community.” This new approach would focus on stricter risk reduction measures such as face coverings and allowed for the reopening of personal care services and other indoor businesses. For example, on July 13, to the joy of many County residents, hair salons opened again.

Amidst the announcement and implementation of new safety measures for County businesses and residents, the statewide data was showing a significant increase in the spread of COVID-19. The State has developed a “County Monitoring Watch List” that tracks counties that are showing increased test positivity rates, increased hospitalization and decreased hospital capacity. On July 1, 2020, there were 19 counties on the

County Monitoring List, and by July 12, 2020, that number rose to 32 counties, which included Santa Clara County. The placement of the County on the “watchlist” meant that the County had to roll back reopenings within 72 hours. Thus, many of the business sectors that reopened on July 13 had to once again close on July 15, 2020. During this time period, many local school districts also announced that the academic school year, which typically begins in August, will continue to hold the “Distance Learning” format where students participate and learn via an electronic device.

The graphic below shows the City’s case count as of July 21, 2020. This map summarizes counts and rates of cumulative COVID-19 cases by cities within Santa Clara County. Cities with higher rates of cases per 100,000 residents appear as a darker shade of blue than cities with lower rates of cases. Current public health data can be found on the County’s [Public Health Dashboard](#).



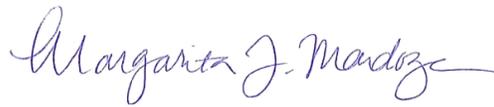
As the County remains on the state COVID-19 watch list, leading to continued restrictions on personal and business activities; and state data shows that community spread of the virus continues and is a great public health concern, the Director of Emergency Services is recommending that the City Council extend the declaration of a local emergency resulting from the community spread of COVID-19 in the City of Campbell.

Extending the proclamation of a local emergency provides the authority to request mutual aid from state and other governmental agencies, consistent with the provisions of local ordinances, resolutions, emergency plans, and agreements; as well as promulgate orders and regulations, and exercise emergency police powers necessary to provide for protection of life and property. If approved by the City Council, the proclamation of local emergency would be extended until September 24, 2020.

FISCAL IMPACT

The proclamation of a local emergency is a prerequisite for requesting state or federal assistance and/or reimbursement for expenses incurred in response to the emergency.

Prepared by:



Margarita Mendoza, Administrative Analyst

Reviewed by:



Brian Loventhal, City Manager

Attachment:

- a. Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
CAMPBELL CONTINUING THE PROCLAMATION OF THE
EXISTENCE OF A LOCAL EMERGENCY DUE TO COVID-19**

WHEREAS, Campbell Municipal Code Section 2.28.060 empowers the City Manager or designee, as the Director of Emergency Services to issue a proclamation to proclaim the existence or threatened existence of a local emergency if the City Council is not in session, and requires that the City Council shall take action to ratify the proclamation within seven (7) days thereafter, or the proclamation shall have no further force or effect; and

WHEREAS, pursuant to California Government Code Section 8680.9, a local emergency is a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected by a natural or manmade disaster; and

WHEREAS, the purpose of a local emergency proclamation is to provide extraordinary police powers, immunity for emergency actions, authorize issuance of orders and regulations, and activate pre-established emergency provisions; and

WHEREAS, a local emergency proclamation is a prerequisite for requesting state or federal assistance; and

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.
2. COVID-19 has spread globally and per World Health Organization (WHO) data, as of July 21, 2020, nearly 15 million people have contracted the virus, resulting in more than 612,000 deaths. In the United States, the CDC reports over 3.9 million cases, leading to 141,677 deaths.
3. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency.
4. 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.
5. 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.

6. On March 4, 2020, the California Department of Health Services reported its first death related to COVID-19, and the Governor of California declared a state of emergency.
7. On March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic.

WHEREAS, the City Council does hereby find that the above described conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency in the City; and

WHEREAS, California Government Code, Title 2, Division 1, Chapter 7.5 - California Disaster Assistance Act (CDAA) allows that with the Proclamation of a Local Emergency the City may seek financial assistance and may request reimbursement of the significant expenses incurred during response, if approved by the Director of the California Office of Emergency Services or Concurrence or Governor's Proclamation; and

WHEREAS, on March 12, 2020, the Director of Emergency Services issued a proclamation declaring the existence of a local emergency within the City, at which time the City Council was not in session; and

WHEREAS, on March 17, 2020, the City Council ratified and confirmed the proclamation declaring the existence of a local emergency within the City issued on March 12, 2020; and

WHEREAS, on March 17, 2020 the first public health order issued by the Santa Clara County Public Health Officer went into effect, requiring the sheltering in place of all residents in the County, and only allowing a defined set of essential activities and businesses; and

WHEREAS, since that date, ten additional public health orders have been issued, most recently on July 2, 2020, each superseding the prior orders, updating the type of allowable activities and mandating risk reduction measures to slow the spread of the virus; and

WHEREAS, on July 12, 2020, Santa Clara County was placed on the State Department of Health Targeted Engagement list (County Watch List) resulting in the closure of a number of indoor activities and industries such as places of worship, fitness centers, and personal care services; and

WHEREAS, the associated emergency conditions are ongoing, and the emergency should not be terminated at this time;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Campbell that:

1. The City Council has reviewed the need for continuing the declaration of local emergency ratified and confirmed on July 24, 2020 and finds based on substantial evidence that the public interest and necessity require the reinstatement and continuance of the proclamation of local emergency related to COVID-19.
2. Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of Campbell.

- 3. The Director of the Office of Emergency Services is hereby directed to report to the City Council within sixty (60) days on the need for further continuing the local emergency.

PASSED AND ADOPTED this 24th day of July, 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 (Extension of Declaration of a Local Emergency Due to COVID-19)