

# CITY COUNCIL MINUTES

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



## CITY COUNCIL EXECUTIVE SESSION

Tuesday, August 18, 2020 – 6:45 p.m.

City Hall – 70 N. First Street

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

- A. **Personnel**
- B. **Litigation**
- C. **Real Property** - Conference with Real Property Negotiators – Campbell Community Center, 1 West Campbell Avenue, Campbell CA 95008  
City Negotiator: City Manager, Brian Loventhal  
Negotiating Parties: Delphi Academy  
Under Negotiation: Lease
- D. **Labor Negotiations**

The City Council met in Executive Session to discuss Item C. City Attorney Bill Seligmann; City Manager Brian Loventhal; and Acting Director of Recreation and Community Services Natasha Bissell were in attendance via teleconference. Executive Session adjourned at 7:17 p.m.

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## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, August 18, 2020 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 [www.cityofcampbell.com/agendacenter](http://www.cityofcampbell.com/agendacenter).

### CALL TO ORDER

The City Council of the City of Campbell convened on the regularly scheduled day of August 18, 2020, via telecommunication.

Mayor Landry stated that the 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**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Susan M. Landry	Mayor	Remote
Elizabeth 'Liz' Gibbons	Vice Mayor	Remote
Rich Waterman	Councilmember	Remote
Anne Bybee	Councilmember	Remote
Paul Resnikoff	Councilmember	Remote

### **PLEDGE OF ALLEGIANCE**

Mayor Landry 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**

There were no oral requests.

### **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.

California is expanding "Friendship Line California" to support lonely and isolated older Californians across the state. "Friendship Line California" provides emotional support to older Californians facing loneliness, isolation and anxiety. "Friendship Line California" is a toll-free number at 1-888-670-1360.

If you need assistance finding food, paying household bills, seeking available resources or other essential services, please visit [211.org](http://211.org) or dial 211 from your phone. 211 is completely confidential and is accessible 24 hours a day, 7 days a week.

The Bay Area has seen record temperatures reach well over 100 degrees. During these critical times of "Sheltering in Place," it is important that you take the necessary

precautions including: drinking plenty of water, even if you don't feel thirsty; avoiding physical activity during the hottest time of the day from 10:00 a.m. to 3:00 p.m.; taking care to not leave people or pets in a closed, parked car; wearing light colored, loose fitting, or lightweight clothing; and checking on your furry friends to make sure they have enough water and that they are safe in the heat.

Should temperatures reach 95 degrees, the Campbell Community Center will open its cooling center. Capacity will be limited. Residents are required to maintain a physical distance of 6 feet from others, wear a face mask, and stay home if they are sick. For the safety of staff and other cooling center visitors, a simple health screen will be performed. For more information about the Campbell Community Center cooling center, please visit [Campbellca.gov](http://Campbellca.gov).

The Santa Clara County Aging Services Collaborative - Caregiver Team is proud to present the 10th Annual "Caregivers Count" Conference. The annual conference educates and supports families who are caring for elderly loved ones. This will be a virtual four-part series event from 10:00 a.m. to 12:00 p.m. on Sept. 12<sup>th</sup>, 19<sup>th</sup>, 26<sup>th</sup> and Oct. 3<sup>rd</sup>. Topics include: Emotional Well-Being, Paying for Care, Technology Tools, Reducing Stress, and Dealing with Parents and Resistance. Free event registration is available at [caregiverscount.net](http://caregiverscount.net).

The City of Campbell has partnered with the County of Santa Clara to offer COVID-19 testing. Community testing is available at the Community Center's Orchard City Banquet Hall the first and third Thursday of each month thru September. Testing sites are not designated to test individuals with symptoms of COVID-19. For more information about testing requirements and testing sites, please visit [sccfreetest.org](http://sccfreetest.org).

The DMV is providing an automatic one-year extension to Californian's age 70 and older with a noncommercial driver license with an expiration date between March 1 and December 31, 2020. While the new extensions are automatic, drivers will not receive a new card or paper extension in the mail. For more information about this and other DMV services, please visit [dmv.ca.gov](http://dmv.ca.gov).

Clipper START is an 18-month pilot program initiated by Bay Area Transit agencies and the Metropolitan Transportation Commission, that uses the Clipper transit fare payment system to reduce the cost of transportation for adults with limited income. To learn more about Clipper START and apply online, visit [clipperstartcard.com](http://clipperstartcard.com).

Please continue to visit the city's website at [campbellca.gov](http://campbellca.gov) for up to date information on COVID-19, adjusted City services, cancelled events, Police Department services, the Campbell Community Center, and Business Resources.

## **CONSENT CALENDAR**

Mayor Landry asked if there was anyone who wished to pull an item off consent.

Vice Mayor Gibbons asked to pull items 10 and 11.

Councilmember Resnikoff recused himself from item 10 due to the proximity of his home to the potential project site.

The Consent Calendar was considered as follows:

1. **Minutes of City Council Study Session Meeting of July 7, 2020**  
Recommended Action: Approve the study session meeting minutes of July 7, 2020.

This action approves the study session meeting minutes of July 7, 2020.

2. **Minutes of City Council Regular Meeting of July 7, 2020**  
Recommended Action: Approve the regular meeting minutes of July 7, 2020.

This action approves the regular meeting minutes of July 7, 2020.

3. **Minutes of City Council Study Session Meeting of July 21, 2020**  
Recommended Action: Approve the study session meeting minutes of July 21, 2020.

This action approves the study session meeting minutes of July 21, 2020.

4. **Minutes of City Council Executive/Regular Meeting of July 21, 2020**  
Recommended Action: Approve the executive/regular meeting minutes of July 21, 2020.

This action approves the executive/regular meeting minutes of July 21, 2020.

5. **Minutes of City Council Special Meeting of July 24, 2020**  
Recommended Action: Approve the special meeting minutes of July 24, 2020.

This action approves the special meeting minutes of July 24, 2020.

6. **Approving Bills and Claims**  
Recommended Action: Approve the bills and claims in the amount of \$2,505,528.20.

This action approves the bills and claims in the amount of \$2,505,528.20 as follows: bills and claims checks dated July 3, 2020, in the amount of \$184,629.43; bills and claims checks dated July 6, 2020, in the amount of \$141,097.25; payroll checks dated July 9, 2020, in the amount of \$71,527.13; bills and claims checks dated July 10, 2020, in the amount of \$579,131.73; bills and claims checks dated July 13, 2020, in the amount of \$300,533.31; bills and claims checks dated July 17, 2020, in the amount of \$191,986.75; bills and claims checks dated July 20, 2020, in the amount of \$13,983.21; payroll checks dated July 23, 2020, in the amount of \$30,898.26; bills and claims checks dated July 24, 2020, in the amount of \$908,467.29; and bills and claims checks dated

July 27, 2020, in the amount of \$83,273.84.

7. **Investment Report- Quarter Ending, June 2020**

Recommended Action: That the Investment Report for the quarter ending June 2020, be noted and filed.

This action is to note and file the Investment Report for the quarter ending June 2020.

8. **Approval of the FY 2020-21 City of Campbell Investment Policy Update (Resolution/Roll Call Vote)**

Recommended Action: It is recommended that City Council adopt a resolution approving the annual review of the City's Investment Policy.

Resolution 12625 approves the annual review of the City's Investment Policy.

9. **Resolution Approving an Updated Salary Schedule Effective June 29, 2020 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt by resolution an updated Salary Schedule effective June 29, 2020.

Resolution 12626 adopts an updated Salary Schedule effective June 29, 2020.

**M/S: Resnikoff/Gibbons – That the City Council approve the consent calendar with the exception of items 10 and 11. 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**

10. **Authorize the Issuance of a Request for Proposals for the Measure O – Civic Center Improvements Environmental Services, and Authorize the City Manager to Negotiate and Execute a Consultant Services Agreement (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution to authorize staff to issue a Request for Proposals (RFP) for environmental consultant services for the Measure O - Civic Center Improvements, and authorize the City Manager to negotiate and execute a consultant services agreement.

Vice Mayor Gibbons discussed mandatory attendance at the preproposal conference.

**M/S: Gibbons/Bybee - That the City Council adopt resolution 12627 to**

authorize staff to issue a Request for Proposals (RFP) for environmental consultant services for the Measure O - Civic Center Improvements, and authorize the City Manager to negotiate and execute a consultant services agreement with the clarification that the preproposal conference is mandatory. 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>RECUSE:</b>	Resnikoff

11. **Approve Vehicle Miles Traveled (VMT) Policy to Evaluate Transportation Impacts Under the California Environmental Quality Act (CEQA) (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution to Approve a Vehicle Miles Traveled Policy to evaluate transportation impacts under CEQA.

Vice Mayor Gibbons discussed the previous Chick-Fil-A project and why that would not trigger the VMT.

Gary Black, consultant from Hexagon Transportation stated that Chick-Fil-A was considered retail use and the OPR guidelines state that retail development would have a less significant impact on VMT.

Vice Mayor Gibbons discussed retail use and locations of drive-thru establishments and their VMT impact.

Vice Mayor Gibbons made a motion that the City Council adopt a resolution to approve a Vehicle Miles Traveled (VMT) Policy to evaluate transportation impacts under CEQA and to direct staff at an appropriate time to come back with a policy recommendation on drive-thru establishments.

The motion failed due to lack of second.

**M/S: Resnikoff/Waterman – That the City Council adopt Resolution 12628 to approve a Vehicle Miles Traveled Policy to evaluate transportation impacts under CEQA. The motion was adopted by the following roll call vote:**

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

**PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES**

12. **Public Hearing to Consider the Application of Trojan Storage for a**

**Modification (PLN-2020-30) of a Previously Approved Conditional Use Permit (PLN2018-337) to Amend the Approved Self-Storage Facility Hours of Operation of 7:00 a.m. to 8:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. Saturday and Sunday to 6:00 a.m. to 9:00 p.m., Daily, on Property Located at 680 E. McGlincy Lane in the M-1 (Light Industrial) Zoning District. (Resolution/Roll Call Vote)**

Recommended Action: The Planning Commission recommends that the City Council take the following action: Adopt a Resolution approving a Modification (PLN-2020-30) of a previously approved Conditional Use Permit (PLN2018-337) to amend the hours of operation of an approved self-storage facility to 6:00 a.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. Saturday and Sunday.

This is the time and place for a public hearing to consider a Modification (PLN-2020-30) of a previously approved Conditional Use Permit (PLN2018-337) to amend the hours of operation of an approved self-storage facility to 6:00 a.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. Saturday and Sunday.

Senior Planner Fama presented a staff report dated August 18, 2020.

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

Sandeep Deshmukh, Campbell resident stated that the hours of operation would be disturbing to the residential neighborhood located near the facility and requested that the Council approve the weekday operation hours of 7:00 a.m. to 8:00 p.m.

Francisco Jimenez, Campbell resident expressed his support for staff's original recommended hours of operation.

Timothy Franklin, Campbell resident expressed his support for staff's original recommended hours of operation.

Gaurawa Kumar, Campbell resident spoke of concerns for the newly proposed hours of operation and requested Council adopt the originally recommended hours of operation.

Applicant Brett Henry, Trojan Storage, spoke about the hours of operation for his other facilities and provided information about the proposed project on McGlincy Avenue.

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

Council discussed the hours of operation.

Councilmember Bybee made a motion that the City Council adopt a Resolution approving a Modification (PLN-2020-30) of a previously approved Conditional Use Permit (PLN2018-337) to amend the hours of operation of an approved self-storage facility to 7:00 a.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. Saturday and Sunday.

The motion failed due to lack of a second.

Vice Mayor Gibbons made a motion to approve the recommendation of staff for the originally approved hours based on the findings of that action.

The motion failed due to lack of a second.

**M/S: Waterman/Resnikoff – That the City Council adopt a resolution approving a Modification (PLN-2020-30) of a previously approved Conditional Use Permit (PLN2018-337) to amend the hours of operation of an approved self-storage facility to 6:00 a.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. to 9:00 p.m. Saturday and Sunday.**

Councilmember Resnikoff made a friendly amendment to adopt the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. Saturday and Sunday.

Councilmember Waterman accepted the friendly amendment.

Councilmember Bybee made a friendly amendment to adopt the hours of the hours of 7:00 a.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. Saturday and Sunday.

Councilmember Resnikoff and Councilmember Waterman accepted the friendly amendment.

The motion was as follows: **M/S: Waterman/Resnikoff - That the City Council adopt Resolution 12629 approving a Modification (PLN-2020-30) of a previously approved Conditional Use Permit (PLN2018-337) to amend the hours of operation of an approved self-storage facility to 7:00 a.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. Saturday and Sunday. 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

13. **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. (Ordinance / Roll Call Vote)**

Recommended Action: The Planning Commission recommends that the City Council take the following action: Take first reading and introduce an ordinance to amend Title 21 and Title 5 of the Campbell Municipal Code.

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.

Senior Planner Fama presented a staff report dated August 18, 2020.

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

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

After discussion, **M/S: Resnikoff/Waterman – That the City Council take first reading and introduce Ordinance 2266 to amend Title 21 and Title 5 of the Campbell Municipal Code including the desk item. The motion was adopted by the following toll call vote:**

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

Deputy City Clerk Sanders ready the title of Ordinance 2266.

**M/S: Waterman/Bybee - That the City Council waive further reading of Ordinance 2266. The motion was adopted by the following roll call vote:**

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

**UNFINISHED BUSINESS**

14. **Consider Update on East Campbell Avenue Downtown Street Closure and Adopt a Resolution to Allow Permitted Business Establishments Located Within the Downtown Area to Expand Their Ability to Operate Outdoors on Private Property and the City Sidewalk During the COVID-19 Pandemic**

**(Resolution/Roll Call Vote)**

Recommended Action: Consider update and provide direction to staff on the East Campbell Avenue Downtown street closure and adopt a Resolution authorizing the City Manager authority to extend operational allowances to permitted business establishments in order to allow expansion of their ability to operate outdoors in the Downtown Area (C-3) during the COVID-19 pandemic and involving temporary relaxation of development standards, permit processes, and waiving of application fees for all outdoor business operations in support of economic recovery of Campbell businesses.

Economic Development Specialist Thomas presented a staff report dated August 18, 2020.

Ken Johnson, Campbell Chamber of Commerce, spoke about what the Chamber and the Downtown Campbell Business Association (DCBA) are doing to assist businesses and bring people to the downtown.

Council discussed concerns experienced by the various business types and options to assist them.

Council directed staff to continue to keep the street closed; continue to survey and work closely with businesses; look at ways to enhance the downtown experience; and report back to Council in two weeks.

**M/S: Bybee/Gibbons – That the City Council adopt Resolution 12630 setting forth enforcement priorities affecting all businesses in the downtown area during COVID-19 emergency. The motion was adopted by the following roll call vote:**

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

15. **Approval of Campbell Park Improvement Project Final Conceptual Design and Authorize the Public Works Director to Amend the Consultant Services Agreement (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution to approve the Final Conceptual Design for the Campbell Park Improvement Project 17-DD; and, authorize the Public Works Director to amend the Consultant Services Agreement and the Finance Director to perform a corresponding budget adjustment.

City Engineer Olay presented a staff report dated August 18, 2020.

Mayor Landry discussed the proposed restroom facility and the concrete sidewalk with three benches.

After discussion, **M/S: Gibbons/Waterman - That the City Council adopt Resolution 12631 to approve the Final Conceptual Design for the Campbell Park Improvement Project 17-DD; and, authorize the Public Works Director to amend the consultant services agreement and the Finance Director to perform a corresponding budget adjustment with the two points the Mayor noted. The motion was adopted by the following roll call vote:**

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

### **NEW BUSINESS**

16. **Receive an Update on the Economic Impacts of COVID-19 and Authorize Budget Adjustments in Fiscal Year (FY) 2020-21**

Recommended Action: That the City Council receive an update on the economic impacts of COVID-19 and authorize budget adjustments in Fiscal Year (FY) 2020-21.

Finance Director Fuentes presented a staff report dated August 18, 2020.

After discussion, **M/S: Resnikoff/Waterman – That the City Council receive an update on the economic impacts of COVID-19 and authorize budget adjustments in Fiscal Year (FY) 2020-21. The motion was adopted by the following roll call vote:**

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

### **COUNCIL COMMITTEE REPORTS**

17. **Council Committee Reports**

Recommended Action: Report on committee assignments and general comments.

Due to the late hour, this item was not heard.

### **ADJOURN**

Mayor Landry adjourned the meeting at 11:44 p.m.

APPROVED:

ATTEST:

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Susan M. Landry, Mayor

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Andrea Sanders, Deputy City Clerk