

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, August 2, 2022 – 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. Vice Mayor Bybee attended virtually from 733 Loyalton Drive, Campbell, CA 95008.

ROLL CALL

Attendee Name	Title	Status
Paul Resnikoff	Mayor	Present
Anne Bybee	Vice Mayor	Remote
Elizabeth 'Liz' Gibbons	Councilmember	Present
Susan M. Landry	Councilmember	Present
Sergio Lopez	Councilmember	Present

PLEDGE OF ALLEGIANCE

Mayor Resnikoff 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.

City Attorney Seligmann reported at the August 2, 2022 Executive Session, Item B, in the matter of HouseKeys versus Yee, the City Council unanimously authorized the City Attorney's Office to substitute in for the plaintiff in that case.

ORAL REQUESTS

Richard Culbertson, spoke about the library facility and wished the current temporary library was larger and had areas to sit and read. He inquired on the status of the Measure O project and thanked the Police Department for all their hard work.

COUNCIL ANNOUNCEMENTS

City Hall is open to the public for in-person services Monday through Friday, from 8:00 am to 5:00 PM. For your convenience, online services such as permits, business license applications and virtual appointments are available online. Visit the city's website at www.campbellca.gov to view information for all city departments and services available.

I would like to take this opportunity to invite you to the annual State of the City Address. Please join me as I discuss the city's recent accomplishments, our resilience during and after COVID, and information on upcoming projects including Measure O. The State of the City address will be held at the Orchard City Banquet Hall on Thursday, September 22. Doors open at 5:30 pm with the event beginning promptly at 6. Please RSVP to MayorStateOfTheCity@campbellca.gov by Thursday, September 15.

A Municipal Election will be held November 8, 2022, for voters living in Districts 3, 4 and 5. The candidate nomination period will run through August 12, 2022. For more information, please contact the City Clerk's office at 408-866-2117 or ClerksOffice@campbellca.gov.

The Superior Court of California, County of Santa Clara is seeking volunteers to serve on the 2023 Santa Clara County Civil Grand Jury. As part of the Judicial Branch of government, the Civic Grand Jury's role as a civil investigator, affords citizens the unique opportunity to contribute to the efficiency of local government and to play an integral part in ensuring integrity and efficiency of local government. For more information about this opportunity, please visit the county's website at www.scscourt.org

Live music is coming back to the Ainsley House this fall with a series of four fabulous concerts and talented musicians. Fall Garden Concerts will begin September and run through November. Latin Heat will perform September 8 followed by Tony Lindsay on October 23 and Brian Ho November 13. Registration is required. For additional information, please visit www.campbellmuseums.com.

The Ainsley House is seeking volunteers for greeters and docents. Make a difference in our community today, become a part of history, join the exciting team of volunteers at the Ainsley House. For more information, please visit www.campbellmuseums.com.

Back to School means sharing the road. As the school year begins, please remember to keep an eye out for young students who are walking or bicycling to school. Pay attention to school zones; avoid distractions, stay alert; take extra precaution when you're behind or approaching a school bus and be prepared for more traffic and for motorists making sudden stops. Help make our schools safe places to walk and bike.

CONSENT CALENDAR

Mayor Resnikoff asked if anyone wished to remove an item from the Consent Calendar. Items two, five, and seven were pulled from the Consent Calendar.

The Consent Calendar was considered as follows:

1. **Minutes of City Council Executive Session Meeting of July 5, 2022**
Recommended Action: Approve the Executive Session meeting minutes of July 5, 2022.

This action approves the Executive Session meeting minutes of July 5, 2022.
3. **Approving Bills and Claims**
Recommended Action: Approve the bills and claims in the amount of \$2,528,764.29

This action approves the bills and claims in the amount of \$2,528,764.29 as follows: bills and claims checks dated June 20, 2022, in the amount of \$262,440.26; payroll checks dated June 23, 2022, in the amount of \$64,409.62; bills and claims checks dated June 27, 2022, in the amount of \$527,839.85; bills and claims checks dated July 1, 2022, in the amount of \$1,124,649.46; payroll checks dated July 7, 2022, in the amount of \$40,586.14; bills and claims checks dated July 8, 2022, in the amount of \$249,084.67; and bills and claims checks dated July 11, 2022, in the amount of \$259,754.29.
4. **Monthly Investment Transactions Report (June 2022)**
Recommended Action: That the City Council review and accept the Monthly Investment Transactions Report for June 2022.

This action is to note and file the Monthly Investment Transactions report for June 2022.
6. **Ordinance 2285 to Consider a City-Initiated Text Amendment to the Campbell Municipal Code to Add Chapter 11.15 (Parklets in the Public Right-Of-Way) (Ordinance/Roll Call Vote)**
Recommended Action: That the City Council take second reading of Ordinance 2285 adding Chapter 11.15 (Parklets in the Public Right-of-Way) to the Campbell Municipal Code.

Ordinance 2285 adds Chapter 11.15 (Parklets in the Public Right-of-Way) to the Campbell Municipal Code.
8. **Accept Improvements for John D. Morgan Park (Budd Avenue) Improvement Project No. 18-PP, and Direct Filing of Notice of Completion. (Resolution/Roll Call Vote)**
Recommended Action: That the City Council adopt a resolution accepting the improvements for the John D. Morgan Park (Budd Avenue) Improvement Project No. 18-PP (Project); and direct the City Engineer to file the Notice of Completion.

Resolution 12864 accepts improvements for the John D. Morgan Park (Budd Avenue) Improvement Project No. 18-PP (Project); and directs the City Engineer to file the Notice of Completion.

M/S: Gibbons/Landry – That the City Council approve the Consent Calendar with the exception of items two, five and seven. The motion was adopted by the following roll call vote:

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

ITEMS CONSIDERED SEPARATE FROM CONSENT

2. **Minutes of City Council Regular Meeting of July 5, 2022**

Recommended Action: Approve the regular meeting minutes of July 5, 2022.

Councilmember Gibbons clarified her comments for item 15 of the minutes to add “ nor supportive of the RFP scope.”

M/S: Gibbons/Landry - That the City Council approve the regular meeting minutes of July 5, 2022. The motion was adopted by the following roll call vote:

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

5. **Reopen the Recruitment for the Civic Improvement Commission and Extend the Application Deadline**

Recommended Action: It is recommended that the City Council approve reopening the recruitment for the Civic Improvement Commission and extend the application deadline until a sufficient number of applications has been received.

Mayor Resnikoff suggested holding interviews with the Civic Improvement Commission incumbent prior to his term ending and then holding interviews with the other applicants after the recruitment has been reopened. Interviewing the incumbent now for consideration of reappointment could potentially prevent the Commission from having only four commissioners.

M/S: Landry/Gibbons - That the Advisory Commissioner Appointment Interview Subcommittee interview the Civic Improvement Commission incumbent for reappointment, after approval of the Subcommittee recommendation the City Council will direct the City Clerk to reopen the

recruitment until a sufficient number of applications is received. The motion was adopted by the following roll call vote:

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

7. **Acceptance of 8X8 Inc Flock Camera Donation (Resolution/Roll Call Vote)**
Recommended Action: It is recommended that the City Council adopt a resolution accepting donations in the amount of \$10,700 from 8x8 Inc for the purpose of funding two Flock Falcon ALPR cameras.

Councilmember Gibbons commended 8X8 for their generous donations, their cooperation with the Police Department and their efforts in bettering the community.

The Councilmembers echoed Councilmember sentiments.

M/

S: Gibbons/Landry - That the City Council adopt Resolution 12865 accepting donations in the amount of \$10,700 from 8x8 Inc for the purpose of funding two Flock Falcon ALPR cameras. The motion was adopted by the following roll call vote:

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

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

9. **Placing the Cost of Abating Hazardous Vegetation on the Property Tax Assessment Roll (Resolution/Roll Call Vote)**
Recommended Action: That the City Council adopt a resolution placing the cost of abating hazardous vegetation on the property tax assessment roll.

This is the time and place for a public hearing to consider adopting a resolution placing the cost of abating hazardous vegetation on the property tax assessment roll.

Senior Planner Fama presented a staff report dated August 2, 2022.

Mayor Resnikoff opened the public hearing and asked if anyone wished to speak. Seeing no one wishing to speak Mayor Resnikoff closed the public hearing.

M/S: Landry/Lopez – That the City Council adopt Resolution 12866 placing the cost of abating hazardous vegetation on the property tax assessment roll. The motion was adopted by the following roll call vote:

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

10. **Public Hearing to Consider Request of Nicholas and Andrea Key for Property at 705 El Patio Drive to Rescind the Listing of a Designated Structure of Merit from the Historic Resource Inventory (HRI). (Resolution/Roll Call Vote)**

Recommended Action: That the City Council (1) adopt a resolution rescinding the designation of 705 El Patio Drive as a Structure of Merit, subject to payment of a \$5,000 in-lieu fee; and (2) add an Historic Preservation Ordinance update to the Community Development Department's FY23 Work Plan.

This is the time and place for a public hearing to consider the request of Nicholas and Andrea Key for Property at 705 El Patio Drive to Rescind the Listing of a Designated Structure of Merit from the Historic Resource Inventory (HRI).

Due to a noticing error staff recommended this item be continued to the August 16, 2022 City Council meeting.

Mayor Resnikoff opened the public hearing and asked if anyone wished to speak.

Property owner Nicholas Key stated he looks forward to speaking with the Council in two weeks. He stated that his intent was not malicious when performing his home alterations. He stated that the alterations could not be undone and that the historic integrity of his home could not be restored.

M/S: Gibbons/Landry – That the City Council continue this item to adopt a resolution rescinding the designation of 705 El Patio Drive as a Structure of Merit, subject to payment of a \$5,000 in-lieu fee; and add an Historic Preservation Ordinance update to the Community Development Department's FY23 Work Plan to the August 16, 2022 regular City Council meeting. The meeting was adopted by the following roll call vote:

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

11. **Public Hearing to Consider a City-Initiated Zoning Code Text Amendment (PLN-2021-187) Adding New Chapter 21.25 (Two-Unit Housing Developments) and Chapter 20.14 (Urban Lot Splits) to the Campbell Municipal Code to Implement Senate Bill No. 9 (SB-9) and Amending Various Other Sections of the Municipal Code Pertaining to the Regulation of Accessory Dwelling Units (ADUs); an Amendment to the Campbell Village Neighborhood Plan and a General Plan Amendment to the San**

Tomas Area Neighborhood Plan to Incorporate by Reference the Proposed SB-9 Implementation Provisions. (Ordinance/Resolutions/Roll Call Vote)

Recommended Action: The Planning Commission recommends that the City Council take the following actions (1) Introduce an ordinance to add new Chapter 21.25 (Two-Unit Housing Developments) and Chapter 20.14 (Urban Lot Splits) to the Campbell Municipal Code to implement Senate Bill No. 9 and amending various sections of the Municipal Code pertaining to the regulation of accessory dwelling units (ADUs); (2) Adopt a resolution approving an Amendment to the Campbell Village Neighborhood Plan to incorporate by reference the proposed SB-9 implementation provisions; and (3) Adopt a resolution approving a General Plan Amendment to the San Tomas Area Neighborhood Plan to incorporate by reference the proposed implementation SB-9 provisions.

This is the time and place for a public hearing to consider a City-Initiated Zoning Code Text Amendment adding New Chapter 21.25 (Two-Unit Housing Developments) and Chapter 20.14 (Urban Lot Splits) to the Campbell Municipal Code to implement Senate Bill No. 9 (SB-9) and amending various other sections of the Municipal Code pertaining to the Regulation of Accessory Dwelling Units (ADUs); an Amendment to the Campbell Village Neighborhood Plan and a General Plan Amendment to the San Tomas Area Neighborhood Plan to Incorporate by Reference the Proposed SB-9 Implementation Provisions.

Senior Planner Fama presented a staff report dated August 2, 2022. He stated that SB-9 has two primary functions which override single-family zoning by allowing 2-unit housing developments and Urban Lot Splits. The draft ordinance will add new Chapter 21.25 (Two-Unit Housing Developments) and new Chapter 20.14 (Urban Lot Splits) as well as revisions to Chapter 21.23 (Accessory Dwelling Units.[ADU]) Senior Planner Fama highlighted key provisions which included Objective Subdivision Standards, ADU Allowances, the review and permitting process and to provide an objective exception process. The proposed ordinance is consistent with actions of the General Plan.

Councilmembers asked general questions related to the staff report, presentation and proposed Ordinance.

Mayor Resnikoff opened the public hearing and asked if anyone wished to speak.

Raja Pallela, Campbell resident wished to have less design restrictions and allow the construction of open terraces which would also provide more open space; and felt that for Urban Lot Splits the City should remove the 40% requirement.

Seeing no one else wishing to speak Mayor Resnikoff closed the public hearing.

Councilmember Gibbons wished staff had done more outreach to the Campbell Village Neighborhood Association and the San Tomas Neighborhood Association regarding ADUs.

After discussion, **M/S: Gibbons/Lopez – That the City Council take the following actions (1) Introduce Ordinance 2286 to add new Chapter 21.25 (Two-Unit Housing Developments) and Chapter 20.14 (Urban Lot Splits) to the Campbell Municipal Code to implement Senate Bill No. 9 and amending various sections of the Municipal Code pertaining to the regulation of accessory dwelling units (ADUs); (2) Adopt Resolution 12867 approving an Amendment to the Campbell Village Neighborhood Plan to incorporate by reference the proposed SB-9 implementation provisions; and (3) Adopt Resolution 12868 approving a General Plan Amendment to the San Tomas Area Neighborhood Plan to incorporate by reference the proposed implementation SB-9 provisions. The motion was adopted by the following roll call vote:**

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

Interim City Clerk Sanders read the full title of Ordinance 2286.

M/S: Gibbons/Lopez – That the City Council waive further reading of Ordinance 2286. The motion was adopted by the following roll call vote:

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

NEW BUSINESS

12. **Resolution Affirming Agreement for City Clerk Services (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution affirming an agreement with Andrea Sanders to the position of City Clerk at an annual salary of \$135,532.80.

Human Resources Manager Jenny Le-Christensen presented a staff report dated August 2, 2022.

Council gave congratulatory comments to Andrea Sanders.

M/S: Bybee/Landry – That the City Council adopt Resolution 12869 affirming an agreement with Andrea Sanders to the position of City Clerk at an annual salary of \$135,532.80, including the desk item. The motion was adopted by the following roll call vote:

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

13. **Police Mobile Data Computer Replacement Lease Contract (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution authorizing the City Manager to execute a five year lease purchase contract with Dell Financial Services, for the purchase of Getac V110 Mobile Data Computers and related equipment.

Police Captain White presented a staff report dated August 2, 2022.

Council asked general questions related to the mobile data computers and equipment.

M/S: Gibbons/Landry – That the City Council adopt Resolution 12870 authorizing the City Manager to execute a five year lease purchase contract with Dell Financial Services, for the purchase of Getac V110 Mobile Data Computers and related equipment. The motion was adopted by the following roll call vote:

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

14. **Campbell Police Department Drone Program Purchase Authorization (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution approving the purchase of a DJI Matrice M30T drone and associated equipment using the Supplemental Law Enforcement Services Fund (SLESF) grant funds.

Police Captain White presented a staff report dated August 2, 2022. He reviewed the City Unmanned Aircraft Systems (UAS) program. Captain White provided information on each City drone purpose and capabilities.

Member of the public, Jim Sullivan spoke in support of the UAS program and thought it was a great tool for officer safety.

Councilmembers expressed support for the drones and the program stating it was a great way to protect our officers and the public.

M/S: Gibbons/Landry – That the City Council adopt Resolution 12871 approving the purchase of a DJI Matrice M30T drone and associated equipment using the Supplemental Law Enforcement Services Fund

(SLESF) grant funds. The motion was adopted by the following roll call vote:

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

UNFINISHED BUSINESS

Due to a potential conflict of interest with Councilmember Lopez’s employer Silicon Valley At Home and their comments on the Housing Element, Councilmember Lopez recused himself from Item 15 and left the meeting.

Council took a 15-minute recess and reconvened at approximately 9:20 p.m.

15. Review Proposed Modifications to Campbell's Plan for Housing

Recommended Action: That the City Council take the following action: Direct staff to submit the HCD Draft of Campbell’s Plan for Housing (2023-2031 Housing Element) to Housing and Community Development (HCD) for review incorporating public feedback and proposed modifications.

Senior Planner Rose presented a staff report dated August 2, 2022. Senior Planner Rose reviewed public comments and proposed modifications to the Housing and Community Development (HCD) Draft and provided an update on the schedule to adopt Housing Element, General Plan and Objective Standards.

Mayor Resnikoff asked if anyone from the public wished to speak.

Member of the public, Jim Sullivan inquired if the General Plan and conforming zoning would be at the same time as Housing Element and EIR certification.

Raja Pallela, Campbell resident commented that he felt that the fees structure for the construction of a single-family home was on the higher side compared to other local areas and wished the City could review the fees.

Sarah Chapman, Campbell resident stated that parking will be very important to look at in order to not hinder development.

Councilmember Gibbons stated concerns such as the density of units per acre, and the height and massing of the buildings. The example of housing developments provided in the document are not for market rate units. Consideration should be given for how to maintain the affordable units in the long run. Councilmember Gibbons also provided technical/formatting comments stating that the gray heading color makes it difficult to read the text, some of the appendix’s formatting is not correct such that text is lost. The section that discusses resilience could use something to tie into a Climate Action Plan and Building Codes.

Councilwoman Landry provided comments on formatting relating to fonts, margins, columns and spacing. Councilwoman stated concerns with the proposed 6000 units and if that would be reduced with the current Council. Councilwoman stated concerns with available parking.

Vice Mayor Bybee stated concerns with the timing of the final document not being during the current council's term. Vice Mayor Bybee was glad to hear that there is some assurance that the second draft will be submitted to HCD without substantive changes under the current council. She thanked staff for all their hard work.

Mayor Resnikoff commented that he was not concerned with the 6000 units as a larger number gives more flexibility and demonstrates that the City is making a serious effort to find locations to build and meet the housing demand. Mayor Resnikoff commented on parking and recognized that it is a potential need in the City.

M/S: Landry/Bybee - That the City Council take the following action: Direct staff to submit the HCD Draft of Campbell's Plan for Housing (2023-2031 Housing Element) to Housing and Community Development (HCD) for review incorporating public feedback and proposed modifications with review of the document as needed. The motion was adopted by the following roll call vote:

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

COUNCIL COMMITTEE REPORTS

16. **Council Committee Reports**

Recommended Action: That the City Council report on activities from their committee assignments.

Due to the lateness of the hour Council Committee Reports were not heard.

ADJOURN

Mayor Resnikoff, adjourned the meeting at 10:30 p.m.

APPROVED:

ATTEST:

Paul Resnikoff, Mayor

Andrea Sanders, City Clerk