

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, August 16, 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.

ROLL CALL

Attendee Name	Title	Status
Paul Resnikoff	Mayor	Present
Anne Bybee	Vice Mayor	Present
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.

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 including 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 online.

All are invited to attend the annual State of the City Address on September 22. 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 Orchard City Banquet Hall on Thursday, September 22 at 6pm. Doors open at 5:30 pm. Please RSVP to MayorStateOfTheCity@campbellca.gov by Monday, September 19.

The 12th Annual Caregivers Count Conference is a free virtual conference for families and friends caring for an older adult. This year's conference is a 4-part series virtual event. The dates are Sept. 10, 17, 24 and Oct. 1, from 10am-12pm. The topics include self-care, strategies for dementia caregiving, long-term care, and fall prevention/home safety. Again, the conference is free, and registration is available at www.caregiverscount.net.

Live music is coming back to the Ainsley House this fall with a series of four concerts with talented musicians. Fall Garden Concerts run from September 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.

Visit the Campbell Express Library for outdoor children story time, songs and more, each Wednesday at 10:30 am in the outdoor courtyard behind the Heritage Theatre, across from the Campbell Community Center office.

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 it safer for our students to walk and bike to and from school.

The Santa Clara County Library District website provides online elementary, middle, and high school resources to help students with homework, to prepare for tests and assignments, and to boost their skills in important subjects. For additional information, please visit www.scclld.org.

In honor of the Labor Day holiday, City Hall offices will be closed for business on Monday, September 5. Police and emergency services will remain open.

CONSENT CALENDAR

Mayor Resnikoff asked if anyone wished to remove an item from the Consent Calendar. Item seven was pulled from the Consent Calendar.

The Consent Calendar was considered as follows:

1. **Minutes of City Council Executive Session Meeting of August 2, 2022**

Recommended Action: Approve the executive session meeting minutes of August 2, 2022.

This action approved the executive session meeting minutes of August 2, 2022.

2. **Minutes of City Council Regular Meeting of August 2, 2022**

Recommended Action: Approve the regular meeting minutes of August 2, 2022.

This action approved the regular meeting minutes of August 2, 2022.

3. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$1,122,205.84.

This action approves the bills and claims in the amount of \$1,122,205.84 as follows: bills and claims checks dated July 15, 2022, in the amount of \$451,997.28; bills and claims checks dated July 18, 2022, in the amount of \$38,236.12; payroll checks dated July 21, 2022, in the amount of \$67,469.78, bills and claims checks dated July 22, 2022 in the amount of \$312,497.98; and bills and claims checks dated July 25, 2022, in the amount of \$252,004.68.

4. **Investment Report - Quarter Ending June 2022**

Recommended Action: That the City Council approve the Investment Report for the quarter ending June 2022 and the report be noted and filed.

This action notes and files the Investment Report for the quarter ending June 2022.

5. **Approval of the Fiscal Year (FY) 2022-23 City of Campbell Investment Policy Update (Resolution/Roll Call Vote)**

Recommended Action: It is recommended that the City Council adopt a Resolution approving the annual update to the City's Investment Policy.

Resolution 12872 approved the annual update to the City's Investment Policy.

6. **Ordinance 2286 Adding New Chapter 21.25 and Chapter 20.14 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)(Ordinance/Roll Call Vote)**

Recommended Action: That the City Council take second reading of Ordinance 2286 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 and amending various sections of the Municipal Code pertaining to the regulation of accessory dwelling units. (ADUs)

Ordinance 2286 adds 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 amends various sections of the Municipal Code pertaining to the regulation of accessory dwelling units. (ADUs)

8. **Amendment to the Classification and Salary Plan – Public Works Superintendent, Park Maintenance Supervisor, Deputy City Clerk, and Building Division Manager/Building Official (Resolution/Roll Call Vote)**
Recommended Action: That the City Council adopt the Resolution amending the Classification and Salary Plan.

Resolution 12873 amends the classification and salary plan for Public Works Superintendent, Park Maintenance Supervisor, Deputy City Clerk and Building Division Manager/Building Official.

9. **Settlement Agreement: Unfair Labor Practice Charge - CARP V. City of Campbell**

Recommended Action: Authorization for City Manager to approve a settlement agreement for the Unfair Practice Charge in Carpenters Local 405/Northern California Carpenters Regional Council v. City of Campbell.

This action authorizes the City Manager to approve a settlement agreement for the Unfair Practice Charge in Carpenters Local 405/Northern California Carpenters Regional Council v. City of Campbell.

M/S: Bybee/Landry - That the City Council approve the Consent Calendar with the exception of item seven. The motion was adopted by the following roll call vote:

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

ITEMS CONSIDERED SEPARATE FROM CONSENT

7. **Acceptance of Donations from the Campbell Police Foundation**
Recommended Action: It is recommended that the City Council accept donations in the aggregate amount of \$2,700 from the Campbell Police Foundation for supplies, and support for the Campbell Police Department.

Mayor Resnikoff thanked the Campbell Police Foundation for everything they do to enhance our police services and safety.

Councilmembers echoed Mayor Resnikoff's comments.

M/S: Gibbons/Bybee – that the City Council accept donations in the aggregate amount of \$2,700 from the Campbell Police Foundation for supplies, and support for the Campbell Police Department. The motion was adopted by the following roll call vote:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gibbons
SECONDER:	Bybee

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

9. **Public Hearing to Consider the Application (PLN-2020-64) of Charles Bronitsky for a General Plan and Zoning Map Amendment to Allow a Portion of 1336 Parsons Avenue to Change in Land Use Designation from Low-Density Residential (Less Than Six Units Per Gross Acre) to Professional Office, and Zoning Designation from R-1-6 (Single-Family Residential) to P-O (Professional Office) in Order to Facilitate the Transfer of a Portion of a Commercial Parking Lot Built on a Residential Property to an Adjoining Commercial Property Located at 1308 Parsons Avenue. Applicant is Also Requesting Review and Approval of a Conditional Use Permit with Site and Architectural Review to Allow the Conversion of a Single-Family Residence to a Commercial Use and Parking Modification Permit to Allow a Reduction in the Number of Required Parking Spaces for Property Located at 1308 Parsons Avenue. (Ordinance/Resolutions/Roll Call Vote)**

Recommended Action: That the City Council take the following actions: (1) adopt a Resolution, approving a General Plan Amendment to allow a portion of 1336 Parsons Avenue to change in land use designation from Low-Density Residential (Less than Six Units per Gross Acre) to Professional Office; (2) Introduce an Ordinance, approving a Zoning Map Amendment to allow a portion of 1336 Parsons Avenue to change in zoning designation from R-1-6 (Single-Family Residential) to P-O (Professional Office); and (3) Adopt a Resolution, approving a Conditional Use Permit with Site and Architectural Review to allow the conversion of a single-family residence to a commercial use and Parking Modification Permit to allow a reduction in the number of required parking spaces for property located at 1308 Parsons Avenue.

This is the time and place for a public hearing to consider the application of Charles Bronitsky for a General Plan and Zoning Map Amendment to allow a portion of 1336 Parsons Avenue to change in Land Use Designation from Low-Density Residential to Professional Office, and Zoning Designation from R-1-6 to P-O in order to facilitate the transfer of a portion of a commercial parking lot built on a residential property to an adjoining commercial property located at 1308 Parsons Avenue; and review and approval of a Conditional Use Permit with Site and Architectural Review to allow the conversion of a Single-Family Residence to a Commercial Use and Parking Modification Permit to allow a reduction in the number of required parking spaces for property located at 1308 Parsons Avenue. Senior Planner Rose presented a staff report dated August 2, 2022.

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

Joe Charvez, Campbell resident stated that his questions had already been answered by Senior Planner Rose but wished the public comment period was after the applicant spoke.

Gabriel Tovar, Campbell resident stated concerns with the parking at project location. It is unclear how many parking spaces they currently have and how many spaces they will have based on the plans he has seen.

Al Heib Campbell resident stated concerns with the number of offices at the proposed site, the number of employees, and the parking issues this will cause in the neighborhood.

Applicant Charles Bronitsky spoke about the project and the process to this point. He noted that the parking modification will serve the professional office building. He spoke about landscaping and other improvements to the property. He requested that upon approval of the item that his \$50,000 deposit would be released to him.

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

Councilwoman Landry expressed concerns with parking loss and the lack of additional off-street parking. To address some of the public concerns with increased tenants and customers creating additional parking problems, Councilwoman Landry suggested imposing an occupancy limit now. She stated concerns with the location of the utility pole bollard and vehicles being able to back up properly.

To address Councilwoman's Landry concerns with the bollard placement, Councilmember Gibbons suggested increasing the angle of the parking spaces to make the turning radius easier. Councilmember Gibbons did not think occupancy would be as much of an issue but would be supportive of having limited time parking spaces.

Councilmembers were not supportive of imposing an occupancy limit at this point.

M/S: Gibbons/Lopez - That the City Council adopt Resolution 12874, approving a General Plan Amendment to allow a portion of 1336 Parsons Avenue to change in land use designation from Low-Density Residential (Less than Six Units per Gross Acre) to Professional Office; introduce Ordinance 2287, approving a Zoning Map Amendment to allow a portion of 1336 Parsons Avenue to change in zoning designation from R-1-6 (Single-Family Residential) to P-O (Professional Office); and adopt Resolution 12875, approving a Conditional Use Permit with Site and Architectural Review to allow the conversion of a single-family residence to a commercial use and Parking Modification Permit to allow a reduction in the number of required parking spaces for property located at 1308 Parsons Avenue, with the addition of a condition for the building permit process to revisit the angle of the ADA parking stall to minimize the potential of hitting the bollard. The motion was adopted by the following roll call vote:

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

City Clerk Sanders read the full title of Ordinance 2287.

M/S: Gibbons/Landry – 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:	Landry
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.

Senior Planner, Fama presented a staff report dated August 16, 2022. He also reviewed the Historic Preservation Board and Planning Commission recommendations of a \$5,000 in-lieu fee to remove the property from the Historic Resource Inventory. (HRI)

Councilmembers commented that property owners that are on the HRI list be notified as to the City requirements and process.

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

Applicant Nick Key reviewed the timeline of his home alterations. Stated support in removing his property from the HRI. He was in agreement of a \$5,000 fee. He spoke of the precedence of his situation and how the proposed ordinance would help mitigate these types of situations in the future.

Councilmember Lopez is supportive of the staff recommendation to remove from the HRI. He would be supportive of a reduced fee or no fee.

Councilmember Gibbons and Vice Mayor Bybee were supportive of the staff recommendation and a \$5,000 fee.

Councilwoman Landry stated a strong policy on historic preservation is needed. She stressed the importance of notifying property owners of historic homes of their requirements.

Mayor Resnikoff stated support for the \$5,000 fee.

M/S: Landry/Lopez - That the City Council (1) adopt Resolution 12876 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. The motion was adopted by the following roll call vote:

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

NEW BUSINESS

11. Approval of MOU's and Unrepresented Agreements and Salary Schedules (Resolution/Roll Call Vote)

Recommended Action: That the City Council adopt the attached resolutions to: (1) ratify successor Memorandums of Understanding (MOU's), and respective Salary Schedules, effective July 1, 2022, between the City of Campbell and the Campbell Police Civilian Employees Association (CPCEA), between the City of Campbell and the Northern California Carpenters Regional Council (CARP), and between the City of Campbell and the Campbell Municipal Employees Association (CMEA); and (2) revise the current City Council Resolutions impacting unrepresented Confidential Employees, Classified Management Employees, and Unclassified Management Employees.

City Manager Loventhal presented a staff report dated August 16, 2022.

Councilmembers individually thanked staff and the labor groups for all their efforts and hard work that went into this year's negotiations.

M/S: Gibbons/Bybee - That the City adopt resolutions to: (1) ratify successor Memorandums of Understanding (MOU's), and respective Salary Schedules, effective July 1, 2022, between the City of Campbell and the Campbell Police Civilian Employees Association (CPCEA) (Resolution 12879), between the City of Campbell and the Northern California Carpenters Regional Council (CARP) (Resolution 12877), and between the City of Campbell and the Campbell Municipal Employees Association (CMEA) (Resolution 12878); and (2) revise the current City Council Resolutions impacting unrepresented Confidential Employees, (Resolution 12880) Classified Management Employees, (Resolution 12881) and Unclassified Management Employees, (Resolution 12882) including the desk item. The motion was adopted by the following roll call vote:

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

12. Proposed Modifications to the Campbell Community Center Building Use Policy (Resolution/Roll Call Vote)

Recommended Action: That the City Council adopt a resolution approving modifications to the Campbell Community Center's Building Use Policy making it effective August 16, 2022, in coordination with effective fee schedule.

Recreation Services Manager Merriman presented a staff report dated August 16, 2022.

After discussion, **M/S: Bybee/Landry – that the City Council adopt Resolution 12883 approving modifications to the Campbell Community Center’s Building Use Policy making it effective August 16, 2022, in coordination with effective fee schedule. The motion was adopted by the following roll call vote:**

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

13. **Consideration of Cancelling the November 8, 2022 City Council Election and Appointing Nominated Candidates or Proceeding with the Election**
Recommended Action: That the City Council take one of the following actions: determine to cancel the November 8, 2022 City Council election and set a special meeting date to adopt a Resolution of Cancellation or take no action, proceed with the election and allow for write-in candidates.

Vice Mayor Bybee recused herself from this item due to personal conflict as a District 5 City Council Candidate and left the Council Chambers.

City Clerk Sanders presented a staff report dated August 16, 2022.

Steve Saunders, Campbell resident stated that canceling the election feels wrong, however, he recognizes it would be a big cost savings to not hold the election.

After discussion Councilmembers stated support for holding the election and allowing for write-in candidates.

M/S: Gibbons/Landry – That the City Council take no action and proceed with the election and allow for write-in candidates. The motion was adopted by the following roll call vote:

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

Vice Mayor Bybee returned to the Council Chambers.

UNFINISHED BUSINESS

There was no unfinished business.

COUNCIL COMMITTEE REPORTS

14. **Approve Appointment to the Civic Improvement Commission and Reopen the Recruitment to Allow for Additional Applications**

Recommended Action: It is recommended that the City Council approve the recommendation of the Advisory Commissioner Appointment Interview Subcommittee regarding appointment to the Civic Improvement Commission for one four-year term expiring August 2026 and reopen the recruitment, until a sufficient number of applications are received.

Vice Mayor Bybee reported out on the Advisory Commissioner Appointment Interview Subcommittee meeting stating they had interviewed Chris Bracher for reappointment to the Civic Improvement Commission.

M/S: Gibbons/Bybee – That the City Council approve the recommendation of the Advisory Commissioner Appointment Interview Subcommittee regarding appointment of Chris Bracher to the Civic Improvement Commission for one four-year term expiring August 2026 and reopen the recruitment, until a sufficient number of applications are received. The motion was adopted by the following roll call vote:

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

15. **Council Committee Reports**

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

Councilmember Lopez has been appointed to the Bay Area Management District and also sat on their recruitment subcommittee; he attended the Legislative Subcommittee; and the Valley Transportation Authority Policy Advisory Committee.

Councilmember Gibbons reported out that Silicon Valley Clean Energy (SVCE) now has two clean energy resources that began providing power to SVCE customers in July. The Board also approved a policy statement and reallocated funding to support equitable EV charging access at new affordable housing developments. SVCE also continues to work with jurisdictions in developing local reach codes that require new buildings to include electric features that promote healthier buildings while reducing both emissions and the cost of construction. She attended the Cities Association Legislative Action Subcommittee which reviewed 6 major bills and the City's Legislative Subcommittee meeting.

Vice Mayor Bybee attended the Finance Subcommittee meeting to review the Investment Policy Update and attended the Cities Association Board of Directors meeting.

Mayor Resnikoff attended the West Valley Sanitation District meeting; Silicon Valley Animal Control Authority (SVACA) meeting; he welcomed people to the

Relay for Life a Cancer Society fundraiser; and hosted the West Valley Mayors and Managers meeting at Orchard Valley Kitchen.

ADJOURN

Mayor Resnikoff adjourned the meeting at 9:52 p.m.

APPROVED:

ATTEST:

Paul Resnikoff, Mayor

Andrea Sanders, City Clerk