

**DOCKETED**

<b>Docket Number:</b>	19-BSTD-06
<b>Project Title:</b>	Local Ordinances Exceeding the 2019 Energy Code
<b>TN #:</b>	235917-3
<b>Document Title:</b>	City of Campbell 2019 City Council Minutes
<b>Description:</b>	Plain text of the City of Campbell Local Ordinance City Council Meeting Minutes
<b>Filer:</b>	Danuta Drozdowicz
<b>Organization:</b>	California Energy Commission
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<b>Docketed Date:</b>	12/11/2020

# CITY COUNCIL MINUTES

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



## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, February 4, 2020 - 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](http://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
Susan M. Landry	Mayor	Present
Elizabeth 'Liz' Gibbons	Vice Mayor	Present
Rich Waterman	Councilmember	Present
Anne Bybee	Councilmember	Present
Paul Resnikoff	Councilmember	Present

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Boy Scouts in the audience.

### SPECIAL PRESENTATIONS AND PROCLAMATIONS

Councilmembers gave congratulatory comments on County Librarian and Executive Director of the Santa Clara County Library District, Nancy Howe's upcoming retirement.

### COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

### ORAL REQUESTS

Audrey Kiehtreiber, Campbell resident and President of the San Tomas Area Community Coalition (STACC), spoke about the process of submitting public comments

on projects, stated concerns, and submitted her comments for the record.

### **COUNCIL ANNOUNCEMENTS**

Mayor Landry invites you to attend a Community Meeting with the Mayor. Come and learn about what's happening in Campbell; what goals you would like accomplished in 2020; and share your concerns. For more information about these meetings, please visit the city's website at [www.campbellca.gov](http://www.campbellca.gov).

Santa Clara County residents are urged to apply for service on the Civil Grand Jury. For more information, please contact the Santa Clara County Superior Court at [www.CGJ@scscourt.org](mailto:www.CGJ@scscourt.org).

Dispose of unsafe and unwanted firearms. The Campbell Police Department is partnering with local law enforcement agencies for the second North County Gun Buyback program on Saturday, February 29, 2020. The event is being held at the Sunnyvale Presbyterian Church located at 728 W. Fremont Avenue in Sunnyvale from 8:00 a.m. to noon. Buybacks will be first-come, first-serve. For more information, please contact Captain Craig Anderson at (650) 382-2603.

Celebrate Campbell's rich heritage at the Early Settlers Day event at the Orchard City Banquet Hall, on Monday, February 17, at noon. Pre-registration is required, and lunch will be served. For more information, please contact Dan Furtado at (408) 378-3506.

The AARP Foundation is providing free income tax assistance from February 4 through April 14 at the Community Center's Adult Center. This service is available for low to moderate-income adults and families ages 18+. For more information, please visit [www.campbellca.gov](http://www.campbellca.gov).

The City of San Jose is partnering with the National Council on Aging to offer the Aging Mastery Program for Caregivers. This 12-week program is designed to educate caregivers about the impacts of caregiving and provide tools to stay healthy. There are limited spots available. For more information, please visit [www.sjregistration.com](http://www.sjregistration.com).

### **CONSENT CALENDAR**

Mayor Landry asked if any Councilmember or anyone in the audience wished to remove any item from the Consent Calendar.

The Consent Calendar was considered as follows:

1. **Minutes of City Council Special Meeting of January 14, 2020**  
**Recommended Action:** Approve the special meeting minutes of January 14, 2020.

This action approves the special meeting minutes of January 14, 2020.

2. **Minutes of City Council Regular Meeting of January 21, 2020**

Recommended Action: Approve the regular meeting minutes of January 21, 2020.

This action approves the regular meeting minutes of January 21, 2020.

3. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$229,451.28.

This action approves the bills and claims in the amount of \$ 229,451.28 as follows: payroll checks dated January 9, 2020, in the amount of \$24,792.60; and bills and claims checks dated January 13, 2020, in the amount of \$204,658.68.

4. **Investment Report- Quarter Ending, December 2019**

Recommended Action: That the Investment Report for the quarter ending December 2019, be noted and filed.

This action is to note and file the Investment Report for the quarter ending December 2019.

5. **Proposal for Closure of East Campbell Avenue and Fee Waiver Request for the Downtown Campbell Business Association's Winter Wonderland Event on Sunday, February 23, 2020 (Resolution/Roll Call Vote)**

Recommended Action: It is recommended that the City Council adopt a resolution approving the temporary closure of East Campbell Avenue and the issuance of a Special Event Permit for the Downtown Campbell Business Association's Winter Wonderland event subject to restrictions and conditions as described in the resolution and waive associated fees for such closure.

Resolution 12551 approves the temporary closure of East Campbell Avenue and the issuance of a Special Event Permit for the Downtown Campbell Business Association's Winter Wonderland event subject to restrictions and conditions as described in the resolution and waives the associated fees for such closure.

**M/S: Gibbons/Waterman - that the City Council approve the consent calendar. 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

**PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES**

6. **Introduction of Ordinance to Amend Title: 18, Chapter 18 of the Campbell**

**Municipal Code to Prohibit the Use of Natural Gas for Warm Air Heating and Water Heating in All New Residential Living Units, Thereby Reducing the Amount of Greenhouse Gas Produced by Each Unit (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council introduce an Ordinance Amending Title: 18, Chapter 18 of the Campbell Municipal Code to prohibit the use of natural gas for warm air heating and water heating in all new residential living units.

This is the time and place for a public hearing to consider the introduction of an ordinance to amend Title: 18, Chapter 18 of the Campbell Municipal Code to prohibit the use of natural gas for warm air heating and water heating in all new residential living units, thereby reducing the amount of greenhouse gas produced by each unit.

Building Official Bruckart presented the staff report dated February 4, 2020.

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

Gary Latshaw, Cupertino resident, commented on carbon monoxide and methane gases in the environment and requested that Council pass a no gas ordinance.

Karen Nelson commented on behalf of the Climate Reality Project of Santa Clara County expressing their strong support for the adoption of the ordinance and urged Council to consider applying the requirements to all fossil fuel gasses in all building types.

James Tuleya, Sunnyvale resident and Chairperson of Carbon Free Silicon Valley, stated support of the ordinance and commented on the future benefits of electrifying buildings.

Audrey Kietreiber, Campbell resident, spoke about unintended consequences and commented on concerns with limiting residents' ability to use natural gas.

Bruce Naegel, Mountain View resident and member of Carbon Free Silicon Valley, commented on concerns with burning carbon and would like Council to move the reach code forward.

Bruce Karney, Mountain View resident and Chair of Carbon Free Mountain View, spoke about stopping the installation of natural gas in new buildings of any kind and commented on the benefit.

Jenny Green, volunteer on behalf of Mothers Out Front South Bay, spoke about the organization and asked Council to pass a reach code to make new buildings in Campbell all-electric with no natural gas infrastructure.

Susan Butler-Graham, San Jose resident and member of Mothers Out Front South Bay, spoke about concerns with the use of natural gas, supports all-electric buildings and urged Council to move forward with the ordinance.

Stephanie Snow, Campbell resident and member of Mothers Out Front, stated support for electrification and commented on concerns with natural gas.

Stephanie Morris, member of Mothers Out Front, spoke in support of the ordinance and commented on preparing for the future.

Diane Bailey, representative with Menlo Spark and Fossil Free Buildings campaign for Silicon Valley and partner of Mothers Out Front, spoke about the organizations, stated support of the ordinance and asked that Council consider all-electric for all buildings.

Dashiell Leeds, Conservation Assistant for the Sierra Club Loma Prieta Chapter, stated support of the ordinance, commented on concerns with gas pipelines and asked that Council require all-electric appliances for all buildings.

Hoai-An Truong, member of Mothers Out Front, urged Council to make the proposed ordinance stronger, using the previously suggested changes and commented on concerns with the effects of greenhouse gases on the climate.

Sérgio Lopez, Campbell resident, urged the Council to pass the reach code and would like Council to consider strengthening it beyond the current language.

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

After discussion, **M/S: Waterman/Bybee - that the City Council introduce Ordinance 2260 Amending Title: 18, Chapter 18 of the Campbell Municipal Code to prohibit the use of natural gas for warm air heating and water heating in all new residential living units. 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

City Clerk Wood read the title of Ordinance 2260.

**M/S: Gibbons/Bybee - that the City Council waive further reading of Ordinance 2260. Motion was adopted unanimously.**

Mayor Landry announced that they would take a brief recess.

Council reconvened at 8:45 p.m.

7. **Public Hearing to Consider the Application of Dollinger Properties for a Zoning Map Amendment, Planned Development Permit, Tree Removal Permit (PLN2017-381), and Final Environmental Impact Report (PLN2018-148) to Allow Construction of a 161,870 Square Foot Four-Story Office Building, a 146,478 Square Foot Five-Story Parking Garage (With One Level of Underground Parking), Additional Surface Parking, and On-Site Open Space on Property Located at 1700 Dell Avenue (Resolutions/Roll Call Vote)**

Recommended Action: That the City Council take the following action: 1) adopt a resolution denying a Zoning Map Amendment; 2) adopt a resolution denying a Planned Development Permit with Site and Architectural Review; and 3) adopt a resolution denying a Tree Removal Permit.

This is the time and place for a public hearing to consider the application of Dollinger Properties for a Zoning Map Amendment, Planned Development Permit, Tree Removal Permit (PLN2017-381), and Final Environmental Impact Report (PLN2018-148) to allow construction of a 161,870 square foot four-story office building, a 146,478 square foot five-story parking garage (with one level of underground parking), additional surface parking, and on-site open space on property located at 1700 Dell Avenue.

Community Development Director Kermoyan presented the staff report dated February 4, 2020.

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

Applicant, Scott Athearn, gave a brief presentation about the proposed project, commented on the building height, and spoke about a previous study session where this project was discussed by the Council.

Audrey Kiehtreiber, Campbell resident and President of the San Tomas Area Community Coalition (STACC), commented on the project stating that it does not meet the current standards, and requested that Council deny this project and encourage the applicant to bring back a project that meets the standards.

Doug Gillison, Campbell resident and member of STACC, stated that he is opposed to the project in its current form because it exceeds the sizing guideline stated in the General Plan and would like the project revised to conform to the General Plan.

Fionn Ruder, Campbell resident, stated he is in the construction industry and supports this project because it will provide an opportunity to work locally, bring

local businesses into this area and provide a public space for the community.

Dario Salgado, speaking as a member of Liuna on behalf of Laborers Local 270, stated support of the project, spoke about the benefits it could bring to the community and asked that Council approve the project.

Jose Mexicano, member of Laborers Local 270, urged Council to move forward with this project, commented on the benefits it would have to the local union workers, stated that several members were in the audience, and requested that Council approve the project.

Ron Naymark, Saratoga resident and property owner near the project, commented on the decline of the Dell Avenue area and would like the City Council to approve this project.

Joanne Carroll, Campbell resident, stated the project should meet the requirements for infrastructure and commented on traffic concerns.

Applicant, Scott Athearn, commented on the EIR (Environmental Impact Report), economic benefit, and stated that the building will be LEED (Leadership in Energy and Environmental Design) Gold, and asked for the City Council's support of this project.

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

Council discussed concerns with traffic, FAR (Floor Area Ratio), building height, infrastructure, layout, and the park.

Councilmember Bybee asked about the impact that cannot be mitigated and how that condition can be satisfied.

City Attorney Seligmann stated that the city council could adopt a Statement of Overriding Consideration which would state that the benefits of the project outweigh the potential environmental detriment and the Council could still include additional mitigations as part of the approval.

After further discussion, **M/S: Gibbons/Waterman - that the City Council continue this item with direction to staff to come back with a resolution approving a Zoning Map Amendment; a resolution approving a Planned Development Permit with Site and Architectural Review; a resolution approving a Tree Removal Permit; and direct staff to prepare conditions of approval that would require Clipper Cards; a parking management plan; and that the access to the Creek Trail which is City property on the north side, have a new fence put on it by the applicant on both sides, ideally it could be an art fence and the fence from that pathway would have a gate in**



**it which the applicant would be responsible for locking every night.**

Councilmember Resnikoff asked for a friendly amendment to change the requirement of a Clipper Card to state transportation passes.

Vice Mayor Gibbons and Councilmember Waterman accepted the friendly amendment.

City Attorney Seligmann stated that they would need to state a date for it to come back and wanted to clarify that it would need a resolution approving a Statement of Overriding Consideration.

Vice Mayor Gibbons stated it would include the Statement of Overriding Consideration and asked if Council could approve the EIR.

City Attorney Seligman confirmed that they could approve the EIR.

Mayor Landry asked the City Attorney to clarify the motion.

City Attorney Seligmann stated that the motion would be to come back with resolutions and ordinances for the approval of the project with the conditions described by Vice Mayor Gibbons; and that would include an ordinance for the zone change, and an ordinance for approving the Planned Development Permit, a resolution approving the Tree Removal Permit, a resolution approving the Statement of Overriding Considerations, and a resolution approving the EIR.

Vice Mayor Gibbons stated that she would like to include in her motion that the findings include language stating that this is unique for this particular site and does not set a precedent and set the date for this to return to Council on March 3.

Councilmember Waterman stated he would update his second to accept everything stated.

**Motion was adopted by the following roll call vote:**

<b>RESULT:</b>	<b>ADOPTED [3 TO 2]</b>
<b>MOVER:</b>	Gibbons
<b>SECONDER:</b>	Waterman
<b>AYES:</b>	Gibbons, Waterman, Resnikoff
<b>NAYS:</b>	Landry, Bybee

Mayor Landry announced that they would take a brief recess.

Council reconvened at 10:27 p.m.

**UNFINISHED BUSINESS**

**8. Resolution Authorizing Issuance of Request for Proposals for the New Police Operations Building and the Campbell Library Improvements Design Services and Authorizing the City Manager to Award Consultant Services Agreements (Resolution/Roll Call Vote)**

**Recommended Action:** That the City Council adopt a resolution that authorizes 1) staff to issue separate Request for Proposals (RFP's) for the New Police Operations Building and the Campbell Library Improvements design services for the Measure O Program, and 2) the City Manager to negotiate and award consultant services agreements and provide staff guidance on the City Council's involvement in the consultant selections process.

Councilmember Resnikoff recused himself from this item due to the proximity of his house to the proposed project and left the Council Chambers.

Senior Project Manager Kim presented the staff report dated February 4, 2020.

Cheryl Houts, Campbell resident, and retired Community Librarian stated that she was representing the Friends of the Campbell Library, Campbell Library users, and residents; and spoke about the equal allocation of the funds for the Library and Police and commented on the benefits that a modern Library would provide to the community.

Council discussed the option of the gravel lot as a site, the schedule, the technical committee, and the process for selecting the consultant and awarding the contract.

After further discussion, **M/S: Waterman/Gibbons - that the City Council adopt Resolution 12552 authorizing staff to issue separate Request for Proposals (RFP's) for the New Police Operations Building and the Campbell Library Improvements design services with the caveat that Council is not interested in the interview process for the consultant but that the Council would like to authorize and award the contract upon staff's recommendation; and that the RFPs will be revised to remove the provision that refers to the Council in the context of participating in the TAC (Technical Advisory Committee). The motion was adopted by the following roll call vote:**

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

**COUNCIL COMMITTEE REPORTS**

9. **Council Committee Reports**

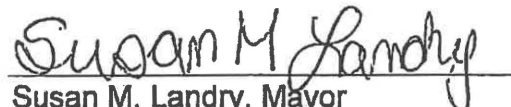
Recommended Action: Report on committee assignments and general comments.

This item was continued.

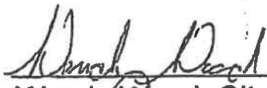
**ADJOURN**

Mayor Landry adjourned the meeting at 11:24 p.m

APPROVED:

  
Susan M. Landry, Mayor

ATTEST:

  
Wendy Wood, City Clerk

THE FOREGOING INSTRUMENT IS A TRUE  
AND CORRECT COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

ATTEST: ANDREA SANDERS, ACTING CITY CLERK  
CITY OF CAMPBELL, CA

BY 

DATED 11-10-20