

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, January 18, 2022 – 7:30 p.m.

City Hall Council Chamber – 70 N. First Street

This City Council meeting was conducted pursuant to provisions of the Brown Act.

This meeting was recorded and can be viewed in its entirety at: <https://campbellca.gov/agendacenter> and <https://www.youtube.com/user/CityofCampbell>.

CALL TO ORDER

The City Council of the City of Campbell convened on the regularly scheduled day of January 18, 2022.

ROLL CALL

| Attendee Name | Title | Status |
|-------------------------|---------------|---------|
| Paul Resnikoff | Mayor | Present |
| Anne Bybee | Vice Mayor | Present |
| Elizabeth 'Liz' Gibbons | Councilmember | Present |
| Susan M. Landry | Councilmember | Absent |
| 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

City Attorney Bill Seligmann stated there were no reportable actions from the January 18, 2022 City Council Executive Session.

ORAL REQUESTS

Sean Mendelson and Stephanie Morris, Campbell residents spoke of their concerns relating to climate change and urged the City to adopt a Climate Action Plan.

Dashiell Leeds, Sierra Club representative spoke in support of Campbell adopting a Climate Action Plan and noted the effort undertaken by Morgan Hill.

Raja Pallela, Campbell resident spoke of his concerns relating to the General Plan and Housing Element, the need for school space with increased housing and support for placing new development in the Dell Avenue area.

COUNCIL ANNOUNCEMENTS

Due to the continuing effects of COVID, City Hall remains closed to the public with the exception of City Council, Commission meetings and certain special meetings as noticed. Many services are available online and people may call City departments directly to schedule appointments as needed. At this time there is no firm date for reopening daily access to all City services.

Santa Clara Valley Transportation Authority is holding a virtual community meeting on January 19, 2022 at 6:00 p.m. to discuss an affordable housing project at the Winchester light rail station in partnership with the County's Office of Supportive Housing. Visit vta.org/winchesterdevelopment for additional project information.

There is an upcoming Special Planning Commission meeting on January 20, 2022 at 5:30 p.m. to conduct the final housing site selections for consideration by the City Council to be included in the City's Housing Element.

There will be a Special Council meeting on January 25, 2022 at 6:30 p.m. to conduct a public hearing to consider several potential housing sites for the Housing Element. The Housing Element is the City's long-range plan for producing the City's share of housing.

Join us on February 1, 2022 at 7:45 p.m. This will be the third in a series of four public hearings to obtain public input on the future of redrawing the City Council election district boundaries. The community's input is extremely important, and we encourage all residents to participate in the redistricting process.

These meetings will be held in person at Campbell City Hall and are also accessible via ZOOM webinar. For additional information about these meetings, please visit the City's website at www.campbellca.gov.

CONSENT CALENDAR

Mayor Resnikoff asked if anyone wished to remove an item from the Consent Calendar. Items 12, 13, and 14 were removed from the Consent Calendar.

The Consent Calendar was considered as follows:

- 1. Minutes of City Council Special Meeting of November 17, 2021**
Recommended Action: Approve the Special Meeting minutes of November 17, 2021.

This action approves the City Council Special Meeting minutes of November 17, 2021.
- 2. Minutes of City Council Special Meeting of December 16, 2021**

Recommended Action: Approve the Special Meeting minutes of December 16, 2021.

This action approves the Special Meeting minutes of December 16, 2021, including the Desk Item.

3. **Minutes of City Council Executive Session Meeting of December 20, 2021**

Recommended Action: Approve the Executive Session Meeting minutes of December 20, 2021.

This action approves the Executive Session Meeting minutes of December 20, 2021.

4. **Minutes of City Council Special Meeting of December 21, 2021**

Recommended Action: Approve the Special Meeting Minutes of December 21, 2021.

This action approves the Special Meeting minutes of December 21, 2021.

5. **Minutes of City Council Regular Meeting of December 21, 2021**

Recommended Action: Approve the Regular Meeting Minutes of December 21, 2021.

This action approves the Regular Meeting minutes of December 21, 2021.

6. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$3,304,943.46.

This action approves the bills and claims in the amount of \$3,304,943.46 as follows: bills and claims checks dated December 6, 2021, in the amount of \$866,937.18; payroll checks dated December 9, 2021, in the amount of \$39,323.15; bills and claims checks dated December 13, 2021, in the amount of \$879,531.01; bills and claims checks dated December 20, 2021, in the amount of \$523,019.88; payroll checks dated December 23, 2021, in the amount of \$66,796.73; and bills and claims checks dated December 27, 2021, in the amount of \$929,335.51.

7. **Monthly Investment Transactions Report**

Recommended Action: That the City Council review and accept the Monthly Investment Transactions Report for November 2021.

This action accepts the Monthly Transactions Report for November 2021.

8. **Community Facilities District No. 1 Report Fiscal Year (FY) 2020-21**

Recommended Action: That the City Council note and file the Annual Bond Accountability Report for the City's Community Facilities District No. 1 ("CFD") for Fiscal Year ending June 30, 2021, as mandated by the California Government Code Sections 53411 and 50075.3.

This action authorizes the filing of the Annual Bond Accountability Report for the City's Community Facilities District No. 1 ("CFD") for Fiscal Year ending June 30, 2021, as mandated by the California Government Code Sections 53411 and 50075.3.

9. **Community Facilities District No. 2 Report Fiscal Year (FY) 2020-21**

Recommended Action: That the City Council note and file the Annual Bond Accountability Report for the City’s Community Facilities District No. 2 (“CFD”) for Fiscal Year ending June 30, 2021, as mandated by the California Government Code sections 53411 and 50075.3.

This action authorizes the filing of the Annual Bond Accountability Report for the City’s Community Facilities District No. 2 (“CFD”) for Fiscal Year ending June 30, 2021, as mandated by the California Government Code Sections 53411 and 50075.3.

10. **Approval of the Vacation of the Light and Air / Building (Setback) Lines Created by Tract Map No. 294 (Portions of Erin Way, Shamrock Drive, and Curtner Avenue, Formerly Casey Street) and Directing the City Clerk to Record the Resolution (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution summarily vacating the Light and Air/Building (Setback) Lines created by Tract Map No. 294; and directing the City Clerk to record the resolution.

This action adopts Resolution No. 12790 summarily vacating the Light and Air/Building (Setback) Lines created by Tract Map No. 294; and directs the City Clerk to record the resolution.

11. **Approval of the Vacation of a Public Easement Designated and Delineated as a 5-Foot Walkway Easement Within Lot 6 of Tract Map No. 7229, Known as 1409 Harriet Avenue, and Direct the City Clerk to Record the Resolution (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution Vacating the Public Easement designated and delineated as a 5-foot walkway easement within Lot 6 of Tract Map No. 7229 recorded on August 24, 1981, in Book 494 Pages 12 and 13 of Official Records, Santa Clara County against a portion of the property known as 1409 Harriet Avenue; and Directing the City Clerk to record the resolution.

This action adopts Resolution No. 12791 Vacating the Public Easement designated and delineated as a 5-foot walkway easement within Lot 6 of Tract Map No. 7229 recorded on August 24, 1981, in Book 494 Pages 12 and 13 of Official Records, Santa Clara County against a portion of the property known as 1409 Harriet Avenue; and Directing the City Clerk to record the resolution.

M/S: Bybee/Gibbons – That the City Council approve the Consent Calendar, including the Desk Item for Item 2. The motion was adopted by the following roll call vote:

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

ITEMS CONSIDERED SEPARATE FROM CONSENT

12. **Approval of Consultant Agreement with Management Partners for Procurement Services, Dispensing of Bidding Requirements as Specified in Campbell Municipal Code Section 3.20.030(4), and Associated Budget Adjustment (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution authorizing the City Manager to enter into a Consultant Agreement with Management Partners for procurement services, dispense with bidding requirements as specified in Campbell Municipal Code Section 3.20.030(4), and authorize the Finance Director to implement an associated budget adjustment.

Finance Director Will Fuentes reviewed the Staff Report dated January 18, 2022, noting that he has been performing as the City’s Purchasing Officer since October 2021 and that due to the complexity of public purchasing processes is recommending Council approve a Consultant Agreement with Management Partners to review, analyze and advise the City on updated purchasing policies, procedures, and most appropriate staffing levels for this task throughout the City.

After Council discussion, Council expressed concern relating to the use of a sole-source contract for this consultant work and confirmed consensus for not approving the recommended action and instead including this request in the upcoming Fiscal Year 22/23 budget process.

M/S: Bybee/Gibbons – That the City Council not enter into a Consultant Agreement with Management Partners for procurement services and direct staff to include the item in the Fiscal Year 22/23 budget process. The motion was adopted by the following roll call vote:

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

13. **Resolution Commending Officer Darwin Okamoto Upon His Retirement After 25 Years of Service to the City of Campbell (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution commending Officer Darwin Okamoto upon his retirement after 25 years of service to the City of Campbell.

Council expressed appreciation to Officer Darwin Okamoto for his 25 years of excellent service to the City of Campbell including his work on the SWAT team and for being a mentor to others in the Department.

Police Chief Gary Berg expressed his congratulations to Officer Darwin Okamoto on his retirement after 25 years of dedicated service to the Department and the Campbell Community and noted that he will be missed.

Officer Darwin Okamoto thanked the City Council and Chief Berg for the opportunity to serve the City and its residents of the Campbell community who are very supportive of their Police Department.

M/S: Bybee/Lopez – That the City Council adopt Resolution No. 12792 commending Officer Darwin Okamoto upon his retirement after 25 years of service to the City of Campbell. The motion was adopted by the following roll call vote:

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

14. **Resolution Commending Corinne Shinn Upon Her Retirement After 28 Years of Service with the City of Campbell (Resolution/Roll Call Vote)**
Recommended Action: That the City Council adopt a Resolution commending Corinne Shinn for 28 years of outstanding service to the City of Campbell.

Council expressed appreciation to Corinne Shinn for her 28 years of dedicated service to the City of Campbell noting her exemplary customer service skills and support to a department that is largely community facing and interacts with a large number of Campbell residents and business owners.

Community Development Director Rob Eastwood expressed appreciation to Corinne Shinn for her hard work and dedicated service and noted her exemplary skills in supporting the Planning Department and noted that she is sought after by other Cities to help them in a time of need.

Corinne Shinn expressed appreciation to Council and Community Development Director Eastwood for his kind words as she departs for retirement.

M/S: Gibbons/Bybee – That the City Council adopt Resolution No. 12793 commending Corinne Shinn for 28 years of outstanding service to the City of Campbell. The motion was adopted by the following roll call vote:

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

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

15. **Public Hearing to Consider Adoption of a Resolution Directing the Community Development Director to Proceed with Abatement of Hazardous Vegetation (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution directing the Community Development Director to proceed with the abatement of hazardous vegetation by the Santa Clara County Consumer and Environmental Protection Agency.

Community Development Director Eastwood introduced the Staff Report dated January 18, 2022 noting that the City of Campbell contracts with Santa Clara County to abate hazardous vegetation (weeds) within the City. At its meeting of December 7, 2021 the City Council declared hazardous vegetation to be a public nuisance pursuant to Campbell Municipal Code (CMC) Section 17.54.020. The attached resolution will allow the County to proceed with abatement action on 45 properties identified as having hazardous vegetation within the City of Campbell.

Mayor Resnikoff opened the public hearing, there being no speakers, the public hearing was closed.

M/S: Gibbons/Lopez – That the City Council adopt Resolution No. 12794 directing the Community Development Director to proceed with the abatement of hazardous vegetation by the Santa Clara County Consumer and Environmental Protection Agency. The motion was adopted by the following roll call vote:

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

NEW BUSINESS

16. **Resolution Amending Agreement for City Manager Services (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution amending the Agreement for City Manager services.

Acting Human Resources Manager Salina Flores reviewed the Staff Report dated January 18, 2022 noting that the presented Resolution authorizes an amendment to the salary provisions and performance review period of the Agreement for City Manager Services, consistent with City Council direction and in accordance with changes made during the 2021 labor negotiation process.

Mayor Resnikoff requested an amendment to the review period language to reflect a review period in line with the Fiscal Year rather than a specific month.

M/S: Gibbons/Lopez – that the City Council adopt Resolution No. 12795 amending the Agreement for City Manager services reflecting a performance review period matching the Fiscal Year. The motion was adopted by the following roll call vote:

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|----------------|----------------------------|
| RESULT: | ADOPTED [UNANIMOUS] |
|----------------|----------------------------|

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|------------------|----------------------------------|
| MOVER: | Gibbons |
| SECONDER: | Lopez |
| AYES: | Gibbons, Lopez, Bybee, Resnikoff |
| ABSENT: | Landry |

17. **Consider Economic Development Strategy from the Economic Development Subcommittee**

Recommended Action: That the City Council consider the recommendation of the Economic Development Subcommittee to obtain specialized consultant services to assist in implementing the short-term economic development strategy.

City Manager Brian Loventhal presented the Staff Report dated January 18, 2022 noting that the Economic Development Subcommittee discussed short-term approaches to addressing existing commercial vacancies while also exploring bridging the gap until a new long term Economic Development Plan can be developed and in line with the updated General Plan. The Economic Development Subcommittee is recommending obtaining an outside consultant to perform or assist the City in identifying ways in which to fill commercial vacancies based on sales tax leakage and other economic analyses. The Subcommittee is recommending issuing an Request for Qualification/Request for Proposals and will return to Council for formal approval if proposals received are above the \$50,000 City Manager approval limit.

Councilmember Lopez requested the City investigate methods of utilizing local universities or think tank organizations in addition to paid consultants for this effort.

Councilmember Gibbons expressed concern that this report did not accurately reflect the intent of the Economic Development Subcommittee request and noted a need to think broadly and look at the big picture when evaluating economic development including what new industries Campbell can attract, how Campbell can be a destination area in the Valley for new and developing industries and in turn what would the branding needs of the City be. Councilmember Gibbons stated that for these reasons she is not supportive of the recommendation.

In response to inquiries, City Manager Loventhal noted that the Subcommittee will be involved in the development of the Request for Qualifications/Request for Proposals and that further refinement of the vision and request will be conducted prior to its issuance, and the results of that process will return to Council for formal approval.

After discussion, **M/S: Lopez/Bybee – That the City Council consider the recommendation of the Economic Development Subcommittee to obtain specialized consultant services to assist in implementing the short-term economic development strategy. The motion was adopted by the following roll call vote:**

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|------------------|-------------------------|
| RESULT: | ADOPTED [3 TO 1] |
| MOVER: | Lopez |
| SECONDER: | Bybee |

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|----------------|-------------------------|
| AYES: | Lopez, Bybee, Resnikoff |
| NOES: | Gibbons |
| ABSENT: | Landry |

UNFINISHED BUSINESS

18. **Extension of Declaration of Local Emergency (Resolution/Roll Call Vote)**

Recommended Action: It is recommended that the City Council adopt a resolution extending the November 16, 2021 City Council proclamation declaring the existence of a local emergency resulting from community spread of COVID-19.

City Manager Loventhal presented Staff Report dated January 18, 2022 noting that the Declaration of Local Emergency must be renewed every 60 days. The current Declaration of Local Emergency is set to expire on January 29, 2022. Should the Council decide to invoke the authority given to it under Assembly Bill 361 to allow for conducting virtual public meetings, alternative language will need to be included in the motion.

M/S: Gibbons/Bybee – that the City Council adopt Resolution No. 12796 extending the November 16, 2021 City Council proclamation declaring the existence of a local emergency resulting from community spread of COVID-19, including the Desk Item. The motion was adopted by the following roll call vote:

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

The City Council took a recess at 8:53 P.M. and reconvened at 9:09 P.M. with four members present and one absent.

19. **Consideration of a Permanent Parklet Program in Downtown Campbell**

Recommended Action: That the City Council provide policy direction regarding a Permanent Parklet Program in Downtown Campbell.

Community Development Director Eastwood and Economic Development Specialist Michael Thomas presented Staff Report dated January 18, 2022 noting that currently 17 restaurants and bars in the Downtown area operate parklets in 40 public parking spaces, representing 3.3% of all available parking in the Downtown area. Economic Development Specialist Thomas reviewed the permanent parklet programs in neighboring jurisdictions reviewing their allowed activities, permitting costs, and funding mechanisms.

Community Development Director Eastwood reviewed the Staff recommendations to implement a permanent parklet program, adopt a permanent parklet program permitting process restricting the maximum number

of parking stalls in use, development pre-approved parklet design options, require an annual parklet use fee, and use American Rescue Plan Act (ARPA) funds for developing parklet designs with reduced permit costs and grants for construction materials.

In response to an inquiry, City Attorney Seligmann noted that the City can regulate the hours of operation for a parklet since it is located in the City right-of-way.

Mayor Resnikoff opened the floor for public comments.

Adam Buchbinder, Campbell Resident spoke in support of a Downtown permanent parklet program and for possibly extending them into other areas of the City.

Ken Johnson, Campbell Chamber of Commerce representative, spoke in support of the Staff recommendations and for a desire to beautify the look of the parklets, and for a requirement to require a certain amount of participation to create some uniformity and consistency.

Councilmember Gibbons expressed support for a permanent parklet program but has concerns relating to on street parking for Downtown businesses, parking overflows into Downtown neighborhoods, how to balance the competing needs of businesses adjacent and next to one another, and how this can extend into other areas of the City. Councilmember Gibbons expressed support for having an identified design and look to the parklets, is supportive of the use of ARPA funds and requested more details on logistics of a program of this type.

Councilmember Lopez expressed support for a permanent parklet program stating that he sees this as an improvement to the walkability of Downtown and is supportive of the staff recommendations, useage of ARPA funds for this program and the potential for some type of grant or subsidized program fees. Councilmember Lopez expressed support for reviewing parklets in other parts of the City potentially as a second phase to the program, and for engaging with the Downtown businesses to develop some standards with an emphasis on accessibility of the permanent parklets.

Vice Mayor Bybee expressed support for a permanent parklet program noting that the benefits to Downtown and the community as a whole may outweigh the parking challenges. Vice Mayor Bybee stated she would like a better visual appearance to the parklets with consistent design standards, a limit on the number of parking spaces used, and is supportive of an annual fee with some sort of grant program. Councilmember Bybee stated it didn't make sense to allow the use of temporary parklets to expire before a permanent option was in place.

Mayor Resnikoff expressed support for a permanent parklet program and for the Staff recommendations, and expressed support for some sort of subsidy program but with business buy-in as well. Mayor Resnikoff is supportive of the City developing designs for businesses to choose from for consistency purposes and

for spacing the parklets out so that those areas in front of retail spaces are left open.

Council confirmed consensus for bringing the Downtown Campbell Temporary Parklet Program back to extend the end date to possibly June 30, 2022 as it will take some time to get a permanent program in place.

COUNCIL COMMITTEE REPORTS

20. **Accept Resignation of Carmen Lynaugh from the Bicycle and Pedestrian Advisory Committee (BPAC)**

Recommended Action: That the City Council accept the resignation of Carmen Lynaugh from the Bicycle and Pedestrian Advisory Committee and direct the City Clerk to advertise the Notice of Unscheduled Vacancy.

City Clerk Christopherson introduced Staff Report dated January 18, 2022.

Councilmembers expressed appreciation to Carmen Lynaugh for her dedication to the Bicycle and Pedestrian Advisory Committee and wished her well on her next adventure.

M/S: Bybee/Lopez – that the City Council accept the resignation of Carmen Lynaugh from the Bicycle and Pedestrian Advisory Committee and direct the City Clerk to advertise the Notice of Unscheduled Vacancy. The motion was adopted by the following roll call vote:

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

21. **Approve Appointments to the Parks & Recreation Commission**

Recommended Action: That the City Council approve the recommendation of the Advisory Commissioner Appointment Interview Subcommittee regarding appointments to the Parks & Recreation Commission for two four-year terms expiring December 2025.

Vice Mayor Bybee introduced the Staff Report dated January 18, 2022 and noted that the Subcommittee met on January 12, 2022 and interviewed five very qualified and enthusiastic candidates to serve on the Parks & Recreation Commission. The Subcommittee is recommending that the current incumbents Mr. Frank Beitz and Ms. Sherri Doherty be reappointed to each serve one full term expiring in December 2025. The Subcommittee expressed appreciation to the applicants for applying and hoped that they continue to stay engaged with the City.

M/S: Bybee/Lopez – that the City Council approve the recommendation of the Advisory Commissioner Appointment Interview Subcommittee regarding appointments to the Parks & Recreation Commission for two

four-year terms expiring December 2025. The motion was adopted by the following roll call vote:

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

22. **Council Committee Reports**

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

Mayor Resnikoff stated that the Council Committee Assignments for 2022 have been completed. Most outside agency assignments did not change, there were however some internal Committee changes.

Councilmember Gibbons attended the Association of Bay Area Governments January meeting, the Campbell Historical Museum annual priorities meeting, the Cities Association meeting, and the Legislative Subcommittee noting that this committee will meet bi-monthly. Councilmember Gibbons announced that she was elected Chair of the Silicon Valley Clean Energy Authority for 2022.

Councilmember Lopez attended the Valley Transportation Authority Policy Advisory Committee meeting and was elected to serve as Vice Chair of the Committee.

Vice Mayor Bybee attended the Cities Association meeting and the Planning Collaborative meeting.

Mayor Resnikoff attended the West Valley Sanitation District meeting.

ADJOURN

Mayor Resnikoff adjourned the meeting at 10:23 p.m.

APPROVED:

ATTEST:

Paul Resnikoff, Mayor

Dusty Christopherson, City Clerk