

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, February 15, 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 February 15, 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	Present
Sergio Lopez	Councilmember	Present

PLEDGE OF ALLEGIANCE

Public Works Superintendent Alex Mordwinow led the Pledge of Allegiance.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

There were no special presentations and proclamations.

COMMUNICATIONS AND PETITIONS

City Attorney Bill Seligmann stated that at the February 15, 2022 City Council Executive Session meeting Council discussed In the Matter of the City of Campbell et. al.; Fair Political Practices Commission (FPPC) No. 2017-00125, and that Mayor Resnikoff and Councilmembers Gibbons and Landry recused themselves due to a personal financial interest and in accordance with the Rule of Necessity and by random selection Councilmember Gibbons was chosen to return to the meeting. By a vote of 3-0, Council

approved indemnification of Mayor Resnikoff and Councilmembers Gibbons and Landry. Mayor Resnikoff and Councilmember Landry returned to the Executive Session meeting. Council voted unanimously to defend against the action.

1. **Request for City Council to Consider a Safe Gun Storage Ordinance**
Recommended Action: That the City Council accept the written communication.

Sharon Genkin and Cathy Holley spoke in support of and requested Council adopt a Safe Gun Storage Ordinance.

Mayor Resnikoff stated that this topic would be discussed at the Priority Setting Session on February 24, 2022.

ORAL REQUESTS

Sean Mendelson, Campbell resident, spoke of his concerns relating to climate change and urged the City to adopt a Climate Action Plan.

Andrea Freeman, Campbell resident, spoke of her concerns relating to gun safety and urged the City to adopt a Safe Gun Storage Ordinance.

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 departments directly to schedule appointments as needed. Currently, there is no firm date for reopening daily access to all City services.

The City Clerk's Office is accepting applications for the Bicycle and Pedestrian Advisory Committee. To find out more about this Committee, or to apply, please contact the City Clerk's office at (408) 866-2117 or visit the city's website at www.campbellca.gov.

The final deadline for those interested in submitting a draft redistricting map is February 18, 2022 at 5:00 p.m. The final public hearing wherein City Council will consider all draft maps is March 1, 2022. This will be the final opportunity to provide 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. For more information, please contact the City Clerk's Office at (408) 866-2117.

The AARP Tax Aid Program will provide income tax assistance from February 1, 2022 thru April 15, 2022 at the Campbell Community Center. Clients can drop off and pick up their documents by appointment. Income tax assistance is offered to Campbell residents 18 years and older. For more information, please visit www.campbellca.gov.

Looking for help with your energy costs? For qualifying residents, one-time rebate or credit is available through Home Energy Assistance Program (HEAP). Transportation,

legal, and other services are also available. For more information, please call Pat Martinez at (408) 871-5154.

CONSENT CALENDAR

Mayor Resnikoff asked if anyone wished to remove an item from the Consent Calendar. Item 5 was removed from the Consent Calendar at the request of a member of the public.

The Consent Calendar was considered as follows:

1. **Minutes of City Council Executive Session Meeting of January 18, 2022**
Recommended Action: Approve the Executive Session Meeting minutes of January 18, 2022.

This action approves the City Council Executive Session Meeting minutes of January 18, 2022.
2. **Minutes of City Council Regular Meeting of January 18, 2022**
Recommended Action: Approve the Regular Meeting minutes of January 18, 2022.

This action approves the Regular Meeting minutes of January 18, 2022.
3. **Approving Bills and Claims**
Recommended Action: Approve the bills and claims in the amount of \$93,074.04

This action approves the bills and claims in the amount of \$93,074.04 as follows: payroll checks dated January 6, 2022, in the amount of \$34,291.43; bills and claims checks dated January 10, 2022, in the amount of \$58,782.61.
4. **Investment Report - Quarter Ending December 2021**
Recommended Action: That the City Council approve the Investment Report for the quarter ending December 2021 and the report be noted and filed.

This action approves the Investment Report for the quarter ending December 2021 and orders the report be noted and filed.
6. **Accept Improvements for the Fiscal Year 20/21 Annual Street Maintenance - Collector and Residential Street Resurfacing, Project 21-BB, and File Notice of Completion (Resolution/Roll Call Vote)**
Recommended Action: That the City Council adopt a Resolution accepting the improvements for the Fiscal Year 20/21 Annual Street Maintenance - Collector and Residential Street Resurfacing, Project 21-BB (Project); direct the City Engineer to file the Notice of Completion; and authorize the Finance Director to perform a budget adjustment.

Resolution 12798 accepts the improvements for the Fiscal Year 20/21 Annual Street Maintenance - Collector and Residential Street Resurfacing, Project 21-BB

(Project); directs the City Engineer to file the Notice of Completion; and authorizes the Finance Director to perform a budget adjustment.

7. **Approval of Plans and Specifications, Authorize Advertisement of Bids, Award of Contracts, and Other Associated Actions for the Fiscal Year 21/22 Annual Street Maintenance - Collector and Residential Street Resurfacing, Project 22-BB (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution approving the plans and specifications; authorizing the Public Works Director to advertise for bids and award the project; authorizing the City Manager to enter into a construction contract with the lowest responsive and responsible bidder in an amount not to exceed \$3,201,000 and encumber a 10% construction contingency for a total construction contract amount of \$3,521,000; authorizing the City Engineer to negotiate and execute contract change orders up to and within the allocated construction contingency; authorizing the Public Works Director to reject bids and rebid the project, should bids received have unamenable irregularities; authorizing the City Manager to enter into a Cost Share Agreement with the Town of Los Gatos in the amount of \$335,000; and authorizing the Finance Director to perform associated budget adjustments.

Resolution 12799 approves the plans and specifications; authorizes the Public Works Director to advertise for bids and award the project; authorizes the City Manager to enter into a construction contract with the lowest responsive and responsible bidder in an amount not to exceed \$3,201,000 and encumber a 10% construction contingency for a total construction contract amount of \$3,521,000; authorizes the City Engineer to negotiate and execute contract change orders up to and within the allocated construction contingency; authorizing the Public Works Director to reject bids and rebid the project, should bids received have unamenable irregularities; authorize the City Manager to enter into a Cost Share Agreement with the Town of Los Gatos in the amount of \$335,000; and authorize the Finance Director to perform associated budget adjustments.

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

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

ITEMS CONSIDERED SEPARATE FROM CONSENT

5. **Approve the Acceptance of the Revised Community Development Block Grant, Authorize Advertisement of Bids, Award of Contract, and Other**

Associated Actions for the Community Center Track Resurfacing, Project 21-PP (Resolution/Roll Call Vote)

Recommended Action: That the City Council adopt a Resolution to approve the acceptance of Community Development Block Grant (CDBG) funds in the amount of \$365,000 from the Santa Clara County Office of Supportive Housing (SCCOSH) for the Campbell Community Center Track Resurfacing Project (21-PP) by authorizing the City Manager to execute the Grant Agreement with the County to accept the CDBG funds; approve the Project Specifications; and, authorize the Public Works Director to advertise for bids and award the project; authorize the Public Works Director to reject bids and rebid the project should bids received have unamenable irregularities; authorize the City Manager to enter into a construction contract with the lowest responsive and responsible bidder and encumber a 10% construction contingency for a total construction amount of up to \$365,000; authorize the City Engineer to negotiate and execute contract change orders up to and within the allocated construction contingency; and authorize the Finance Director to perform the associated budget adjustment.

Susan O'Brien, Campbell resident, expressed appreciation for the Community Center Track Resurfacing Project but noted her concerns relating to increased bad behavior on the track and requested updated and new signage be placed at the track.

Following discussion, **M/S: Gibbons/Landry – That the City Council adopt Resolution 12797 approving the acceptance of Community Development Block Grant (CDBG) funds in the amount of \$365,000 from the Santa Clara County Office of Supportive Housing (SCCOSH) for the Campbell Community Center Track Resurfacing Project (21-PP) by authorizing the City Manager to execute the Grant Agreement with the County to accept the CDBG funds; approving the Project Specifications; and, authorizing the Public Works Director to advertise for bids and award the project; authorizing the Public Works Director to reject bids and rebid the project should bids received have unamenable irregularities; authorizing the City Manager to enter into a construction contract with the lowest responsive and responsible bidder and encumber a 10% construction contingency for a total construction amount of up to \$365,000; authorizing the City Engineer to negotiate and execute contract change orders up to and within the allocated construction contingency; and authorizing the Finance Director to perform the associated budget adjustment. The motion was adopted by the following roll call vote:**

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

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

8. **Receive Input from the Community on the Draft District Maps Submitted for the Redistricting of City Council District Boundaries (Time Certain 7:45 PM)**
Recommended Action: Receive input from the Community on the draft district maps submitted for the Redistricting of City Council district boundaries and provide any necessary feedback and direction to Staff.

This is the time and place for a public hearing to receive input from the community on the draft districts maps submitted for the Redistricting of the City Council district boundaries.

City Clerk Christopherson reviewed the Staff Report dated February 1, 2022 stating that this meeting represents the third in a series of four required public hearings and that this is the first opportunity for Council to consider draft district maps. City Clerk Christopherson reviewed the public outreach process completed to date.

Dr. Jeff Tilton, National Demographic Consultants (NDC), reviewed the Federal and California Laws that must be followed when jurisdictions are considering boundaries for purposes of elections, and reported that in addition to the current City boundary map, which was deemed population balanced with the results of the 2020 U.S. Federal Census, there were four additional maps submitted by members of the public (maps 101 – 104). Dr. Tilton reported that map 103 was disqualified as the population between districts is not balanced.

In response to an inquiry, Dr. Tilton noted that if any changes to the maps this year, cause two Councilmembers to reside in one District, that Councilmember would not be immediately removed from office. The Councilmember would remain in their seat representing their area until the next scheduled election for that district.

Mayor Resnikoff opened the public hearing.

Anne Souza, Campbell Village Neighborhood Association representative, spoke in support of map 101 which was submitted by their neighborhood group and adjusts the boundaries to keep McGlincy Avenue and Union Avenue in District 1. Ms. Souza also noted agreement with map 102 which uses Winchester Boulevard as a boundary and also keeps the Campbell Village Neighborhood Association together.

There being no further public comments, the public hearing was closed.

Councilwoman Landry presented google map images of the current District 1 and District 2 boundary lines and expressed concerns relating to splitting the Campbell Village Neighborhood and the lack of a park in District 1. Councilwoman Landry noted that map 101 does not disenfranchise any voters

between Districts 1 and 2, and noted that the boundary should be Highway 17, and not the frontage road.

Councilmember Gibbons stressed the viewpoint that the Campbell City Council governs on a City-as-a-Whole basis, even though the residents vote by district and noted her highest priority is in not disenfranchising residents, some of whom have not had the opportunity to vote since 2018.

Councilmember Lopez expressed agreement with Councilmember Gibbons noting that the current district boundary map is population balanced and he feels there is a high bar that would need to be met in order to justify changing boundary lines.

Councilmember Bybee agreed with not disenfranchising any voters and stated that she is supportive of the current district boundary map as there was an extensive process completed in 2019, it is still population balanced, and she would like to see the current map in place for a longer period before any changes are made.

Mayor Resnikoff stated his agreement with the usability of the current district boundary map and stressed his agreement with Councilmember Gibbons that the Councilmembers govern on a City-as-a-Whole basis and not by district as is done in some other cities. Mayor Resnikoff noted that there is another map submittal deadline of February 18, 2022 for anybody who would like to present boundary maps for consideration.

9. **Public Hearing to Consider an Ordinance Extending Interim Ordinance No. 2277 that Adopted Urgency Measures to Implement Senate Bill No. 9 (SB-9), Concerning Two-Unit Developments and Lot Splits in Single Family Residential Zones; and Adoption of New Application Fees for SB-9 Applications to be Included in the Schedule of Fees and Charges (Ordinance/Resolution - 4/5 Roll Call Vote)**

Recommended Action: That the City Council adopt an Ordinance to extend Interim Ordinance No. 2277 that adopted urgency measures to implement Senate Bill No. 9, concerning two-unit developments and lot splits in single family residential zones; and to adopt a Resolution approving new application fees for SB-9 applications.

This is the time and place for a public hearing to consider extending interim Ordinance No. 2277 that adopted urgency measures to implement Senate Bill No. 9, concerning two-unit developments and lot splits in single family residential zones; and adoption of new application fees for SB-9 applications to be included in the Schedule of Fees and Charges.

Senior Planner Daniel Fama presented the staff report dated February 1, 2022 noting that Staff is requesting an extension of 6-months to the interim ordinance adopting urgency measures relating to the implementation of Senate Bill No. 9

(SB-9). Staff anticipates returning to Council with a formalized ordinance for consideration in late spring 2022. Staff is also requesting adoption of an application fee to support the City in processing SB-9 applications noting that the applications with an urban lot split would be calculated at 2 hours of staff time and those with an exception request would be calculated at 4 hours of staff time.

Mayor Resnikoff opened the public hearing, there being none, the public hearing was closed.

In response to an inquiry, City Attorney Bill Seligmann and Community Development Director Eastwood noted that recent legislation placed more rigorous requirements around the implementation of development impact fees, the rules around application fees as presented here is that they do not exceed the costs of providing services.

Following discussion, **M/S: Gibbons/Bybee – that the City Council adopt Ordinance 2278 extending Interim Ordinance No. 2277 through October 1, 2022, that adopted urgency measures to implement Senate Bill No. 9, concerning two-unit developments and lot splits in single family residential zones; and to adopt Resolution 12800 approving new application fees for SB-9 applications. The motion was adopted by the following roll call vote:**

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

City Clerk Christopherson read the full title of Ordinance 2278.

M/S: Bybee/Lopez – That the City Council waive further reading of Ordinance 2278. The motion was adopted by the following roll call vote:

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

NEW BUSINESS

- 10. Acceptance of Fiscal Year 20/21 Annual Comprehensive Financial Report and Auditor’s Written Communication on Internal Controls**
Recommended Action: That the City Council accept the Fiscal Year 20/21 Annual Comprehensive Financial Report and Auditor’s written communication on internal control structure and the audit process as submitted with this report.

Finance Manager Norite Vong presented the staff report dated February 1, 2022 and reviewed the status of the general fund and noted that following the annual review the City received a clean auditor's report with no material findings.

Vice Mayor Bybee and Councilmember Lopez both serve on the Finance Subcommittee and reviewed the Auditor's report at their last meeting and noted that the auditor's commended the Staff on their fiscal management for the City and that they were very receptive to any suggestions for future improvements as well.

M/S: Bybee/Lopez – that the City Council accept the Fiscal Year 20/21 Annual Comprehensive Financial Report and Auditor's written communication on internal control structure and the audit process as submitted with this report. The motion was adopted by the following roll call vote:

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

11. Fiscal Year 21/22 Mid-Year Financial Update and Budget Adjustments (Resolution/Roll Call Vote)

Recommended Action: Staff recommends that the City Council accept the Fiscal Year 21/22 Mid-Year Financial Update Report and adopt a Resolution authorizing the Fiscal Year 21/22 Mid-Year Budget Adjustments.

City Manager Loventhal introduced the Staff Report dated February 1, 2022 noting that the City's financial year runs from July 1 to June 30 and that at the mid point of each year Staff brings forward a budget adjustment to report on any unexpected expenses or adjust the budget as necessary to accommodate upcoming needs. This year staff has separated the needs into two separate types, the first is unexpected expenses and the second is need based requests, these need based requests include some personnel changes such as unfreezing previously frozen positions or modifying the position type to accommodate a change in the workload needs.

Finance Manager Will Fuentes provided a financial update stating that the general fund revenues are better than expected and continue to improve by about 8% from this same time frame a year ago with the exception of the Transient Occupancy Tax (TOT) which has not yet recovered its pre-pandemic levels. Finance Manager Fuentes noted that by the end of June 2022 the City will report about \$1.8 million over what was expected in income projections from the adopted Fiscal Year 21/22 budget. Finance Director Fuentes reviewed the unexpected expenses and the need-based requests.

In response to an inquiry, Finance Director Fuentes noted that the line item relating to the Museum flood repairs of \$20,784 is what will be required after the City receives any insurance reimbursement monies.

Vice Mayor Bybee stated her concerns relating to the personnel requests noting that she prefers not to make personnel adjustments outside of the normal budget cycle to ensure all costs of adding or changing positions can be absorbed and are appropriate for the budget levels. Vice Mayor Bybee expressed concerns relating to the completeness of the staff report noting her desire to include more information relating to duties assigned to each position and what working conditions have changed to justify the need for adding or changing personnel.

Councilmember Gibbons expressed concerns relating to the costing in this mid-year report and requested clarification if the costs included are one-time costs, ongoing costs or just represent one quarter. Councilmember Gibbons expressed concern that the items identified during the American Rescue Plan Act (ARPA) discussions were not included, such as the Community Center Wi-Fi needs and the Ainsley House roof needs. Councilmember Gibbons expressed support for the Community Development requests and the Intersection License Plate Reader cameras. Councilmember Gibbons highlighted the fact that the City has a balanced budget this year due to the additional ARPA funds received from the Federal Government.

Councilmember Lopez stated that he is viewing these personnel requests as staff reprioritizing their departmental needs noting that several of the personnel costs are offset in other areas, and he is uncomfortable pushing some of these requests to the budget cycle if they satisfy an urgent need in the departments now.

Mayor Resnikoff noted that he is supportive of making personnel changes at the point in which a position is vacant, as this is often the best time to make the change but did state that additional information could be very helpful on some of these requests.

City Manager Loventhal noted a correction to the needs-based request list, there is an offset relating to the conversion of a Senior Engineering Technician to an Administrative Analyst position. This line item should be reflected as a -\$10,000 bringing the total needs based request to \$440,000.

Public Works Director Todd Capurso noted that the increased contractual costs in Building Maintenance are due to staffing vacancies and is being offset by salary savings, it is a one-time cost.

Following discussion, Council confirmed consensus for approving the unexpected needs list, the needs-based requests for the services, supplies, and equipment, and the need-based personnel requests.

Councilmember Bybee stated that she is recording a no vote on the mid-year budget requests as she does not feel she has enough information to make an informed decision on the personnel requests and she is uncomfortable making personnel changes outside of the formal budget process.

Following discussion, **M/S: Gibbons/Bybee – That the City Council accept the Fiscal Year 21/22 Mid-Year Financial Update Report with the addition of the Community Center Wi-Fi, the cost adjustment for the conversion of the Senior Engineering Technician to Administrative Analyst and an informational memorandum detailing personnel changes, including the Desk Item; and adopt Resolution 12801 authorizing the Fiscal Year 21/22 Mid-Year Budget Adjustments.** The motion was adopted by the following roll call vote:

RESULT:	ADOPTED [4 TO 1]
MOVER:	Gibbons
SECONDER:	Bybee
AYES:	Gibbons, Landry, Lopez, Resnikoff
NOES:	Bybee (not supportive of personnel requests)

UNFINISHED BUSINESS

There was no unfinished business.

COUNCIL COMMITTEE REPORTS

12. Council Committee Reports

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

Councilmember Gibbons attended the Education Subcommittee meeting and discussed the need for mental health support for parents noting the assistance that could be provided through the Library District and reported that the City agreed to meet with the Campbell Union School District to investigate what Wi-Fi connectivity needs they have that the City could potentially assist with and discussed

Councilwoman Landry expressed appreciation to those who attend her Committee assignments as alternates.

Councilmember Lopez attended the Finance Subcommittee meeting and attended as alternate the Santa Clara Valley Water District, County Water Commission meeting and reported that the District is taking measures to mitigate the impact to rate payors as they invest in needed infrastructure.

Vice Mayor Bybee attended the Chamber of Commerce monthly luncheon and the ribbon cutting ceremony of the new Advanced Home Improvement business.

Mayor Resnikoff attended the Silicon Valley Animal Control Authority meeting reporting that he was elected to serve as Chairperson, and attended the joint meeting of the West Valley Clean Water JPA and the West Valley Solid Waste Authority JPA, and spoke at the Moreland West Neighborhood Association meeting.

ADJOURN

Mayor Resnikoff adjourned the meeting at 9:56 p.m.

APPROVED:

ATTEST:

Paul Resnikoff, Mayor

Dusty Christopherson, City Clerk