

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, April 19, 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: <https://campbellca.gov/agendacenter> and <https://www.youtube.com/user/CityofCampbell>.

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

Eric Johnson, Owner, Recycle Bookstore recipient of the Campbell Chamber of Commerce 2021 Business of the Year, led the Pledge of Allegiance.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

- Proclamation Declaring April 29, 2022, as "Arbor Day" in the City of Campbell**
Recommended Action: That the City Council proclaim April 29, 2022, as "Arbor Day" in the City of Campbell.

Mayor Resnikoff presented Public Works Supervisor, Ron Taormina with a proclamation declaring April 29, 2022 as Arbor Day in the City of Campbell. The City of Campbell has earned the prestigious Tree City USA award for over 40 years. The Arbor Day celebration will be held on Friday, April 29, 2022 at the Campbell Park.

COMMUNICATIONS AND PETITIONS

City Attorney Bill Seligmann stated that no reportable actions were taken at the City Council Executive Session meeting on April 19, 2022.

ORAL REQUESTS

There were no oral requests.

COUNCIL ANNOUNCEMENTS

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

Join us for Campbell Union School District's Centennial Celebration, on Saturday, April 30, 2022 at 1:00 p.m. in the Orchard City Green at the Civic Center. Visit the Ainsley House Garden and Carriage House from 1:00 p.m. to 3:45 p.m. and celebrate the past, present and future of education in our community. From 4:00 p.m. to 7:00 p.m. stop by the Orchard City Green for two high energy bands, delicious BBQ and beverages. For additional information about this event, please visit www.campbellusd.org/centennial.

The Campbell Youth Commission is now recruiting. Join the talented Youth Commission team. Teens gain leadership skills, and act in an advisory capacity to the City Council on matters relating to teens. For additional information about this exciting opportunity, please visit www.campbellteens.com.

After two years, the 45th Annual Valentine 5k Fun Run has been scheduled for Saturday, May 7, 2022. Enjoy beautiful weather along the Los Gatos Creek trail, and run with family, friends, and our Campbell Community. Register by 8:00 a.m. on Monday, May 2, 2022 and receive your free race shirt and custom metal. To register, visit the city's website at www.campbellca.gov.

The Ainsley House Garden Concert Series is excited to host the Kristen Strom Jazz Quartet on Sunday, May 22, 2022. Saxophonist Kristen Strom has been a mainstay on the Bay Area Music scene for nearly two decades, acclaimed for beautifully rendered melodies, Strom has played alongside many well-known artists, including Gladys Knight, Natalie Cole, and Roberta Flack. Tickets are on sale now at www.campbellmuseums.com.

Read Beyond the Beaten Path. Summer reading at the Campbell Express Library begins Wednesday, June 1, 2022 and is free and open to all ages. You can register at the library or online at www.scclid.org.

CONSENT CALENDAR

Mayor Resnikoff asked if anyone wished to remove an item from the Consent Calendar. Item 6 was removed.

The Consent Calendar was considered as follows:

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

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

This action approves the City Council Regular Meeting Minutes of April 5, 2022.

3. **Approving Bills and Claims**

Recommended Action: That the City Council approve the bills and claims in the amount of \$577,862.23.

This action approves the bills and claims in the amount of \$577,862.23 as follows: bills and claims checks dated March 21, 2022, in the amount of \$298,399.88; payroll checks dated March 28, 2022, in the amount of \$63,275.08; bills and claims checks dated March 28, 2022, in the amount of \$216,187.27.

4. **Authorization to Issue a Request for Proposals for Janitorial Services for the Campbell Community Center, Heritage Theatre, and Park Restrooms (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution authorizing the Public Works Director to initiate a Request for Proposals for janitorial services for the Campbell Community Center, Heritage Theater, and park restrooms with services beginning July 1, 2022; and authorize the City Manager to execute a service contract with the most responsive bidder for a period of one (1) year with options to renew annually for up to a total of six (6) years.

This action adopts Resolution 12819 authorizing the Public Works Director to initiate a Request for Proposals for janitorial services for the Campbell Community Center, Heritage Theater, and park restrooms with services beginning July 1, 2022; and authorize the City Manager to execute a service contract with the most responsive bidder for a period of one (1) year with options to renew annually for up to a total of six (6) years.

5. **Adopt a Resolution Authorizing the Acceptance of Seven (7) 15-Gallon Trees from the Rotary Club of Campbell and the West Valley Rotary Community Corps (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution accepting the donation of seven (7) 15-gallon trees from the Rotary Club of Campbell and the West Valley Rotary Community Corps with an estimated value of \$1,000.

This action adopts Resolution No. 12820 accepting the donation of seven (7) 15-gallon trees from the Rotary Club of Campbell and the West Valley Rotary Community Corps with an estimated value of \$1,000.

Councilmember Lopez expressed his gratitude to the Rotary Club of Campbell and to the West Valley Rotary Community Corps for their generous donation and support at the Arbor Day Celebration.

M/S: Gibbons/Lopez – That the City Council approve the Consent Calendar, with the exception of item 6. The motion was adopted by the following roll call vote:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gibbons
SECONDER:	Lopez
AYES:	Gibbons, Landry, Lopez, Bybee, Resnikoff (Mayor Resnikoff abstained from voting on Item 5)

ITEMS CONSIDERED SEPARATE FROM CONSENT

6. **Resolution Congratulating Recycle Bookstore on Being Selected “Business of the Year” by the Campbell Chamber of Commerce (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution congratulating Recycle Bookstore on being selected Campbell’s 2021 “Business of the Year.”

Councilmembers expressed congratulations to Mr. Eric Johnson and the Recycle Bookstore on being named Campbell’s 2021 Business of the Year and thanked them for being an active participate in the community.

Mr. Johnson expressed gratitude to the City Council for the recognition and stated that he is humbled to be named Business of the Year, and shared that he is a local kid and there is a deep local connection between Campbell and the Recycle Bookstore.

M/S: Resnikoff/Gibbons – That the City Council adopt Resolution 12821 congratulating Recycle Bookstore on being selected Campbell’s 2021 “Business of the Year.” The motion was adopted by the following roll call vote:

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

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

7. **Introduction of Ordinance Adding Chapter 8.44 - AB 481 Military Equipment to the City of Campbell Municipal Code in Compliance with Assembly Bill 481 (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council introduce an Ordinance Adding Chapter 8.44 - AB 481 Military Equipment to the City of Campbell Municipal Code in Compliance with Assembly Bill 481 approving a Military Equipment Policy as set forth in Campbell Police Department Policy 709.

This is the time and place for a public hearing to consider introduction of an Ordinance adding Chapter 8.44 - AB 481 Military Equipment to the City of

Campbell Municipal Code in Compliance with Assembly Bill 481 approving a Military Equipment Policy as set forth in Campbell Police Department Policy 709.

Police Chief Gary Berg presented the Staff Report dated April 19, 2022 and explained that Assembly Bill (AB) 481 was signed into law in 2021, aims to create a public forum for input and engagement with the community and requires approval of the use of military equipment (as defined by AB 481) by the Governing Board on an annual basis. Chief Berg noted that the Military Equipment Police Policy 709 is available on the department's website for public inspection.

Captain Dan Livingston reviewed the 15 categories of military equipment as defined by AB 481 and described how some of the equipment is used in various situations. Captain Livingston reviewed the community outreach and community meeting held on April 11, 2022 and noted that three members of the public attended the meeting.

Mayor Resnikoff opened the public hearing and asked if anyone wished to speak. There being no public comments, Mayor Resnikoff closed the public hearing.

Councilmember Lopez stated that he is abstaining from this vote as he does not agree with all equipment usage as described, however he is supportive of the Police Department and noted the important steps made toward increased transparency including the development of the Police Advisory Committee.

M/S: Gibbons/Landry – That the City Council introduce Ordinance 2280 Adding Chapter 8.44 - AB 481 Military Equipment to the City of Campbell Municipal Code in Compliance with Assembly Bill 481 approving a Military Equipment Policy as set forth in Campbell Police Department Policy 709. The motion was adopted by the following roll call vote:

RESULT:	ADOPTED [4 TO 1]
MOVER:	Gibbons
SECONDER:	Landry
AYES:	Gibbons, Landry, Bybee, Resnikoff
ABSTAIN:	Lopez

City Clerk Christopherson read the full title of Ordinance No. 2280.

M/S: Bybee/Gibbons – That the City Council waive further reading of Ordinance No. 2280. The motion was adopted by the following roll call vote:

RESULT:	ADOPTED [4 TO 1]
MOVER:	Bybee
SECONDER:	Gibbons
AYES:	Gibbons, Landry, Bybee, Resnikoff
ABSTAIN:	Lopez

8. **Approval of Fiscal Year 2023 Schedule of Fees and Charges (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution approving the Fiscal Year (FY) 2023 Schedule of Fees and Charges, effective July 1, 2022.

This is the time and place for a public hearing to consider approval of the Fiscal Year (FY) 2023 Schedule of Fees and Charges, effective July 1, 2022.

Finance Director Will Fuentes presented the staff report dated April 19, 2022 noting that the City's financial policies require fees and charges for services be reviewed and updated annually to ensure that they keep pace with the changes in the cost of providing related services and/or changes in methods or levels of service delivery. Per best financial practices, it is recommended that a comprehensive cost allocation plan and user fee study be prepared every 3 to 5 years as the structure of costs and operations change over time. Thus, staff recommends that a new comprehensive cost allocation plan and user fee study be prepared no later than FY 2024 and has added this as a proposed department workplan item for FY 2023. Because this is an interim year between comprehensive studies, most existing fees are recommended to increase by 3.21%.

Mayor Resnikoff opened the public hearing and asked if anyone wished to speak. There being no public comments, Mayor Resnikoff closed the public hearing.

Councilmember Gibbons expressed concerns that the dollar per acre Parkland Dedication Fee was last changed in 2019, land values have significantly increased since that time, and the City should be updating this fee to accommodate the impacts to our parks that an increase in residents makes.

Public Works Director Todd Capurso noted that the Parkland Dedication Fee will be part of the User Fee Study completed during FY 2023, which will help to inform the proper valuation and fee structure.

In response to an inquiry, Chief Berg noted that the footnote indicating the Administrative Fee associated with Firearms Storage would be waived on a case by case basis and only at the discretion of the Police Chief.

M/S: Landry/Lopez – That the City Council adopt Resolution 12822 approving the Fiscal Year (FY) 2023 Schedule of Fees and Charges, effective July 1, 2022, including the Desk Items. The motion was adopted by the following roll call vote:

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

9. **Public Hearing and Introduction of an Ordinance Amending Provisions of the Campbell Municipal Code to Revise the Business License Tax Rates Effective in Fiscal Year 2023 (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council introduce an Ordinance amending provisions of the Campbell Municipal Code to revise the business license tax rates, effective in Fiscal Year (FY) 2023.

This is the time and place for a public hearing to consider an Ordinance amending provisions of the Campbell Municipal Code to revise the business license tax rates, effective in Fiscal Year (FY) 2023.

Finance Manager Norite Vong presented the Staff Report dated April 19, 2022, and stated that as part of Measure M, approved by the voters in November 2010, Campbell Municipal Code Section 5.01.170 allows an increase in the amount of any tax set forth in this title by no more than two percent (2%) per year to account for inflation. Business license tax rates were last increased by 2% in FY 2020. Due to the negative economic impacts to the business community caused by the COVID-19 pandemic, Council chose to keep rates unchanged for FY 2021 and 2022.

In response to an inquiry, City Attorney Bill Seligmann clarified that a Business License Tax increase, could be cumulative for the years in which it was not increased.

In response to inquiries, City Manager Brian Loventhal noted that the Finance Department will be studying the City's current business license tax rate structure and licensing processes and will bring forward any recommendations. However, the business license tax rate structure is voter approved and any potential changes will need to be placed on a future ballot for voter approval.

Mayor Resnikoff opened the public hearing and asked if anyone wished to speak. There being no public comments, Mayor Resnikoff closed the public hearing.

Council confirmed consensus for continuing to support local businesses during the pandemic recovery and confirmed consensus for not amending the business license tax rates at this time.

NEW BUSINESS

10. Annual Report of the Citizen's Bond Oversight Committee for Measure O

Recommended Action: That the City Council receive the first Annual Report of the Citizen's Bond Oversight Committee for Measure O.

Mayor Resnikoff recused himself from this item due to the close proximity of the project site to his personal residence and left the Council Chambers.

Finance Manager Vong presented the Staff Report dated April 19, 2022, and noted that as a condition of Measure O voter authorization and in order to ensure accountability for the expenditure of bond proceeds, the City established a Citizens' Bond Oversight Committee. (COC) A primary duty of the Committee is to review expenditure reports produced by the City to verify that bond proceeds were expended only for the purposes set forth in Measure O and to report to Council annually on their findings.

COC Chairperson Al Bito presented the Annual Report and noted that the Committee found all expenditures to be consistent with Measure O requirements.

On Council consensus the Annual Report of the Citizen's Bond Oversight Committee for Measure O was accepted.

The City Council took a recess at 8:57 p.m. and reconvened at 9:10 p.m. with all members present.

11. **Receive an Update on Objective Standards and Consider Issuance of Request for Proposals/Request for Qualifications for Consultant Services to Support Completion of Objective Standards (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution authorizing (a) issuance of a Request for Proposals (RFP) for consultant services to support completion of objective standards and a zoning ordinance update to support implementation of the General Plan and Housing Element update; (b) issuance of Request for Qualifications (RFQ) for contract services to provide planning review and processing of land use applications and permits; and (c) authorizing the City Manager to execute contracts with the selected service providers for a one year term in an amount not to exceed \$515,000 for both contracts.

Community Development Director Rob Eastwood presented Staff Report dated April 19, 2022 and noted the Department is proposing to keep most of the work related to developing Objective Standards in-house with consultant assistance and contracting external planners to assist with the more basic plan review work within the department. This allows the more seasoned City planners, who are more familiar with Campbell's needs to guide the development of the Objective Standards process.

Stephen Rose, Senior Planner reviewed the workplan approach, the public engagement plan, and reviewed the timeline for implementation, noting the final adoption of citywide standards targeted for Spring 2023.

In response to inquiry, Community Development Director Eastwood noted that the funds for these efforts were approved by City Council at the mid-year budget review in February 2022.

Councilmember Gibbons expressed her concerns relating to the Spring 2023 target completion date and noted her preference for adopting urgency measures, like housing overlay zones that could allow for a basic tool offering as developers come forward with their housing projects.

Vice Mayor Bybee noted needed corrections to the proposed Resolution and the Request for Proposal documents allowing for the City Manager to review and approve the selected consultant, and for requiring delivery of the Request for Proposals to the City Clerk's Office, both of which are required as part of the Municipal Code.

M/S: Landry/Lopez – That the City Council adopt Resolution 12823

authorizing (a) issuance of a Request for Proposals (RFP) for consultant services to support completion of objective standards and a zoning ordinance update to support implementation of the General Plan and Housing Element update; (b) issuance of Request for Qualifications (RFQ) for contract services to provide planning review and processing of land use applications and permits; (c) authorizing the City Manager to execute contracts with the selected service providers for a one year term in an amount not to exceed \$515,000 for both contracts; and making corrections to the Resolution allowing for the City Manager to approve the selected consultant, and for corrections to the Request for Proposal documents to require delivery to the City Clerk's Office. The motion was adopted by the following roll call vote:

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

UNFINISHED BUSINESS

12. **Receive Update Regarding Establishment of a Semi-Permanent Parklet Program and Authorize Preparation of an Ordinance Creating the Parklet Program**

Recommended Action: That the City Council receive an update on the establishment of a semi-permanent Parklet Program and authorize preparation of an Ordinance to create the Parklet Program.

Community Development Director Eastwood and Economic Development Specialist, Michael Thomas presented the Staff Report dated April 19, 2022 and reviewed the background on this project, the stakeholder engagement, program recommendations and associated City costs.

In response to inquiries, Community Development Director Eastwood noted that the proposed plan allows for an application period of 3 months with a construction target time frame of January – March 2023. Staff is proposing a phased construction approach so that the entire Downtown area is not affected at the same time.

In response to inquiries, Economic Development Specialist Thomas noted that not all of the proposed fees were presented at the stakeholder meeting. Most of those attending noted their preference for a City escrow account of some sort to assist in offsetting construction costs.

Councilmember Gibbons stated her preference for partnering with the businesses rather than City sponsored grants for this program, and needing more information and clarity on eligibility and how the City could accommodate future business owners or participants into this program. Councilmember Gibbons requested assurance in the program documents that the City can remove a parklet as needed.

Councilwoman Landry expressed concerns relating to the equity of footage of space for each business, garbage generation as an increase in patrons will

increase needs and expressed concerns relating to the safety of outdoor space heaters.

In response to inquiries, City Attorney Bill Seligmann noted that having the City build the parklet would require the City to comply with bidding and prevailing wage requirements, which could escalate costs very quickly for the City.

Councilmember Lopez expressed his preference for smaller bands of options for businesses with more reasonable costs for each offering and expressed concerns that the businesses weren't provided a full explanation of all potential costs. Councilmember Lopez expressed support for City offered grants to help offset costs for participating businesses.

Vice Mayor Bybee expressed concerns relating to the eligibility criteria, equity of the footage of space for each business and noted specificity is needed between when a temporary parklet should cease to be used and when the permanent one can be constructed.

Mayor Resnikoff expressed concerns relating to the feedback received about the potential fees, specificity of eligibility criteria, and the schedule between when a temporary parklet should cease to be used and when the permanent one can be constructed.

COUNCIL COMMITTEE REPORTS

13. Council Committee Reports

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

Councilmember Gibbons reported that the Cities Association of Santa Clara County appointed Councilmember Lopez to serve as representative to the Bay Area Air Quality Management District and as alternate to the Association of Bay Area Governments.

Due to the lateness of the hour, Councilmembers chose to forgo their report on activities from their committee assignments.

ADJOURN

Mayor Resnikoff adjourned the meeting at 11:13 p.m.

APPROVED:

ATTEST:

Paul Resnikoff, Mayor

Dusty Christopherson, City Clerk