

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, July 5, 2022 – 7:30 p.m.

City Hall Council Chamber – 70 N. First Street

This City Council meeting was duly noticed pursuant to open meeting requirements of the Ralph M. Brown Act (G.C. Section 54956).

This meeting was recorded and can be viewed in its entirety at www.cityofcampbell.com/agendacenter.

CALL TO ORDER

The City Council of the City of Campbell convened this day in the regular meeting place, the City Hall Council Chamber, 70 N. First St., Campbell, California. Councilmember Gibbons attended virtually from 55 Alder Lane, North Falmouth, Massachusetts.

ROLL CALL

Attendee Name	Title	Status
Paul Resnikoff	Mayor	Present
Anne Bybee	Vice Mayor	Present
Elizabeth 'Liz' Gibbons	Councilmember	Remote
Susan M. Landry	Councilmember	Present
Sergio Lopez	Councilmember	Present

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Recreation and Community Services staff in recognition of Parks Make Life Better Month.

Mayor Resnikoff thanked the Recreation staff and presented them a Certificate of Appreciation for leading the Pledge of Allegiance.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

- Proclamation Declaring July 2022 as Parks Make Life Better Month**
Recommended Action: That the City Council issue a Proclamation recognizing July 2022 as Parks Make Life Better Month in the City of Campbell.

Mayor Resnikoff presented Recreation and Community Services staff a proclamation in recognition of Parks Make Life Better Month.

Councilmembers individually thanked Recreation staff for their hard work and dedication to the City especially when navigating the challenges faced from Covid.

Recreation and Community Services Director Bissell acknowledged her team for all their efforts and creativity and stated they all truly believe that parks make life better.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

City Attorney Bill Seligmann stated that there were no reportable actions taken at the July 5, 2022 City Council Executive Session meeting.

ORAL REQUESTS

There were no oral requests.

COUNCIL ANNOUNCEMENTS

City Hall is open to the public for in-person services Monday through Friday, from 8:00 am to 5:00 PM. For your convenience, online services 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.

A Municipal Election will be held November 8, 2022, for voters living in Districts 3, 4 and 5. The candidate nomination period opens on July 18, 2022, and continues through August 12, 2022. For more information, please contact the City Clerk's office at 408-866-2117 or ClerksOffice@campbellca.gov.

The City Clerk's office is accepting applications for the Planning and Civic Improvement Commissions and Bicycle and Pedestrian Advisory Committee thru July 22. To find out more about these positions, or to apply, please contact the City Clerk's office at (408) 866-2117, or visit the city's website at www.campbellca.gov.

Spend your summer evening with us and enjoy free live music here at Orchard City Green during our annual summer concert series every Thursday, thru July 14. "RPM Band," a New Jersey based trio, that performs mostly classic rock and blues from the 60's, 70's, and 80's will perform this Thursday, July 7.

Movie Nights Under the Stars. Free family fun. "Encanto" will be featured on Friday, July 22 at 8:00 PM, at the John D. Morgan Park – Pony Baseball Field. Contact the Recreation Department at (408) 866-2104 for more information.

Enjoy an afternoon experiencing local wines, beers, cuisine, and live music. The Campbell Community Emergency Response Team (CERT) is hosting their 4th annual Taste of Campbell fundraiser on Saturday, July 30, 2022, from 3-6 PM at the Campbell Community Center. Tickets are available at campbellcert.org/taste Proceeds from this

event help pay for emergency supplies, equipment, and training in support of our community.

CONSENT CALENDAR

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

The Consent Calendar was considered as follows:

2. **Minutes of City Council Executive Session Meeting of June 14, 2022**
Recommended Action: Approve the Executive Session meeting minutes of June 14, 2022.
This action approves the Executive Session meeting minutes of June 14, 2022.
3. **Minutes of City Council Executive Session Meeting of June 20, 2022**
Recommended Action: Approve the Executive Session meeting minutes of June 20, 2022.
This action approves the Executive Session meeting minutes of June 20, 2022.
4. **Minutes of City Council Executive Session Meeting of June 21, 2022**
Recommended Action: Approve the Executive Session meeting minutes of June 21, 2022.
This action approves the Executive Session meeting minutes of June 21, 2022.
5. **Minutes of City Council Regular Meeting of June 21, 2022**
Recommended Action: Approve the Regular meeting minutes of June 21, 2022
This action approves the Regular meeting minutes of June 21, 2022.
6. **Minutes of City Council Executive Session Meeting of June 28, 2022**
Recommended Action: Approve the Executive Session meeting minutes of June 28, 2022.
This action approves the Executive Session meeting minutes of June 28, 2022.
7. **Approving Bills and Claims**
Recommended Action: That the City Council approve the bills and claims in the amount of \$2,889,328.14.

This action approves the bills and claims in the amount of \$2,889,328.14 as follows: bills and claims checks dated May 23, 2022, in the amount of \$254,058.92; payroll checks dated May 26, 2022, in the amount of \$35,411.07; bills and claims checks dated May 30, 2022, in the amount of \$837,387.34; bills and claims checks dated June 6, 2022, in the amount of \$580,209.49; payroll checks dated June 9, 2022, in the amount of \$24,634.24; and bills and claims checks dated June 13, 2022, in the amount of \$1,157,627.08.
8. **Monthly Investment Transactions Report (May 2022)**
Recommended Action: That the City Council review and accept the Monthly Investment Transactions Report for May 2022.

This action is to note and file the Monthly Investment report for May, 2022.

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

Recommended Action: That the City Council adopt a Resolution extending the May 17, 2022 City Council proclamation declaring the existence of a local emergency resulting from community spread of COVID-19 another sixty (60) days until September 29, 2022.

Resolution 12854 extends the May 17, 2022 City Council proclamation declaring the existence of a local emergency resulting from community spread of COVID-19 another sixty (60) days until September 29, 2022.

10. **Excess Workers' Compensation Coverage Contract**

Recommended Action: That the City Council adopt a Resolution authorizing the City Manager to execute a contract with Midwest Employers' Casualty Company to provide excess worker's compensation liability coverage for Fiscal Year 2022/23 for the estimated annual premium amount of \$109,308.

Resolution 12855 authorizes the City Manager to execute a contract with Midwest Employers' Casualty Company to provide excess worker's compensation liability coverage for Fiscal Year 2022/23 for the estimated annual premium amount of \$109,308.

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

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

ITEMS CONSIDERED SEPARATE FROM CONSENT

11. **Authorization to Submit One Bay Area Grant (OBAG) Applications (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution authorizing the Public Works Director to submit One Bay Area Grant Program applications for the Fiscal Year 2022/23 Annual Street Maintenance Project to Resurface Hamilton Avenue, the Campbell Priority Development Area Enhancements Project, and the Hamilton Avenue Precise Plan.

Councilmember Gibbons commented on the unusualness of having such a diverse list of projects incorporated into one grant application. In regards to item one and two (Hamilton Avenue Street Resurfacing and PDA Enhancements Project) she felt it may be an inappropriate time for staff to come forward with a policy recommendations of complete streets while the application was going through its approval process. In regards to item three (Hamilton Avenue Precise Plan Project) she stated concerns with staff changing language from specific plan to precise plan without prior Council discussion.

In response to Councilmember Gibbons inquiry, Public Works Director Capurso clarified that the grant authorization is reflected in one Council report, however this will be submitted as three separate grant applications.

Councilmembers Gibbons stated she did not support the Priority Development Area Enhancements Project but was supportive of the of the Hamilton Avenue Street Resurfacing and Hamilton Avenue Precise Plan Project.

Community Services Director Eastwood provided clarification that initially the General Plan had identified a Specific Plan for this area, however State law imposes very strict requirements for specific plans. Changing those area plans to Precise Plans gives Campbell a little more flexibility.

M/S: Landry/Lopez - That the City Council adopt Resolution 12856 authorizing the Public Works Director to submit One Bay Area Grant Program applications for the Fiscal Year 2022/23 Annual Street Maintenance Project to Resurface Hamilton Avenue, the Campbell Priority Development Area Enhancements Project, and the Hamilton Avenue Precise Plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Landry
SECONDER:	Lopez
AYES:	Gibbons (No on Priority Development Area Enhancements), Landry, Lopez, Bybee, Resnikoff

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

12. Lighting and Landscaping District, Fiscal Year 2022/23 - Confirming Assessments (Resolution/Roll Call Vote)

Recommended Action: That the City Council adopt a Resolution overruling protests, if any, approving the Engineer's Report, ordering the improvements, and confirming the diagram and assessments.

This is the time and place for a public hearing for comments regarding the levy of assessments for the City of Campbell Lighting and Landscaping District (LLA-1) for Fiscal Year (FY) 2022/23 and adopt a resolution overruling protests, if any, approving the Engineer's Report, ordering the improvements, and confirming the diagram and assessments.

Mayor Resnikoff gave opening statements, declared the public hearing open and asked if there was anyone in the audience wishing to be heard.

Interim City Clerk Sanders read the Clerk's statement verifying public hearing notification and stated that no protests were received.

Senior Civil Engineer Roger Storz, provided a statement regarding the nature of the lighting and landscape district.

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

M/S: Bybee/Landry – That the City Council adopt Resolution 12857 overruling protests, if any, approving the Engineer’s Report, ordering the improvements, and confirming the diagram and assessments. The motion was adopted by the following roll call vote:

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

13. **Public Hearing and Introduction of Ordinance to Consider a City-Initiated Text Amendment to the Campbell Municipal Code to Add Chapter 11.15 (Parklets in the Public Right-Of-Way); Adoption of a Resolution Approving an Associated Semi-Permanent Parklet Program Guide; Adoption of a Resolution Approving an Amendment to the City’s Master Fee Schedule to Add Fees and Deposits Related to Parklets in the Public Right-Of-Way and Authorization of a One-Time Construction Grant to Program Applicants and Approval of Associated Budget Adjustments for Fiscal Year 2023; and Adopt a Resolution Approving an Extension of the Current Temporary Parklet Program (File No. PLN-2022-39) (Ordinance/Resolution/Roll Call Vote)**

Recommended Action: That the City Council introduce an Ordinance adding Chapter 11.15 (Parklets in the Public Right-of-Way) to the Campbell Municipal Code; adopt a Resolution approving the adoption of a Semi-Permanent Parklet Program Guide; adopt a Resolution approving an amendment to the City’s Master Fee Schedule adding fees and deposits related to parklets in the public right-of-way, providing for a one-time Construction Grant to program applicants and approving associated budget adjustments for Fiscal Year 2023; and adopt a Resolution extending the Temporary Parklet Program to January 9, 2023.

This is the time and place for a public hearing to consider a City-Initiated Text Amendment to the Campbell Municipal Code to add Chapter 11.15 (Parklets in the Public Right-Of-Way); adoption of a Resolution approving an Associated Semi-Permanent Parklet Program Guide; adoption of a Resolution approving an amendment to the City’s Master Fee Schedule to add fees and deposits related to Parklets in the Public Right-Of-Way and authorization of a one-time construction grant to program applicants and approval of associated budget adjustments for Fiscal Year 2023; and adopt a Resolution approving an extension of the current temporary Parklet Program

Community Development Director Eastwood presented a staff report dated July 5, 2022. Director Eastwood stated the purpose of the item was to adopt a Semi-Permanent Parklet program. The program application period would launch in September, with parklet design options presented to Council around the end of

August. Staff is recommending an extension of the temporary parklets till January 9, 2023 with all temporary K-rails removed in March, 2023.

Council asked general questions related to designs, materials, waitlist criteria, security deposits, program subsidies and the length of application period.

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

Campbell business owner, thought the tenants should be responsible for the security deposit, wishes the design options to allow for more permanent roofs and fences for safety purposes. He also asked that staff consider options to deal with the homeless who use the parklets at night.

Ken Johnson, Campbell Chamber of Commerce Executive Director, appreciated the outreach to the Chamber and is in support of a semi-permanent parklet program.

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

Councilmember Lopez was generally supportive of a semi-permanent parklet program. He noted the importance of having the designs reflect a realistic construction cost for the business. Regarding the security deposit, Councilmember Lopez suggested that the tenant pays for the security but in turn gets other subsidies and then the security stays with the property owner. He felt the application period could be shortened.

Councilmember Gibbons stated concerns with the construction costs, supportive of either business owners or restaurants paying the security; recommended separating the annual fee from the cost of the parklet program; was not sure if the \$3,000 grant was sufficient and was open to the City granting more dependent on construction costs.

Councilwoman Landry thought a 30–45-day application period would be better; is supportive of extending the temporary parklet program until January 9, 2023, hopes the architect designs will not exceed 30,000; urged staff to consider options to ensure the contractors are safe and have enough room when constructing the parklets; and wishes the design to reflect the Campbell small town charm.

Vice Mayor Bybee was generally supportive of the project; suggested a shorter application period; thinks the refundable deposit should stay with the business not the property owner; noted the importance of staff having a mechanism to track the refundable deposits; stated the selection criteria needs to be refined and suggested that priority could be given to those who submit their applications early.

Mayor Resnikoff was generally supportive of the program; thought the application period could be reduced; suggested removing the deposit all together; would like to see the construction costs before determining the grant amount; and

commented that he would like to see a deeper analysis on future business survey results and outreach responses.

Director Eastwood summarized Council feedback as follows: reduce the application period, adding in a selection criterion where businesses who apply early will be ranked higher, passing on design issues to the consultant, wait on defining the subsidy until the construction costs are determined, and consider having the deposit stay with the restaurant owner or removing it completely.

Councilmember Gibbons stated for the record that there would be no Conditional Use Permit (CUP) modifications to businesses participating in the temporary parklet program.

M/S: Landry/Lopez - That the City Council introduce Ordinance 2285 adding Chapter 11.15 (Parklets in the Public Right-of-Way) to the Campbell Municipal Code; adopt Resolution 12858 approving the adoption of a Semi-Permanent Parklet Program Guide; adopt Resolution 12859 approving an amendment to the City's Master Fee Schedule adding fees and deposits related to parklets in the public right-of-way, providing for a one-time Construction Grant to program applicants and approving associated budget adjustments for Fiscal Year 2023; and adopt Resolution 12860 extending the Temporary Parklet Program to January 9, 2023.

Councilmember Gibbons made a friendly amendment to include that there would be no Conditional Use Permit (CUP) modifications to businesses participating in the temporary parklet program.

Councilwoman Landry accepted the friendly amendment. The motion was adopted by the following roll call vote:

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

Interim City Clerk Sanders read the full title of Ordinance 2285.

M/S: Gibbons/Landry - That the City Council waive further reading of Ordinance No. 2285. The motion was adopted by the following roll call vote:

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

NEW BUSINESS

- 14. Designation of Voting Delegate and Alternate for 2022 League of California Cities Annual Conference**

Recommended Action: That the City Council designate a Voting Delegate and Alternate(s) for the League of California Cities Annual Conference General Business Meeting to be held on September 7-9, 2022.

Interim City Clerk Sanders presented a staff report dated July 5, 2022.

Mayor Resnikoff asked if anyone from the public wished to speak. There were no public comments.

After discussion, **M/S: Gibbons/Bybee - That the City Council designate Councilwoman Landry as the voting delegate and Councilmember Lopez as the alternate voting delegate for the League of California Cities Annual Conference General Business Meeting to be held on September 7-9, 2022. The motion was adopted by the following roll call vote:**

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

Council took a recess at 9:32 p.m. and returned at 9:47 p.m. with all members present. (Councilmember Gibbons remote)

15. **Resolution Authorizing the Issuance of a Request for Qualifications (RFQ) for Construction Management and Inspection Services for the Civic Center Improvements, Campbell Library Renovations, Project No. 23-SS, and Authorizing the City Manager to Award Consultant Services Agreement (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution authorizing issuance of a Request for Qualifications (RFQ) for Construction Management and Inspection Services for the Civic Center Improvements, Campbell Library Renovation (Project No. 23-SS) and authorizing the City Manager to Award a Consultant Services Agreement with the most qualified respondent.

Senior Project Manager Ahmed presented a staff report dated July 5, 2022. He spoke about hiring a construction management consultant for inspection services for the Civic Center Improvements.

Council asked general questions related to the Construction Management firm, and the Request for Qualifications.

Mayor Resnikoff asked if anyone from the public wished to speak. There were no public comments.

Councilwoman Landry stated concerns with the scope of services and would like it to be revised to include who is responsible for coordination with the architect, who is responsible for the technical record drawings, who is meeting with the public, clarification on inspection standards prior to going out for bid and ensuring

the construction management firm has reviewed the drawings, performed value engineering, prior to bidding.

Councilmember Gibbons stated the RFQ needs to reflect clear contractual legal responsibility reflected in the scope of work. Councilmember Gibbons was supportive of an issuance of an RFQ but not supportive of value engineering after the bids have been received, nor supportive of the RFP scope.

Councilmember Lopez and Vice Mayor Bybee commented that they would like to see the item approved today and the project moved forward.

Mayor Resnikoff stated support of staff and the project manager. He stated concerns that if approval for the RFQ fails this evening it could impact the project progress down the road.

In response to an inquiry, Director Capurso agreed with some of the Council concerns and stated that staff could address many of those issues. Due to the size of this project the City has decided to hire a consultant management firm. As this is not the City's typical process the roles and responsibilities of the construction manager were not clearly enough defined.

M/S: Landry/Bybee – That the City Council adopt Resolution 12861 authorizing issuance of a Request for Qualifications (RFQ) for Construction Management and Inspection Services for the Civic Center Improvements, Campbell Library Renovation (Project No. 23-SS) with modifications for consistency, coordination with the architect, incorporating Council comments that have been made and authorizing the City Manager to Award a Consultant Services Agreement with the most qualified respondent, including the desk item.

City Manager Loventhal clarified that his understanding of the Council comments was coordination with the architect, roles and responsibilities and any liability issues associated with that.

The motion was approved with the following roll call vote:

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

Mayor Resnikoff recused himself from item 16 due to a conflict with proximity of his residence to the project site. He passed the gavel to Vice Mayor Bybee and left the chambers for the evening at 11:20 p.m.

- 16. Resolution Authorizing the Issuance of a Request for Qualifications (RFQ) for Construction Management and Inspection Services for the Civic Center Improvements, Campbell Police Operations Building Project No. 23-RR and**

Authorizing the City Manager to Award a Consultant Services Agreement (Resolution/Roll Call Vote)

Recommended Action: That the City Council adopt a Resolution 12863 authorizing issuance of a Request for Qualifications (RFQ) for Construction Management and Inspection Services for the Civic Center Improvements, Campbell Police Operations Building (Project No. 23-RR) and authorizing the City Manager to Award a Consultant Services Agreement with the most qualified respondent, including the desk item.

Public Works Director stated that they will incorporate all the comments from the last item into this item as well.

Vice Mayor Bybee asked if there were any members of the public wishing to speak. There were no public comments.

Councilmember Gibbons encouraged coordination and review of the contract with LPA and agreed with the comments provided for the previous item.

M/S: Landry/Lopez - That the City Council adopt Resolution 12862 authorizing issuance of a Request for Qualifications (RFQ) for Construction Management and Inspection Services for the Civic Center Improvements, Campbell Police Operations Building (Project No. 23-RR) with modifications for consistency, coordination with the architect, incorporating Council comments from item 15 and authorizing the City Manager to Award a Consultant Services Agreement with the most qualified respondent including the desk item. The motion was adopted by the following roll call vote:

RESULT:	ADOPTED [3 TO 1]
MOVER:	Landry
SECONDER:	Lopez
AYES:	Landry, Lopez, Bybee
NAYS:	Gibbons
RECUSED:	Resnikoff

17. **Resolution Authorizing an Ad Valorem Tax Levy Based on a Debt Service Estimate to be Provided to Santa Clara County Regarding General Obligation Bonds for Fiscal Year 2022-23 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution authorizing an ad valorem tax levy based on a debt service estimate to be provided to Santa Clara County regarding general obligation bonds for Fiscal Year 2022-23.

City Manager Loventhal presented a staff report dated July 5, 2022.

Vice Mayor Bybee asked if there were any members of the public wishing to speak. There were no public comments.

After discussion, **M/S: Lopez/Landry - That the City Council adopt resolution 12863 authorizing an ad valorem tax levy based on a debt service estimate to be provided to Santa Clara County regarding general obligation bonds**

for Fiscal Year 2022-23. The motion was adopted by the following roll call vote:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lopez
SECONDER:	Landry
AYES:	Elizabeth Gibbons, , Susan M. Landry, Sergio Lopez
RECUSED:	Paul Resnikoff

UNFINISHED BUSINESS

There was no unfinished business.

COUNCIL COMMITTEE REPORTS

18. **Council Committee Reports**

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

Due to the lateness of the hour, Council Committee Reports were not heard.

ADJOURN

Vice Mayor Bybee adjourned the meeting at 11:25 p.m.

APPROVED:

ATTEST:

Paul Resnikoff, Mayor

Andrea Sanders, Interim City Clerk