

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, September 6, 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.

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

Mayor Resnikoff led the Pledge of Allegiance.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

There were no special presentations and proclamations.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

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 including 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.

Please join me at the annual State of the City address on September 22. I will be discussing the city's recent accomplishments, our resilience during and after COVID, and information on upcoming projects including Measure O. The State of the City address will be held at the Orchard City Banquet Hall on Thursday, September 22. Doors open at 5:30 p.m. with the event beginning promptly at 6. Please RSVP to MayorStateOfTheCity@campbellca.gov by Monday, September 19.

The Los Gatos Veterans Memorial & Support Foundation, with the support of the Campbell Veterans Foundation, is hosting "American Challenge - Lessons from 9/11" on Sunday, September 11 from 4:30 p.m. to 7:00 p.m. at the Flame of Liberty Memorial at 110 E. Main Street in Los Gatos. This is an opportunity to honor two hometown 9/11 heroes and to thank first responders and US Military members who answered the call. For more information, please visit www.lessonsfrom911.org.

The City Clerk's office is accepting applications for Boards and Commissions. 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.

The 12th Annual Caregivers Count Conference is a free virtual conference for families and friends caring for an older adult. This year's conference is a 4-part series virtual event. The dates are Sept. 10, 17, 24 and Oct. 1, from 10:00 a.m.-12:00 p.m. The topics include self-care, strategies for dementia caregiving, long-term care, and fall prevention/home safety. The conference is free, and registration is available at www.caregiverscount.net.

Live music is coming back to the Ainsley House this fall with a series of four concerts and talented musicians. Fall Garden Concerts begin in September and run through November. Latin Heat will perform September 8 followed by Tony Lindsay on October 23 and Brian Ho on November 13. Registration is required. For additional information, please visit www.campbellmuseums.com.

CONSENT CALENDAR

Mayor Resnikoff asked if anyone wished to remove an item from the Consent Calendar. Items six and nine were pulled from the Consent Calendar.

The Consent Calendar was considered as follows:

1. **Minutes of City Council Executive Session Meeting of August 16, 2022**
Recommended Action: Approve the Executive Session meeting minutes of August 16, 2022.

This action approves the Executive Session meeting minutes of August 16, 2022.

2. **Minutes of City Council Regular Meeting of August 16, 2022**
Recommended Action: Approve the Regular meeting minutes of August 16, 2022.

This action approves the Regular meeting minutes of August 16, 2022.

3. **Minutes of City Council Special Meeting of August 25, 2022**

Recommended Action: Approve the Special meeting minutes of August 25, 2022.

This action approves the Special meeting minutes of August 25, 2022.

4. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$4,932,252.46.

This action approves the bills and claims in the amount of \$4,932,252.46 as follows: bills and claims checks dated July 29, 2022, in the amount of \$1,254,752.00; bills and claims checks dated August 1, 2022, in the amount of \$248,045.59; payroll checks dated August 4, 2022, in the amount of 441,822.89; bills and claims checks dated August 5, 2022, in the amount of \$1,692,250.24; bills and claims checks dated August 8, 2022, in the amount of \$1,392,079.22; bills and claims checks dated August 12, 2022, in the amount of \$97,161.75; and bills and claims checks dated August 15, 2022, in the amount of \$206,413.77.

5. **Monthly Investment Transactions Report (July 2022)**

Recommended Action: That the City Council review and accept the Monthly Investment Transactions Report for July 2022.

This action notes and files the Monthly Transaction Report for July 2022.

7. **Second Reading of Ordinance 2287 Approving a Zoning Map Amendment to Change the Zoning Designation from R-1-6 (Single-Family Residential) to P-O (Professional Office) for Property at 1336 Parsons Avenue. (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council take second reading of Ordinance 2287 approving a Zoning Map Amendment to amend the Campbell Zoning Map designation for a portion of 1336 Parsons Avenue from R-1-6 (Single-Family Residential) to P-O (Professional Office). PLN-2020-64.

Ordinance 2287 approves a Zoning Map Amendment to amend the Campbell Zoning Map designation for a portion of 1336 Parsons Avenue from R-1-6 (Single-Family Residential) to P-O (Professional Office.)

8. **Approval of Appointments to the Bicycle and Pedestrian Advisory Committee (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution appointing Barton Smith and Catherine Brady to the Bicycle and Pedestrian Advisory Committee (BPAC) for full terms expiring in August 2026.

Resolution 12886 appoints Barton Smith and Catherine Brady to the Bicycle and Pedestrian Advisory Committee (BPAC) for full terms expiring in August 2026.

M/S: Gibbons/Landry - That the City Council approve the Consent Calendar with the exception of items six and nine. The motion was adopted by the following roll call vote:

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

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

ITEMS CONSIDERED SEPARATE FROM CONSENT

Mayor Resnikoff recused himself from Item six due to the proximity of his residence to the Police Department project site. He passed the gavel to Vice Mayor Bybee and left the Council Chambers.

6. Receive a Post Issuance Summary on 2022 Measure O Bond Sale

Recommended Action: That the City Council receive a Post Issuance Summary on 2022 Measure O Bond Sale.

John Richards, Campbell resident, asked what a Post Issuance Summary is and how does it relate to Measure O.

Finance Director Fuentes provided a response to Mr. Richards stating the Post Issuance Summary gives the details from the 30 million in Measure O bonds that were sold in June, 2022.

M/S: Gibbons/Landry – That the City Council receive a Post Issuance Summary on 2022 Measure O Bond Sale. The motion was approved unanimously by way of voice vote. (Mayor Resnikoff recused)

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

Mayor Resnikoff returned to the Council Chambers.

9. Update Campbell Water Tower Lighting Policy (Resolution/Roll Call Vote)

Recommended Action: That the City Council adopt a resolution updating the City of Campbell Water Tower Lighting Policy, Policy 1.29, to change the 9/11 color theme lights and to add the anniversary of the City of Campbell's incorporation to the annual lighting schedule.

Vice Mayor stated that regarding the colors for the City anniversary, historically the City colors were blue and gold and requested changing the policy to reflect those colors.

Additionally, Vice Mayor Bybee requested amending the Lighting policy to include that when the Mayor or his designee light's the Tower for a special circumstance and it is not advantageous to include the council in that decision, that the policy include a revision to note that the City Council shall be notified and that the City website and social media platforms be updated appropriately prior to the lighting of the Water Tower. The proposed language to the policy is as follows:

M/S: Gibbons/Landry – That the City Council adopt Resolution 12887 updating the Campbell Water Tower Lighting Policy, Policy 1.29, to change the 9/11 color theme lights and to add the anniversary of the of Campbell’s incorporation to the annual lighting schedule including amending the policy to reflect blue and gold as the City anniversary colors and to revise the policy with the following language: “Themed lighting for such instances will last for one evening and overnight period from sunset to sunrise, unless otherwise directed by the Mayor or his or her designee; and the decision to light the tower in these circumstances will be shared with the City Council in advance of the lighting and will be announced in a post on the City’s social media outlets in advance of the lighting.” The motion was adopted by the following roll call vote:

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

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

There were no public hearing and introduction of ordinances.

NEW BUSINESS

10. Consider Request for Special Event Permit for Oktoberfest and Fee Waiver (Resolution/Roll Call Vote)

Recommended Action: That the City Council adopt a resolution approving the issuance of a Special Event Permit for the Chamber of Commerce Oktoberfest subject to the findings and conditions of approval as described in the resolution and provide direction to staff on the Fee Waiver Request.

Police Chief Berg presented a staff report dated September 6, 2022.

Ken Johnson, Executive Director of the Campbell Chamber of Commerce discussed his Oktoberfest fee waiver request, Chamber Special Event cost recovery and finances, and how Covid affected the Chamber.

City Manager Loventhal provided clarification that fee waivers related to past Chamber events is not agendized for discussion. The purpose of the item is only to discuss Oktoberfest and its associated fee waiver.

Councilmember Gibbons was open to a 50% fee waiver for two years.

Vice Mayor Bybee felt the fee waiver application was not complete as it did not include a profit/loss statement, nor is the organization in good standing as they still owe for their Boogie 2022 festival debt.

Councilmember Lopez was open to some type of fee waiver.

Councilwoman Landry would support a fee waiver for two years.

Mayor Resnikoff was supportive of the fee waiver providing the Chamber provides the necessary profit/loss statements.

The Council was supportive of granting a Special Event Permit to the Chamber for Oktoberfest.

Councilmember Gibbons motioned that the City Council adopt a resolution approving the issuance of a Special Event Permit for the Chamber of Commerce Oktoberfest, authorize a 25% fee reduction for one year, with a condition for the Chamber to provide additional financial information that would modify the financial agreement for paying back the full amount of what is owed, the Chamber and City Manager would come to an agreement on how the arrears would be paid, subject to proof of financial documentation to allow up to a 50% reduction in the fees.

Mayor Resnikoff made a friendly amendment to revise language as follows: That a Special Event Permit be issued for a one-year term at a 25% discount based on a mutually acceptable resolution with the City and the Chamber of the Boogie debt, with a further review of the discount based on the profit/loss review with a deadline to bring back to Council on September 20.

The friendly amendment was accepted.

M/S: Gibbons/Lopez - That the City Council adopt resolution 12888 approving the issuance of a Special Event Permit for the Chamber of Commerce Oktoberfest for a one-year term at a 25% discount based on a mutually acceptable resolution with the City and the Chamber of the 2022 Boogie debt, with a further review of the discount based on the profit/loss review with a deadline to bring back to the City Council on September 20. The motion was adopted by the following roll call vote:

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

UNFINISHED BUSINESS

There was no unfinished business.

COUNCIL COMMITTEE REPORTS

11. Council Committee Reports

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

Councilwoman Landry attended the Education Subcommittee meeting, the Chamber event recognizing the restaurant Desi; and the Valley Water Summit.

Councilmember Lopez attended the Silicon Valley Clean Energy Audit Committee; the Bay Area Air Quality Management District Ad Hoc Committee; and was voted the Santa Clara County At-large Representative for the League of California Cities Peninsula Division.

Mayor Resnikoff attended the West Valley Clean Water JPA and the West Valley Solid Waste Authority JPA meetings.

Councilmember Gibbons attended the Education Subcommittee meeting; spoke about upcoming Historical Museum and Ainsley House events; Silicon Valley Clean Energy meetings.

Councilmember Gibbons requested that upcoming Community Development workplan nexus studies include in-leu fees.

ADJOURN

Mayor Paul Resnikoff, adjourned the meeting at 8:49 PM

APPROVED:

ATTEST:

Paul Resnikoff, Mayor

Andrea Sanders, City Clerk