

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, April 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: <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

Mark Thornton, Campbell Chamber of Commerce 2021 Citizen of the Year, 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 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.

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. Application deadline is April 8, 2022 at 5:00 p.m.

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

The Campbell Museum is hosting its second biennial Juried Art Show to be on display at the Ainsley House, July through October, 2022. Guidelines for submissions can be found on the Campbell Museums' website at www.campbellmuseums.com. The deadline for submissions is April 15, 2022.

The Ainsley House is proud to announce the Spring 2022 Concert Series! Award winning guitarist and vocalist, Chris Cain will perform on April 24, 2022 in the Ainsley House Garden. Tickets are on sale at www.campbellmuseums.com.

CONSENT CALENDAR

Mayor Resnikoff asked if anyone wished to remove an item from the Consent Calendar. Items 7, 8, and 9 were removed.

The Consent Calendar was considered as follows:

- 1. Minutes of City Council Regular Meeting of March 15, 2022**
Recommended Action: Approve the Regular Meeting Minutes of March 15, 2022.

This action approves the City Council Regular Meeting Minutes of March 15, 2022.
- 2. Approving Bills and Claims**
Recommended Action: Approve the bills and claims in the amount of \$1,085,722.01.

This action approves the bills and claims in the amount of \$1,085,722.01 as follows: bills and claims checks dated February 28, 2022, in the amount of \$509,904.31; payroll checks dated March 3, 2022, in the amount of \$34,359.99; bills and claims checks dated March 7, 2022, in the amount of \$236,647.73; and bills and claims checks dated March 14, 2022, in the amount of \$304,809.98.
- 3. Monthly Investment Transactions Report (February 2022)**

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

This action approves the Monthly Investment Transactions Report for February 2022.

4. **2021 Fire Marshal Inspection Report (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution acknowledging receipt of the 2021 Fire Marshal, State Mandated Inspection Report for the City of Campbell.

This action adopts Resolution No. 12811 acknowledging receipt of the 2021 Fire Marshal, State Mandated Inspection Report for the City of Campbell.

5. **Resolution Authorizing the City Manager to Execute a 5-Year Lease Agreement on Behalf of the Santa Clara County Specialized Enforcement Team (SCCSET) to Lease Office Space (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution authorizing the City Manager to execute a 5-year lease agreement on behalf of the Santa Clara County Specialized Enforcement Team (SCCSET) to lease office space.

This action adopts Resolution No. 12812 authorizing the City Manager to execute a 5-year lease agreement on behalf of the Santa Clara County Specialized Enforcement Team (SCCSET) to lease office space.

6. **Initiate Proceedings of the Campbell Lighting and Landscaping District, Fiscal Year 2022-23 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution initiating proceedings, describing the improvements, and directing staff to prepare the Engineer's Report for the Campbell Lighting and Landscaping Assessment District for Fiscal Year 2022-23.

This action adopts Resolution No. 12813 initiating proceedings, describing the improvements, and directing staff to prepare the Engineer's Report for the Campbell Lighting and Landscaping Assessment District for Fiscal Year 2022-23.

M/S: Landry/Bybee – That the City Council approve the Consent Calendar, with the exception of items 7, 8, and 9. The motion was adopted by the following roll call vote:

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

ITEMS CONSIDERED SEPARATE FROM CONSENT

7. **Authorization to Amend On-Call Materials Testing Services Contract (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution authorizing the City Manager to amend the on-call Consultant Services Agreement with RMA Group for materials testing services by increasing the existing compensation in the amount of \$250,000 to a revised not to exceed amount of \$500,000.

Councilmember Gibbons expressed concerns that the amounts requested will not be sufficient for the needs of the upcoming Measure O projects (Police Department and Library buildings), and requested future Staff Reports to include details on how the monies were expended and how they are budgeted for in the future.

M/S: Gibbons/Landry – That the City Council adopt Resolution 12814 authorizing the City Manager to amend the on-call Consultant Services Agreement with RMA Group for materials testing services by increasing the existing compensation in the amount of \$250,000 to a revised not to exceed amount of \$500,000. The motion was adopted by the following roll call vote:

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

8. **Authorize Issuance of a Request for Qualifications for On-Call Labor Compliance Services (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution authorizing the issuance of a Request for Qualifications (RFQ) for On-Call Labor Compliance Services and authorize the City Manager to execute a contract with the selected labor compliance services provider for a five-year term in an amount not to exceed \$300,000.

Councilmember Gibbons expressed concerns that the amounts requested will not be sufficient for the needs of the upcoming Measure O projects (Police Department and Library buildings), and requested future Staff Reports to include details on when the City was notified of contract termination and the status of these contracts into the future.

M/S: Gibbons/Lopez – That the City Council adopt Resolution 12815 authorizing the issuance of a Request for Qualifications (RFQ) for On-Call Labor Compliance Services and authorize the City Manager to execute a contract with the selected labor compliance services provider for a five-year term in an amount not to exceed \$300,000. The motion was adopted by the following roll call vote:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gibbons
SECONDER:	Lopez

AYES:	Gibbons, Landry, Lopez, Bybee, Resnikoff
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9. **Resolution Congratulating Mark Thornton on Being Selected “Citizen of the Year” by the Campbell Chamber of Commerce (Resolution/Roll Call Vote)**
Recommended Action: That the City Council adopt a Resolution congratulating Mark Thornton on being selected Campbell’s 2021 “Citizen of the Year.”

Mayor Resnikoff presented the Resolution congratulating Mark Thornton on being selected Campbell’s 2021 Citizen of the Year. Mayor Resnikoff expressed his gratitude to Mr. Thornton for his many years of hard work in supporting the various community events in Campbell and noted that this award is well deserved.

Councilmembers expressed congratulations to Mr. Thornton and thanked him for his dedication, hard work, and support to the community, noting that this was a well-deserved award.

Mr. Thornton expressed appreciation to the City Council and for the award, noting that he is a minister first, and a guiding light is to love your neighbor as you do yourself, and that is what he strives to do. Working together is what brings communities together. He is grateful to be a part of it.

M/S: Resnikoff/Landry – That the City Council adopt Resolution 12816 congratulating Mark Thornton on being selected Campbell’s 2021 “Citizen of the Year.” The motion was adopted by the following roll call vote:

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

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

10. **Public Hearing to Consider the Application (PLN-2021-201) of Susan Chen for a Planned Development Permit to Allow the Construction of Four Single-Family Homes; a Tentative Subdivision Map to Allow the Creation of Five Lots (Four Residential and One Common Lot); and a Parking Modification Permit to Allow Two of the Required Assigned Parking Spaces (Unit Specific), to be Provided as Guest Parking Spaces on Property Located at 1323 Elam Avenue. This Application is Intended to Reinstate Previous Approvals for a Planned Development Permit (PLN2017-101), Tentative Subdivision Map (PLN2017-102), and Parking Modification Permit (PLN2017-338) Which Expired (Resolution/Roll Call Vote)**
Recommended Action: That the City Council adopt a Resolution approving a Planned Development Permit, Tentative Subdivision Map, and Parking Modification Permit for the construction of four single-family homes, the creation of five lots (four single-family and one commonly owned lot), and two of the

required assigned parking spaces to be provided as guest parking spaces for the property located at 1323 Elam Avenue.

This is the time and place for a public hearing to consider the application (PLN-2021-201) of Susan Chen for a Planned Development Permit to allow the construction of four Single-Family homes; a Tentative Subdivision Map to allow the creation of five lots; and a Parking Modification Permit to allow two of the required assigned parking spaces, to be provided as guest parking spaces on property located at 1323 Elam Avenue. This application is intended to reinstate previous approvals for a Planned Development Permit (PLN2017-101), Tentative Subdivision Map (PLN2017-102), and Parking Modification Permit (PLN2017-338) which expired

Senior Planner Stephen Rose, presented the Staff Report dated April 5, 2022 and reviewed the proposed project noting it was originally approved in 2016 and expired in 2020. The property owner was required to submit a new project application.

In response to an inquiry, Senior Planner Rose noted the subject project includes a 5th lot for the driveway and shared landscaping. The front landscaping is planned to be maintained by the owner of Lot 1.

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

Charles Schulz, Campbell resident, spoke of his concerns relating to the power pole on the project site and inquired about requiring improvements.

There being no further public comments, Mayor Resnikoff closed the public hearing.

Senior Planner Rose clarified that the current Municipal Code requires projects of 5 or more proposed lots to underground the utilities, however common lots are exempt from this requirement. Senior Planner Rose noted that PG&E conducts an annual inspection of utility poles with a more comprehensive review every five years. If the pole is found to be in too poor a condition, it will be replaced.

Councilmembers encouraged Staff to work with PG&E and the property owner to encourage either undergrounding the utilities or improving the condition of the current power pole.

M/S: Landry/Lopez – That the City Council adopt Resolution 12817 approving a Planned Development Permit, Tentative Subdivision Map, and Parking Modification Permit for the construction of four single-family homes, the creation of five lots (four single-family and one commonly owned lot), and two of the required assigned parking spaces to be provided as guest parking spaces for the property located at 1323 Elam Avenue. The motion was adopted by the following roll call vote:

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

NEW BUSINESS

11. Code Enforcement Program Enhancements

Recommended Action: That the City Council provide policy direction on recommended Code Enforcement Program enhancements, including authorization for code amendments.

Community Development Director Eastwood presented the Staff Report dated April 5, 2022 and reviewed the three proposed program enhancements of instituting the use of a Compliance Agreement, creation of a Community Restitution Fund, and making fee adjustments.

In response to inquiries, City Attorney Bill Seligmann, stated that should a Code Enforcement violation result in a necessary removal of a tenant, the landlord would be responsible for the relocation costs, however it is helpful for the City to advance those funds to the renter to prevent delays in their assistance. Legal fees could be recovered using the Community Restitution Fund, however if the City does not prevail, legal fees would also be awarded to the other party. A Compliance Agreement is legally binding and has the advantage of the acknowledged admission of violation.

Councilmembers confirmed consensus for the three proposed program enhancements and for not returning the Community Restitution Fund monies to the General Fund at the end of each year. Councilmembers discussed the potential for a joint awareness campaign with the West Valley Solid Waste Authority Joint Powers Authority to educate the public on the Community Restitution Fund and the proactive measures discussed.

UNFINISHED BUSINESS

12. Receive an Update on Business License Processes, Systems, and Recommended Improvements and Adopt a Resolution Authorizing the City Manager to Execute an Agreement with Hinderliter, De Llamas and Associates (HdL) for Business License Software in an Amount Not to Exceed \$85,900 (Resolution/Roll Call Vote)

Recommended Action: That the City Council adopt a Resolution authorizing the City Manager to execute an agreement with Hinderliter, De Llamas and Associates (HdL) for Business License Software in an amount not to exceed \$85,900.

Finance Manager Norite Vong presented the Staff Report dated April 5, 2022 and reviewed the City's current business license process, the need for an updated software system, the vendor costs and proposals received and the reasons for the selected vendor. A total of \$60,900 was included in the Fiscal Year 2022 Operating Budget for this workplan item.

In response to inquiries, Finance Manager Vong noted that the recommended vendor, Hinderliter, De Llamas and Associates (HdL) will provide a best practices review of current City processes and has mechanisms to allow the City to better check the status of a businesses Doing-Business-As (DBA) filing, as well as reviewing all applicable state licensing requirements, and checking with the Franchise Tax Board to identify those businesses who are operating but have not obtained a City business license.

Councilmember Bybee requested a Request for Proposals/Request for Qualifications process to be followed for this type of service in the future.

M/S: Landry/Gibbons – That the City Council adopt Resolution 12818 authorizing the City Manager to execute an agreement with Hinder liter, De Llamas and Associates (HdL) for Business License Software in an amount not to exceed \$85,900. The motion was adopted by the following roll call vote:

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

COUNCIL COMMITTEE REPORTS

12. Council Committee Reports

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

Councilwoman Landry attended the Educational Subcommittee meeting, Assemblymember Evan Low’s Woman of the Year event, the Campbell Chamber of Commerce’s Sea Salt Therapy event, and the Persian New Year Festival.

Councilmember Lopez attended the Legislative Subcommittee meeting which included a robust discussion on prioritizing legislative bills and outlining next steps.

Councilmember Gibbons attended the Legislative Subcommittee meeting, Assemblymember Evan Low’s Woman of the Year event, the Youth Commission’s Coffee & Politics event, the Cities Association of Santa Clara County meeting, and the Silicon Valley Clean Energy Authority’s Ribbon Cutting Ceremony of the new solar field. Councilmember Gibbons encouraged everyone to sign up for the Silicon Valley Clean Energy Authority Newsletter at newsletter@scvcea.gov to keep informed about current activities and offerings to residents.

Vice Mayor Bybee attended the Campbell Chamber of Commerce Celebrate Campbell event, two ribbon cutting ceremonies, the opening day ceremonies for Campbell Little League and the Campbell Fastpitch Softball League, the Downtown Campbell Business Association meeting, the Silicon Valley Animal

Control Authority meeting, the West Valley Mayors & Managers meeting, Assemblymember Evan Low's Woman of the Year event, and the Youth Commission's Coffee & Politics event.

Mayor Resnikoff attended the Youth Commission's Coffee & Politics event, and under the Mayor's authority, ordered the Water Tower to be lit in green and white on March 28th honoring the City of Campbell's 70 Year Anniversary, and ordered the Tower to be lit the first of each month in yellow and blue in support of Ukraine.

ADJOURN

Mayor Resnikoff adjourned the meeting at 9:08 p.m.

APPROVED:

ATTEST:

Paul Resnikoff, Mayor

Dusty Christopherson, City Clerk