

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, October 19, 2021 – 7:30 p.m.

City Hall – 70 N. First Street

This City Council meeting was conducted pursuant to provisions of the Brown Act and Assembly Bill 361.

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 October 19, 2021.

Mayor Gibbons stated that this City Council meeting was conducted pursuant to provisions of the Brown Act and Assembly Bill 361 allowing a virtual meeting process for local jurisdictions under a declared state of emergency.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Kiana Mulqueeney of the American Cancer Society and the Making Strides Against Breast Cancer program lead the Pledge of Allegiance on behalf of those supporting the fight against breast cancer and in honor of those who have lost their battle or are still fighting breast cancer.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. **Proclamation Declaring the Month of October as “National Breast Cancer Awareness Month” in the City of Campbell**

Recommended Action: It is recommended that the City Council proclaim the month of October as “National Breast Cancer Awareness Month” in the City of Campbell.

Mayor Gibbons acknowledged the month of October 2021 as National Breast Cancer Awareness Month in the City of Campbell, recognizing the annual campaign to increase awareness, encourage early detection and honor those who have battled the disease. Early detection is the most important strategy in treating breast cancer successfully and the City of Campbell encourages all women to be screened regularly.

Ms. Mulqueeny expressed appreciation to Council for the invitation to recite the Pledge of Allegiance and promoted the upcoming Making Strides Walk on Saturday, October 23, 2021 from 1:00 to 4:00 p.m., at the Discovery Meadow Park in San Jose.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

ORAL REQUESTS

There were no oral requests.

COUNCIL ANNOUNCEMENTS

California has recorded its driest water year in over a decade. San Jose Water has begun sending notices to residents informing them it is moving forward with mandatory rules to set monthly residential water budgets with financial penalties for homeowners who exceed them. San Jose Water will hold a public hearing on October 28, 2021 at 3:00 p.m. To register for this webinar, please visit www.sjwater.com/drought.

While new booster regulations for Moderna and Johnson & Johnson are due later this week, the COVID-19 Pfizer booster shots are available for eligible individuals in Santa Clara County who received the initial Pfizer vaccination shots at least six months ago. Appointments are required for San Jose and the surrounding locations, drop-in appointments are available at the DePaul Health Center in Morgan Hill. In addition, many doctors' offices and pharmacies are now offering COVID-19 booster shots. For location information or to schedule an appointment, please visit www.sccfreevax.org.

Students, get creative and win! Enter the County of Santa Clara Public Health Department's 2021 VAXUp video contest for a chance to win up to \$1500, contest is for grades 6-12. Create a short video to empower your peers to get vaccinated against COVID-19. The deadline to enter is November 15, 2021. Enter to win at www.sccVaxUPvideo.org

The City Clerk's Office is accepting applications to serve on the Historic Preservation Board. To find out more about this Board, and when the applications are due, please contact the City Clerk's office at (408)866-2117, or visit the City website: www.campbellca.gov/BoardsandCommissions. The deadline to apply is 5:00 p.m. this Friday, October 22, 2021.

The Fall Garden Concert Series continues November 14, 2021 at 2:00 p.m. with Ren Gesick, Jazz and Americana Singer/Songwriter. Tickets are available at www.campbellmuseums.com

The Campbell Historical Museum & Ainsley House offers many opportunities for volunteers and interns. Individuals interested in history, decorative arts, historic gardens, or historic preservation will find volunteering an exciting way to help the Museum and meet new people. For more information, please visit www.campbellmuseums.com

The Jewish Family Services of Silicon Valley is the lead organization for helping recent Afghan refugees. If you are able to help with housing, jobs, or monetary donations, please contact Debbie Michaels at debbiem@jfssv.org.

CONSENT CALENDAR

Mayor Gibbons asked if there was anyone who wished to pull an item off the Consent Calendar. Items 7 and 8 were pulled from the Consent Calendar.

The Consent Calendar was considered as follows:

2. **Minutes of City Council Executive Session Meeting of September 29, 2021**
Recommended Action: Approve the Executive Session Meeting minutes of September 29, 2021.

This action approves the City Council Executive Session meeting minutes of September 29, 2021.

3. **Minutes of City Council Executive Session Meeting of October 5, 2021**
Recommended Action: Approve the Executive Session Meeting minutes of October 5, 2021

This action approves the Executive Session meeting minutes of October 5, 2021.

4. **Minutes of City Council Regular Meeting of October 5, 2021**
Recommended Action: Approve the Regular Meeting minutes of October 5, 2021

This action approves the Regular Meeting minutes of October 5, 2021.

5. **Approving Bills and Claims.**
Recommended Action: Approve the bills and claims in the amount of \$1,855,722.37.

This action approves the bills and claims in the amount of \$1,855,722.37 as follows: payroll checks dated September 16, 2021, in the amount of \$70,885.59; bills and claims checks dated September 20, 2021, in the amount of \$1,237,081.06; and bills and claims checks dated September 27, 2021, in the amount of \$547,755.72.

6. **Monthly Investment Transactions Report**

Recommended Action: It is recommended that the City Council review and accept the Monthly Investment Transactions Report for the period of July 1, 2021 to September 30, 2021.

This action approves the Monthly Investment Transactions Report for the period of July 1, 2021 to September 30, 2021.

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

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

ITEMS CONSIDERED SEPARATE FROM THE CONSENT CALENDAR

7. Commending Mario Ramos Upon His Retirement After 20 Years of Service with the City of Campbell (Resolution/Roll Call Vote)

Recommended Action: It is recommended that the City Council adopt a Resolution commending Mario Ramos for twenty years of outstanding service to the City of Campbell.

Councilmembers expressed appreciation to Mario Ramos for his many years of dedicated public service, his can-do attitude, his attention to improving processes and quality of work products, and wished him well in his retirement.

Mr. Ramos thanked the Council for their acknowledgement and for recognizing the work of the Public Works Department as a whole and thanked those who paved the way for him throughout his career.

M/S: Resnikoff/Landry – That the City Council adopt Resolution 12774 commending Mario Ramos for twenty years of outstanding service to the City of Campbell. The motion was adopted by the following roll call vote:

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

8. Commending Sheila Broderick Upon Her Retirement After 35 Years of Service with the City of Campbell (Resolution/Roll Call Vote)

Recommended Action: It is recommended that the City Council adopt a Resolution commending Sheila Broderick upon her retirement after 35 years of outstanding service with the City of Campbell.

Councilmembers expressed appreciation to Sheila Broderick for her 35 years of incredible service to the City of Campbell in a position that is often invisible and

incredibly difficult on an emotional level. Councilmembers acknowledged her mentoring of other staff members and her steady calming voice and demeanor in the most trying times, and wished her well in her retirement.

Police Chief Gary Berg noted that he and Sheila have worked together for many years and her pleasant demeanor and warm presence will be missed by all in the department. He thanked Sheila for her service and wished her well in her new chapter in life.

Ms. Broderick thanked the Council for the honor and privilege to serve and care for the public and for the officers in the police department and noted that she feels Campbell residents are lucky to have such fine police staff and City government.

M/S: Resnikoff/Bybee – That the City Council adopt Resolution 12775 commending Sheila Broderick upon her retirement after 35 years of outstanding service with the City of Campbell. The motion was adopted by the following roll call vote:

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

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

9. **Introduction of Ordinance Amending Section 6.10.020 and Replacing Chapter 6.04 of the City of Campbell Municipal Code to Implement Senate Bill (SB) 1383 Discarded Materials and Excluded Waste Management Requirements (Ordinance/Roll Call Vote)**

Recommended Action: It is recommended that the City Council amend Section 6.10.020 and replace Chapter 6.04 of the City's Municipal Code implementing new State legislative requirements for discarded materials and excluded waste.

This is the time and place for a public hearing to consider an ordinance amending Section 6.10.020 and replacing Chapter 6.04 of the City of Campbell Municipal Code to implement Senate Bill (SB) 1383 Discarded Materials and Excluded Waste Management Requirements.

Environmental Program Specialist Peri Newby reviewed the Staff Report dated October 19, 2021 stating that this action is in response to mandated requirements which will take effect January 1, 2022 with the goal of reducing methane emissions. To reach this goal, the California Department of Resources Recycling and Recovery (CalRecycle) implemented initiatives to reduce the amount of solid waste sent to landfills and promote recycling in California, including organic waste recycling. The focus of the new law is on residential and commercial trash generators, with both performance targets and penalties levied against the jurisdiction for non-compliance.

Environmental Program Specialist Newby reviewed the applicable ordinance changes including examples of nuisance conditions for administrative citations

and penalties, waiver requirements, edible food generator and edible food recovery requirements, hauler and facility operator requirements, and inspections and enforcement requirements. Environment Program Specialist Newby explained that all residents will receive a kitchen pail to use throughout the week for food scraps and organic materials and can put the contents in the large organic containers at the end of the week for collection.

Vice Mayor Resnikoff stated that he serves on the West Valley Solid Waste Management Authority and noted that the single biggest impact to residents will be to their collection rates, which will reflect an increase of about 10% the first year and slightly lowered from there, but these mandates are coming from the State.

Public Works Director Todd Capurso noted that the ordinance presented this evening is geared toward single-family, multi-family and food generators, the total impacts to City operations are still being analyzed. The City will not realize cost increases from the provider as part of the franchise agreement.

Mayor Gibbons opened the public hearing, there being no public speakers the public hearing was closed.

M/S: Resnikoff/Landry – That the City Council introduce Ordinance 2275 amending Section 6.10.020 and replacing Chapter 6.04 of the City’s Municipal Code implementing new State legislative requirements for discarded materials and excluded waste. The motion was adopted by the following roll call vote:

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

City Clerk Christopherson read the full title of Ordinance 2275.

M/S: Bybee/Landry – That the City Council waive further reading of Ordinance 2275. The motion was adopted by the following roll call vote:

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

NEW BUSINESS

- 10. Request for City Council consensus to allow preparation of Urgency Ordinance amendments to the Campbell Municipal Code to implement Senate Bill 9, concerning two unit developments and lot splits in Single Family Residential Zones.**

Recommended Action: It is recommended that City Council direct staff to prepare an urgency ordinance adopting interim text amendments to the Campbell Municipal Code (Zoning and Subdivision) and a regular ordinance adopting long-

term amendments to the Campbell Municipal Code (Zoning and Subdivision), to implement Senate Bill (SB) 9.

Community Development Director Rob Eastwood reviewed the Staff Report dated October 19, 2021 noting that Senate Bill (SB) 9 goes into effect January 2022 which effectively changes single family zoning intending to add more density to neighborhoods. This new housing law is one of many the Governor has signed recently. SB 9 allows a one time lot split down to two 1200 sq. ft. parcel's where two duplex's could be built on one 1200 sq. ft. parcel, the City may only apply objective standards, all projects are processed ministerially, and there are no right of way dedications allowed under the law. Each project must include up to a 4 foot side and rear yard setback, provide one parking space per unit (unless project is close to a high transit area), and cannot be used as a short term vacation rental.

Community Development Director Eastwood noted that according to a study conducted by the University of California Berkeley Turner Center, the City of Campbell has approximately 6,000 single family residential parcels, of those approximately 400 would be economically viable to subdivide. There are many outstanding questions and interpretations that are being investigated by the California Department of Housing and Community Development (HCD) relating to how this new law would apply to properties with Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU).

Staff is requesting Council consensus to draft an urgency ordinance which will provide clarity to property owners in Campbell relating to objective design standards and could be effective prior to January 2022. It is Staff's intention to bring a regular and more thorough ordinance forward for Council consideration in early 2022 which would then codify the long-term amendments to the Campbell Municipal Code.

In response to inquiries, Community Development Director Eastwood clarified that in accordance with SB 9, the City may not require correction of a legal non-conforming property condition, the currently required 450 sq. ft of open space would no longer apply, there are no affordability requirements included in SB 9, and the proposed draft objective standards presented are based on best practices and standards that have been in use in Campbell for sometime, which are more conservative.

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

Anne Paulson spoke in opposition to the adoption of the urgency ordinance setting in place objective standards and referenced a letter sent to the City from YIMBY Law noting legal action if the City takes any action which could have the effect of reducing the intensity of land use in the city.

Rafa Sonnenfeld noted support for implementing objective standards and having local control over design standards, however he feels some of the suggestions are not keeping with the spirit of the law and noted legal action by YIMBY Law and HCD if the City interferes with the downzoning allowed under SB9.

Buddhadeb Basu expressed understanding for a homeowners concerns and feels there needs to be increased education on this bill, but also expressed concern for those commuting long distances because of the cost of living in the Bay Area.

Mayor Gibbons closed the public hearing.

Councilmember Lopez expressed support for being proactive and attempting to get ahead of the implementation and for providing guidance to residents, but he stated his concern over the legal exposure of adopting something that could be viewed as too limiting to the spirit of SB 9, and encouraged staff to review all recent housing legislation for additional impacts to our Municipal Code.

M/S: Resnikoff/Lopez – That the City Council direct staff to prepare an urgency ordinance adopting interim text amendments to the Campbell Municipal Code (Zoning and Subdivision) and a regular ordinance adopting long-term amendments to the Campbell Municipal Code (Zoning and Subdivision), to implement Senate Bill (SB) 9. The motion was adopted by the following roll call vote:

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

On Council consensus Item 12 was taken out of order.

UNFINISHED BUSINESS

12. Extension of Declaration of Local Emergency and Authorizing Remote Meetings (Resolution/Roll Call Vote)

Recommended Action: It is recommended that the City Council adopt a Resolution extending the September 21, 2021 City Council proclamation declaring the existence of a local emergency resulting from community spread of COVID-19 and authorizing remote teleconference meetings of the legislative bodies of the City of Campbell until November 18, 2021.

City Manager Brian Loventhal reviewed the Staff Report dated October 19, 2021 relating to the current declaration of local emergency noting that on September 16, 2021, Governor Newsom signed into law Assembly Bill (AB) 361 enabling local public agencies to continue to use teleconferencing without complying with certain Brown Act provisions. AB 361 would leave the existing Brown Act teleconferencing rules in place, but would except agencies from complying when the Governing Board has declared that the following circumstances exist (1) the state of emergency continues to directly impact the ability of the members to meet safely in person, and (2) state or local officials continue to impose or recommend measures to promote social distancing. Once declared, this declaration must be revisited every 30 days. If Council desires to continue to

permit remote meetings of its legislative bodies, staff recommends the adoption of the resolution making the necessary findings, if Council desires not to permit remote meetings, no action is necessary as the current declaration of local emergency would expire on November 29, 2021.

Councilmember Bybee stated that she does not support the recommended action as she cannot make the necessary findings and feels that all legislative bodies of the City should return to meeting in person, as they would during a normal course of business.

Council confirmed consensus for surveying the opinions of Board and Commission members on their preferences for returning to in-person meetings.

M/S: Resnikoff/Lopez – That the City Council adopt Resolution 12777 extending the September 21, 2021 City Council proclamation declaring the existence of a local emergency resulting from community spread of COVID-19 and authorizing remote teleconference meetings of the legislative bodies of the City of Campbell until November 18, 2021. The motion was adopted by the following roll call vote:

RESULT:	ADOPTED [3-2]
MOVER:	Resnikoff
SECONDER:	Lopez
AYES:	Gibbons, Lopez, Resnikoff
NOES:	Bybee, Landry

Vice Mayor Resnikoff recused himself and left the meeting, as the subject property of Item 11 is within 500 feet of his residence.

- 11. Authorization to Amend the Consultant Services Agreement with LPA, Inc., Increasing the Contract Amount by \$1,399,985 (Resolution/Roll Call Vote)**
Recommended Action: It is recommended that the City Council adopt a Resolution authorizing the City Manager to amend the Consultant Services Agreement with LPA, Inc., increasing the contract amount by \$1,399,985 for the preparation of design documents and associated services relating to the construction of a new Police Operations Building.

Public Works Director Capurso reviewed the Staff Report dated October 19, 2021 noting on May 19, 2020, the City Council adopted Resolution No. 12588 authorizing the City Manager to execute a consultant services agreement for design services in an amount not to exceed \$980,835 for the design of the proposed new Police Operations Building, the renovation of the existing portion of City Hall where the Police Department is currently located, as well as associated site work. The scope of work included in the original agreement would complete the Schematic Design as well as the Design Development Phase. Because the project delivery method for the Police Operations Building was not decided on at that time, it was communicated to Council that a contract amendment would be required once the project delivery method was authorized.

On September 7, 2021 Council adopted Resolution No. 12759, directing staff to move forward with the traditional Design-Bid-Build project delivery method. All tasks identified in the initial contract have been completed. A contract amendment is now required to continue the work relating to the design of the Police Operations Building and begin the preparation of construction drawings.

Public Works Director Capurso noted that under the chosen Design-Bid-Build project delivery method, LPA, Inc. will now move into producing construction documents that will be continually refined all the way up to the approval of plans and specifications. The work will include preparation of construction documents and plan check reviews, bidding and negotiation, construction contract administration, furniture design and management, and redesign of the public parking lot. The fee proposal for this revised scope of work is \$1,399,985. Director Capurso noted that current schedule estimates put construction documents at completion in January 2022, plans and specifications in April 2022, and construction beginning summer 2022.

In response to inquiries, Jeremy Hart, LPA, Inc., clarified that LPA utilizes the services of internal colleagues not associated with the project as peer reviewers. Director Capurso noted that separate from LPA, Inc., the City will undergo a third-party review as well.

In response to inquiries, Mr. Hart noted the current construction estimate is 18 months, however the full construction time frame won't be known until the selected contractor submits a full detailed project schedule. If the project schedule goes over the contracted 18 months, an additional amendment could be necessary depending on the amount of work remaining and what that would include.

Mayor Gibbons stated her concerns with the contract amendment, the lack of details and specificity specifically with the scope, schedule, budget, solar energy plans and sustainability, and vision of the Civic Center as a whole. Mayor Gibbons stated that not having a project manager at this point is concerning.

Council confirmed consensus for the inclusion of the Operation and Maintenance Manuals, internal second plan review by the City Building Official, a construction contingency of 10%, coordination of Civic Center lighting and signage, and building commissioning after construction.

Mr. Hart stated that there will be additional fees to the amendment to include the noted additional requests of the city, in the interest of time, an on-the-spot estimate would be about 5% more to this amendment or about \$1,470,000 total amendment amount.

M/S: Landry/Lopez – That the City Council adopt Resolution 12776 authorizing the City Manager to amend the Consultant Services Agreement with LPA, Inc., increasing the contract amount by \$1,470,000 for the preparation of design documents and associated services relating to the construction of a new Police Operations Building, including the inclusion of the Operation and Maintenance Manuals, coordination of the Civic

Center lighting and signage, and building commissioning. The motion was adopted by the following roll call vote:

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

COUNCIL COMMITTEE REPORTS

14. Council Committee Reports

Recommended Action: Report on committee assignments and general comments.

Councilmember Bybee reported that she attended the Cities Association meeting and received a report from the Planning Collaborative on SB 9 and received a Racial Justice Committee report on affordable housing and public safety reform.

Councilwoman Landry attended the Campbell Chamber of Commerce Luncheon and volunteered at the Oktoberfest in Downtown Campbell.

Councilmember Lopez attended the Valley Transportation Authority (VTA) Policy Advisory Committee and reported that VTA is looking at ways to build affordable housing on their properties, but are not looking at the Winchester property as a priority at this time.

Mayor Gibbons attended the Silicon Valley Clean Energy Authority (SVCEA) meeting and reported their excellent credit rating due to their financial liquidity, and reported that SCVEA has now begun to generate their own power into the grid using renewable sources and wind system.

ADJOURN

Mayor Gibbons adjourned the meeting at 11:10 p.m.

APPROVED:

ATTEST:

Elizabeth 'Liz' Gibbons, Mayor

Dusty Christopherson, City Clerk