

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, March 16, 2021 – 7:30 p.m.

City Hall Council Chamber – 70 N. First Street

This City Council meeting was conducted pursuant to the Governor's Executive Order N-29-20.

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 March 16, 2021, via telecommunication.

Mayor Gibbons stated that this City Council meeting was conducted pursuant to provisions of the Brown Act and an Executive Order issued by the Governor to facilitate teleconferencing to reduce the risk of COVID-19 transmission at public meetings.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the inaugural class of female Eagle Scouts Troop 2330 Sydney Whiting and Erin Handelsman; Eagle Scout Troop 330 members Zachary Margulies, Mariano Paolini, Nathan Grim, Rylee Gorospe, Aidan Kostlan, Julian Kotopoulos; and Scoutmasters Maria Guardado and Daraius Sorabji. The Eagle Scouts gave a presentation detailing their Service Projects.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

- Proclamation Declaring the Month of March as Youth Arts Month**
Recommended Action: It is recommended that the City Council proclaim the month of March as "Youth Arts Month" in the City of Campbell.

Mayor Gibbons read from the proclamation and proclaimed the month of March as “Youth Arts Month” in the City of Campbell.

2. **Accept Presentation from West Valley Solid Waste Management Authority Regarding SB1383 Updates and Implementation**

Recommended Action: Receive an informational presentation from West Valley Solid Waste Management Authority regarding Senate Bill 1383 updates and implementation.

Public Works Director Capurso provided background on the Solid Waste JPA and introduced West Valley Solid Waste Management Authority Executive Director, Marva Sheehan.

Ms. Sheehan gave a presentation regarding Senate Bill 1383 updates and implementation.

Council received the presentation.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

ORAL REQUESTS

Michael Dueweke, Campbell resident, requested a ban on gas powered leaf blowers in the City of Campbell.

COUNCIL ANNOUNCEMENTS

March is Women’s History Month. Women’s History Month is celebrated to remind ourselves of the accomplishments and contributions of women throughout the years to our culture and Society. From science to politics, it is a chance to reflect on the trailblazing women who led the way for change.

Santa Clara County’s Public Health system continues to expand its COVID-19 vaccination outreach efforts. The County is introducing a new program to provide in-home vaccinations for eligible homebound residents. Residents can email CovidVaxHome@phd.sccgov.org or call 408-970-2818 for more information, or to register.

Valley Transportation Authority offers free rides to COVID vaccination sites. No fare required. For assistance, contact VTA Customer Service at 408-321-2300, or visit their website at www.VTA.org.

The City Clerk’s office is accepting applications for a vacancy on the Historic Preservation Board for one short-term expiring October 2021. Applications may be

obtained from the City Clerk's Office, or on the Boards and Commission page of the City's website. For more information, please visit the city's website at www.campbellca.gov or email the clerk's office at clerksoffice@campbellca.gov.

"My Water Pledge" is a friendly competition between cities across the U.S. to see who can be the most "water-wise." Do your part for clean water and a healthy ocean. Pledge this April to conserve water, energy, and other natural resources. The 2021 Mayor's Water Challenge is April 1-31. For more information and to sign up please visit www.mywaterpledge.com.

Stop AAPI Hate. Since the start of the pandemic, thousands of hate crimes, and incidents of discrimination against the Asian American and Pacific Islander community have been documented. On Saturday, a rally was held in San Jose to raise awareness, show solidarity, and discuss current steps being taken to protect and support the community. A string of local and state leaders partnered with the Asian community to show support and denounce the spike in hate crimes across the Bay Area.

CONSENT CALENDAR

Mayor Gibbons asked if there was anyone who wished to pull an item off the Consent Calendar.

Item ten was pulled from the consent calendar.

The Consent Calendar was considered as follows:

3. **Minutes of City Council Executive Session Meeting of February 25, 2021**
Recommended Action: Approve the executive session meeting minutes of February 25, 2021.

This action approves the executive session meeting minutes of February 25, 2021.

4. **Minutes of City Council Regular Meeting of March 2, 2021**
Recommended Action: Approve the regular meeting minutes of March 2, 2021.

This action approves the regular meeting minutes of March 2, 2021.

5. **Minutes of City Council Executive Session Meeting of March 5, 2021**
Recommended Action: Approve the executive session meeting minutes of March 5, 2021.

This action approves the executive session meeting minutes of March 5, 2021.

6. **Approving Bills and Claims**
Recommended Action: Approve the bills and claims in the amount of

\$810,657.98.

This action approves the bills and claims in the amount of \$810,657.98 as follows: bills and claims checks dated February 15, 2021, in the amount of \$308,721.82; payroll checks dated February 18, 2021, in the amount of \$75,371.11; and bills and claims checks dated February 22, 2021, in the amount of \$426,565.05.

7. **Second Reading of Ordinance 2270 Adding Temporary Use Permits to the Campbell Municipal Code (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council approve the second reading and adopt Ordinance 2270 adding new Chapter 21.45 (Temporary Use Permits) and amending various other sections of Title 21 and Title 5 of the Campbell Municipal Code pertaining to the permitting and regulation of temporary uses on private property.

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8. **Accept Improvements for the Annual Street Maintenance Project 18-XX: Winchester Boulevard Street Resurfacing, and File Notice of Completion (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution accepting the improvements for the Annual Street Maintenance Project No. 18-XX: Winchester Boulevard Street Resurfacing; direct the City Engineer to file the Notice of Completion; and, authorize the Finance Director to issue budget adjustments reflecting the actual project revenues, to transfer \$450,500 of the remaining balance from Project 18-XX to FY 20/21 Annual Street Maintenance Project 21-BB: Collector & Residential Street Resurfacing Program, and to create a new project in FY20/21: Camden Avenue Resurfacing in the amount of \$1,458,300.

Resolution 12682 accepts the improvements for the Annual Street Maintenance Project No. 18-XX: Winchester Boulevard Street Resurfacing; directs the City Engineer to file the Notice of Completion; and, authorizes the Finance Director to issue budget adjustments reflecting the actual project revenues, to transfer \$450,500 of the remaining balance from Project 18-XX to FY 20/21 Annual Street Maintenance Project 21-BB: Collector & Residential Street Resurfacing Program, and to create a new project in FY20/21: Camden Avenue Resurfacing in the amount of \$1,458,300.

9. **Approval of Plans and Specifications, Authorize Solicitation of Bids, Award of Contracts, and Other Associated Actions for the Annual Street Maintenance Project 21-BB: Collector & Residential Street Resurfacing Program (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution approving the

plans and specifications for the Annual Street Maintenance Project 21-BB: Collector & Residential Street Resurfacing Program; authorizing the Public Works Director to advertise for bids and award the project; authorizing City Manager to enter into a construction contract with the lowest responsive and responsible bidder in an amount not to exceed \$2,470,000 and encumber a 10% construction contingency for a total construction contract amount of \$2,717,000; authorizing the City Engineer to negotiate and execute contract change orders up to and within the allocated construction contingency; authorizing the Public Works Director to reject bids and rebid the project, should bids received have unamenable irregularities; authorizing the City Manager to negotiate and enter into a cost share agreement with the City of San Jose in the amount of \$178,000; and authorizing the Finance Director to perform associated budget adjustments.

Resolution12683 approves the plans and specifications for the Annual Street Maintenance Project 21-BB: Collector & Residential Street Resurfacing Program; authorizing the Public Works Director to advertise for bids and award the project; authorizing the City Manager to enter into a construction contract with the lowest responsive and responsible bidder in an amount not to exceed \$2,470,000 and encumber a 10% construction contingency for a total construction contract amount of \$2,717,000; authorizing the City Engineer to negotiate and execute contract change orders up to and within the allocated construction contingency; authorizing the Public Works Director to reject bids and rebid the project, should bids received have unamenable irregularities; authorizing the City Manager to negotiate and enter into a cost share agreement with the City of San Jose in the amount of \$178,000; and authorizes the Finance Director to perform associated budget adjustments.

M/S: Landry/Lopez – That the City Council approve the consent calendar with the exception of item ten. The motion was adopted by the following roll call vote:

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

ITEMS CONSIDERED SEPARATE FROM CONSENT

- 10. **Resolution Congratulating Armin JR McKee on Being Selected “Citizen of the Year” by the Campbell Chamber of Commerce (Resolution/Roll Call Vote)**

Recommended Action: It is recommended that the City Council adopt a resolution congratulating Armin JR McKee on being selected Campbell’s 2020 “Citizen of the Year.”

Mayor Gibbons congratulated JR McKee on being selected “Citizen of the Year”

and noted some of his significant accomplishments.

JR McKee thanked the Council for the recognition and stated that he was privileged to serve among so many wonderful Campbell leaders.

Ken Johnson, Executive Director of the Campbell Chamber of Commerce congratulated JR McKee and spoke of the upcoming annual Chamber event and fundraiser “Celebrate Campbell.” In addition to “Citizen of the Year,” and other public service honorees a winner will be selected from Business of the Year nominees, Marvel Cake, Orchard Valley Coffee and Sports Basement.

M/S: Landry/Bybee – That the City Council adopt resolution 12684 resolution congratulating Armin JR McKee on being selected Campbell’s 2020 “Citizen of the Year.” The motion was adopted by the following roll call vote:

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

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

11. **2020 Housing Element Annual Progress Report (APR) (Resolution / Roll Call Vote)**

Recommended Action: That the City Council take the following action: Receive public comment, accept the Housing Element Annual Progress Report, and direct staff to send the Annual Progress Report to the required State agencies.

This is the time and place for a public hearing to receive public comment and accept the 2020 Housing Element Annual Progress Report and direct staff to send the Annual Progress Report to the required State agencies.

Senior Planner Rose presented a staff report dated March 16, 2021.

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

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

After discussion, **M/S: Resnikoff/Landry – That the City Council take the following action: Receive public comment, accept the Housing Element Annual Progress Report, and adopt resolution 12685 directing staff to send the Annual Progress Report to the required State agencies. The motion was adopted by the following roll call vote:**

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

12. **Housing Element 2023–2031 | Authorization to Distribute a Request for Proposals (RFP) (Resolution / Roll Call Vote)**

Recommended Action: That the City Council take the following action: Authorize distribution of a Request for Proposals (RFP) to prepare an updated Housing Element 2023-2031 that will entail amendment to select policy documents in order to comply with state law and authorize the City Manager to enter into a professional services agreement with the selected consultant.

This is the time and place for a public hearing to consider the 2023-2031 Housing Element and authorize distribution of a Request for Proposals (RFP) to prepare an updated Housing Element 2023-2031 that will entail amendment to select policy documents in order to comply with state law and authorize the City Manager to enter into a professional services agreement with the selected consultant.

Senior Planner Rose presented a staff report dated March 16, 2021.

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

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

Council discussed postponing the proposed schedule, as well as going out to bid for a Housing Element consultant. Also discussed, was having the item return to the Council for approval of consultant, and costs.

Councilmember Landry made a motion that the City Council authorize distribution of a Request for Proposals (RFP) to prepare an updated Housing Element 2023-2031 that will entail amendment to select policy documents in order to comply with state law and the selected firm will return to Council for final approval.

After discussion, Councilmember Landry amended her motion to include that the top three firms return to Council for a review and discussion of the different scopes of work.

The motion failed due to lack of a second.

After discussion, **M/S: Resnikoff/Landry – That the City Council adopt Resolution 12686 to authorize distribution of a Request for Proposals (RFP) to prepare an updated Housing Element 2023-2031 that will entail**

amendment to select policy documents in order to comply with state law and authorize staff to return with their recommendation for the selected consultant picked through the RFP process. The motion was adopted by the following roll call vote:

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

Council took a five-minute recess and reconvened at 9:40 p.m.

NEW BUSINESS

13. **Fiscal Year (FY) 2021 Mid-Year Financial Update and Budget Adjustments Follow Up (Resolution/Roll Call Vote)**

Recommended Action: Staff recommends that the City Council adopt by resolutions proposed FY 2021 Mid-Year Budget Adjustments.

City Manager Loventhal and Finance Director Fuentes presented a staff report dated March 16, 2021.

Public speaker, Forrest Williams stated support for the Heritage Theatre remaining open.

Public speaker, Allan Meyer stated support for the Community Center pool and the aquatics fitness program.

Public speaker, Monica Cathcart stated support for the Community Center pool remaining open.

Council discussed the Transient Occupancy Tax (TOT) revenue predictions and staffing. The Council reviewed the proposed resolutions for adoptions and discussed the desk item which addressed revised service impacts and budget calendar dates.

Also addressed was the upcoming fiscal year 2022 budget development cycle and the need for review and prioritization of all city services and programs, and potential reduction in force.

After discussion, **M/S: Landry/Bybee – That the City Council adopt Resolution 12687 authorizing a mid-year budget adjustment to reflect changes in the projected general fund; adopt Resolution 12688 authorizing a mid-year budget adjustment to reflect new and extended vacancy freezes and temporary staff reductions for fiscal year 2021; adopt Resolution 12689 authorizing a mid-year budget adjustment to reflect other proposed**

department reductions for fiscal year 2021; adopt Resolution 12690 authorizing a mid-year budget adjustment to reflect consensus area reduction for fiscal year 2021 based on the Council meeting of February 16, 2021; and adopt Resolution 12691 authorizing a mid-year budget adjustment to reflect miscellaneous and other necessary adjustments for fiscal year 2021. The motion was adopted by the following roll call vote:

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

M/S: Bybee/Landry – That the City Council approve the revised budget calendar schedule as presented in the desk item. The motion was adopted by the following roll call vote:

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

COUNCIL COMMITTEE REPORTS

14. Council Committee Reports

Recommended Action: Report on committee assignments and general comments.

--Councilmember Lopez attended the Valley Transportation Authority (VTA) Policy Advisory Committee (PAC).

--Vice Mayor Resnikoff attended the West Valley Sanitation District meeting and the West Valley Sanitation Treatment Plant Advisory Committee.

--Mayor Gibbons attended the Campbell Historical Museum & Ainsley House Foundation Liaison meeting; the Legislative Subcommittee meeting; the Cities Association Legislative Action Committee; the Silicon Valley Clean Energy JPA Board of Directors and Executive Committee meeting; Supervisors Chavez and Simitian's weekly Check-In meeting. Supervisor Ellenbergs' monthly meeting; and spoke of the upcoming League of California Cities meeting.

ADJOURN

Mayor Gibbons adjourned the meeting at 10:45 p.m.

APPROVED:

ATTEST:

Elizabeth 'Liz' Gibbons, Mayor

Andrea Sanders, Deputy City Clerk