

CITY COUNCIL MINUTES

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



CITY COUNCIL EXECUTIVE SESSION

Tuesday, April 6, 2021– 5:30 p.m.

City Hall – 70 N. First Street

- A. **Personnel** – Pursuant to G.C. Section 54957: Public Employee Performance Evaluation – City Manager

Pursuant to G.C. Section 54957: Public Employee Performance Evaluation – City Attorney

- B. **Litigation - CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9
Name of case: D'Aguiar v. City of Campbell et. al.; Santa Clara County Superior Court Case No. 21CV376818

- C. **Real Property**

- D. **Labor** - Pursuant to G.C. Section 54957.6: Conference with Labor Negotiator - Agency Designated Representatives: City Council and City Manager Performance/Compensation Subcommittee Members: Elizabeth “Liz” Gibbons and Paul Resnikoff
Unrepresented Employee: City Manager

Pursuant to G.C. Section 54957.6: Conference with Labor Negotiator - Agency Designated Representatives: City Council and City Attorney Performance/Compensation Subcommittee Members: Elizabeth “Liz” Gibbons and Susan M. Landry
Unrepresented Employee: City Attorney

The City Council met in Executive Session to discuss items A, B and D. City Manager Brian Loventhal and City Attorney Bill Seligmann were in attendance. Consultant Mike Messina of Messina and Associates was in attendance for Items A and D.

Executive Session adjourned at 7:23 p.m.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, April 6, 2021 – 7:30 p.m.

City Hall – 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 April 6, 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 Michael and Claire Kotowski.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. Michael Kotowski Proclamation

Recommended Action: It is recommended that the City Council approve a proclamation wishing former Councilmember Michael Kotowski farewell as he moves out of the City of Campbell.

Mayor Gibbons read the proclamation for Michael and Claire Kotowski and thanked the Kotowski family for all they have done on the City Council and for the Campbell community.

Councilmembers individually wished the Kotowski's well, congratulated them on their upcoming move, and thanked them for all their contributions to the City.

Mike and Claire Kotowski thanked the Council and reflected back on their time serving on the Council and in the community.

2. Proclamation Renouncing Acts of Hatred

Recommended Action: It is recommended that the City Council approve a proclamation renouncing hatred against any person or group.

Mayor Gibbons read the proclamation renouncing hatred against any person or group, spoke of its importance and the need for new legislation and to stop hatred of all kinds.

Councilmember Lopez stated support of the proclamation and commented on the current rise in Asian American hate crimes and the importance of raising awareness to those attacks.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

ORAL REQUESTS

Carol Hoffman, Campbell resident spoke in support of the Measure O projects, urged the Council to approve the upcoming Police Building schematic designs and keep both Measure O projects moving forward.

COUNCIL ANNOUNCEMENTS

On March 26, Silicon Valley Clean Energy and Peninsula Clean Energy were awarded the [2021 Spare the Air Leadership Award](#) for the [Peninsula-Silicon Valley Reach Code Initiative](#). This is a tremendous regional honor that we are very proud of. As a member of the thirteen communities in Santa Clara, we continue to reach our goal of reducing our dependence on fossil fuels, using more clean energy by providing carbon-free, affordable, and reliable electricity and innovative programs within the community.

The State and County offer many programs to assist with community outreach during these challenging times. CalHope builds community resiliency and helps people through free outreach, crisis counseling and support services. To find out more about this program, or if you need assistance, please contact www.CalHope.org or call 833-317-HOPE.

Santa Clara County's Public Health system continues to expand its COVID-19 vaccination outreach efforts. The County now provides 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.

Campbell Recreation Pre-School Open House will be available online April 5. Pre School registration for Kinder Kids; Kindergarten Prep and Tiny Tots, for Campbell residents begins 10:00 a.m. on April 13. For more information about the preschool program or to join the virtual open house, please go to campbellca.gov/pre-school.

In preparation of the Campbell library moving to its temporary location at the Campbell Community Center the Friends of the Library are having a book sale in the small parking lot at the library on Saturday, April 10. Please stop by and support the library and get a great book at the same time.

Mayors Water Challenge. "My Water Pledge" is a friendly competition between cities across the US to see who can be the most "water-wise." Do your part for clean water

and a healthy ocean. Pledge 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 mywaterpledge.com.

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 campbellca.gov or email the clerk's office at clerksoffice@campbellca.gov.

The Council will be hearing a presentation on April 20 on the Santa Clara County's Community Plan to End Homelessness to address housing the homeless.

In addressing the posts on NextDoor regarding stolen packages and car break-ins it is important to know that per NextDoor regulations, Campbell PD is unable to see what the public posts. You must contact Campbell PD directly with any concerns and they can be contacted at the non-emergency number of 408-866-2101 or online through the City website.

CONSENT CALENDAR

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

Item eight was pulled from the consent calendar.

The Consent Calendar was considered as follows:

3. **Minutes of City Council Regular Meeting of March 16, 2021**

Recommended Action: Approve the regular meeting minutes of March 16, 2021.

This action approved the regular meeting minutes of March 16, 2021.

4. **Minutes of City Council Executive Session Meeting of March 19, 2021**

Recommended Action: Approve the executive session meeting minutes of March 19, 2021.

This action approved the executive session meeting minutes of March 19, 2021.

5. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$2,436,661.34.

This action approves the bills and claims in the amount of \$2,436,661.34 as follows: bills and claims checks dated March 1, 2021, in the amount of \$1,265,642.29; payroll checks dated March 4, 2021, in the amount of \$40,491.62; bills and claims checks dated March 8, 2021, in the amount of \$747,293.80; and bills and claims checks dated March 15, 2021 in the amount of \$383,233.63.

6. **Initiate Proceedings of the Campbell Lighting and Landscaping District, Fiscal Year 2021/22 (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 2021/22.

Resolution 12692 initiates proceedings, describing the improvements, and directs staff to prepare the Engineer's Report for the Campbell Lighting and Landscaping Assessment District for Fiscal Year 2021/22.

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

Recommended Action: That the City Council adopt a resolution extending the February 2, 2021 City Council proclamation declaring the existence of a local emergency resulting from community spread of COVID-19 in the City of Campbell to June 12, 2021.

Resolution 12693 extends the February 2, 2021 City Council proclamation declaring the existence of a local emergency resulting from community spread of COVID-19 in the City of Campbell to June 12, 2021.

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

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

ITEMS CONSIDERED SEPARATE FROM CONSENT

8. **Accept Donation of \$5,000 from Campbell Museum Foundation for FY21 Staffing Support and Approve a Corresponding Budget Adjustment (Resolution/Roll Call Vote)**

Recommended Action: That City Council adopt a resolution to accept a donation of \$5,000 from the Campbell Museum Foundation to support the Museum division's part time temporary staffing for the remainder of FY 21 and approve a budget adjustment increasing the appropriation in expenditure account 101.528.7002 by \$5,000 and the revenue estimate in account 101.528.4812 by an offsetting amount of \$5,000.

Councilmember Landry thanked the Museum Foundation for making the \$5,000 donation.

Mayor Gibbons spoke of other significant contributions made by the Museum Foundation.

Councilmember Lopez commented on the Museum Foundation accomplishments and noted that the Chamber of Commerce "Citizen of Year" JR McKee sits on the

Foundation Board.

M/S: Landry/Bybee - That City Council adopt a resolution 12694 to accept a donation of \$5,000 from the Campbell Museum Foundation to support the Museum division's part time temporary staffing for the remainder of FY 21 and approve a budget adjustment increasing the appropriation in expenditure account 101.528.7002 by \$5,000 and the revenue estimate in account 101.528.4812 by an offsetting amount of \$5,000. 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

9. **Public Hearing to Consider the Application (PLN2018-225) of Akbar Abdollahi for a Planned Development Permit to Allow the Construction of Nine (9) Single Family Residences, a New Private Street, and Associated Site and Landscaping Improvements; a Tentative Subdivision Map to Subdivide the Site into Nine (9) Single-Family Lots with One (1) Common Lot; a Parking Modification Permit to Allow a Reduction in the Number of Required Parking Spaces; a Tree Removal Permit to Allow the Removal of One (1) Fruitless Mulberry Tree; and a Variance to Allow the Retention of Existing Overhead Utility Lines And/Or the Placement of New Poles for Property Located at 202 W. Rincon Avenue in the Proposed P-D (Planned Development) Zoning District. (Introduction of Ordinance / Resolutions / Roll Call Vote)**

Recommended Action: The Planning Commission recommends that the City Council take the following actions: (1) Introduce an Ordinance approving a Planned Development Permit; (2) Adopt a Resolution approving a Tentative Subdivision Map; (3) Adopt a Resolution approving a Parking Modification Permit; (4) Adopt a Resolution approving a Tree Removal Permit; (5) Adopt a Resolution approving a Variance.

Mayor Gibbons recused herself from this item due to proximity of the project location to her personal residence and disconnected from the call. Vice Mayor Resnikoff chaired the meeting for this item.

This is the time and place for a public hearing to consider the application (PLN2018-225) of Akbar Abdollahi for a Planned Development Permit to allow the Construction of nine (9) single family residences, a new private street, and associated site and landscaping improvements; a Tentative Subdivision Map to subdivide the site into nine (9) single-family lots with one (1) common lot; a Parking Modification Permit to allow a reduction in the number of required parking spaces; a Tree Removal Permit to allow the removal of one (1) fruitless Mulberry tree; and a Variance to allow the retention of existing overhead utility lines and/or the placement of new poles for property located at 202 W. Rincon

Avenue in the Proposed P-D (Planned Development) Zoning District.

Senior Planner Rose presented a staff report dated April 6, 2021.

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

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

Council discussed the utility poles, the accessory dwelling units (ADU) and the trees.

Vice Mayor Resnikoff reopened the public hearing for the applicant to provide clarification on issues with the detached/attached unit and the trees.

The applicant stated agreement to plant trees with a larger shade canopy. He stated that attached units cost homeowners more money with their HOA and sell at a lower cost. Applicant was agreeable to building ADU's for units 5 and 6.

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

After discussion, **M/S: Landry/Bybee – that the City Council take the following actions: (1) Introduce Ordinance 2271 approving a Planned Development Permit; (2) Adopt Resolution 12695 approving a Tentative Subdivision Map; (3) Adopt Resolution 12696 approving a Parking Modification Permit; (4) Adopt Resolution 12697 approving a Tree Removal Permit; (5) Adopt Resolution 12698 approving a Variance; (6) to provide a tree species with a broader canopy as per the Community Development Director recommendation. The motion was adopted by the following roll call vote:**

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

Deputy City Clerk read the title of Ordinance 2271.

M/S: Bybee/Landry - That the City Council waive further reading of Ordinance 2271. The motion was adopted by the following roll call vote:

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

Mayor Gibbons rejoined the meeting.

NEW BUSINESS

There was no new business.

UNFINISHED BUSINESS

10. Measure O, Library Renovation Schematic Design

Recommended Action: That the City Council receive and approve the schematic design for the Library renovation project and provide feedback to staff regarding further details to be focused on during the design development phase.

Measure O Special Advisor Timm Borden gave a brief update and introduction on the Library Measure O schematic design.

Measure O Library Consultants of Jayson Architecture gave a presentation on the Measure O Library renovation schematic design.

Davis Fields, Civic Improvement Commissioner spoke in support of incorporating Public Art in the Library project.

Council provided feedback on the schematic design including the site plan, grading plan, landscaping, driveways, parking lot, sidewalk width, various landscaping costs, reevaluating the restrooms, the 1% cost overage, the Northwest view of the building, poverty issues, energy conservation and resilience, perimeter walls and landscaping maintenance.

There was a general consensus of the Council that supported the interior building designs.

The City Council directed Jayson Architecture to prepare an information memo and revised plans addressing site plan, grading and landscaping issues and other concerns based on Council feedback.

COUNCIL COMMITTEE REPORTS

11. Council Committee Reports

Recommended Action: Report on committee assignments and general comments.

--Councilmember Lopez attended the Legislative Subcommittee and the Education Subcommittee.

--Vice Mayor Resnikoff attended the Silicon Valley Animal Control Authority meeting.

--Councilmember Landry attended the Education Subcommittee and spoke of the

upcoming State Subcommittee meeting relating to SB 619.

--Mayor Gibbons attended the West Valley Mayors and Managers meeting.

ADJOURN

Mayor Gibbons adjourned the meeting at 10:44 p.m.

APPROVED:

ATTEST:

Elizabeth 'Liz' Gibbons, Mayor

Andrea Sanders, Deputy City Clerk