

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, September 21, 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 September 21, 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

Social Services Supervisor and Co-Chair of the Caregiver's Count Conference, Tina Wong-Erling lead the Pledge of Allegiance to promote the Caregiver's Count Conference noting the conference provides education and support to family caregivers who are caring for older adults.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

- Proclamation Declaring the Week of September 6-10, 2021 as "National Payroll Week" in the City of Campbell**

Recommended Action: It is recommended that the City Council proclaim the week of September 6-10, 2021 as "National Payroll Week" in the City of Campbell.

Mayor Gibbons acknowledged September 6-10, 2021 as National Payroll Week in the City of Campbell, in an effort to highlight the achievements and partnerships between America's employees and their payroll professionals.

Payroll Technician for the City of Campbell, Larry Ferguson accepted the Proclamation and thanked Council for the recognition and thanked the Finance Department Staff noting that teamwork is what accomplishes the hard work and meets the goals.

2. **Proclamation Declaring the Month of September as “National Preparedness Month” in the City of Campbell**

Recommended Action: It is recommended that the City Council proclaim the month of September as “National Preparedness Month” in the City of Campbell.

Mayor Gibbons acknowledged September 2021 as National Preparedness Month, noting that this is a time to encourage all Community members to prepare for natural and human-made disasters and ensure that all are ready for any type of emergency.

President of the Campbell Community Emergency Response Team (CERT), Mark Dunkle, thanked Council for the Proclamation and expressed excitement for the new trainings, classes, and their new book available through the Campbell CERT Program. Mr. Dunkle noted that Campbell CERT has over 200 members and is an independent volunteer program. For more information, please visit www.campbellcert.org.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

ORAL REQUESTS

John Field, President of the Cambridge Park Homeowners' Association (HOA), spoke of his concerns relating to the high-density housing proposal on Lewellyn Ave, and reported that the topic provided residents the opportunity to form the Campbell Citizens for Responsible Growth Group on the social media platform Next Door, and reengaged community members to participate in the general plan conversations as well as the Cambridge Park HOA meetings.

Dave Johanson and Steven Saunders spoke of their concerns relating to placing high density housing on Lewellyn Ave.

Raja Pallela spoke of his concerns relating to proper planning of large developments, an increased amount of social media engagement for public hearings, a desire for City Hall to reopen and expressed concerns that the City Council meeting time of 7:30 conflicts with many family responsibilities in the evening and makes it difficult for residents to participate.

COUNCIL ANNOUNCEMENTS

Local governments use new data from the Census every ten years to adjust their district boundary lines to reflect how local populations have changed. The City of Campbell is asking for your help to adjust our district boundary lines for future citywide elections.

Since the City of Campbell has district-based elections for five Council seats, the City must redistrict the district boundaries prior to the next election of Council Members in 2022. Council Districts 1 and 2 were on the ballot on November 3, 2020, and Council Districts 3, 4, and 5 will be on the ballot on November 8, 2022. The City Council is seeking input on Communities of Interest that should be considered in the next district map. You have an opportunity to share with the City Council how you think district boundaries should be drawn to best represent your community either during the public hearings or by submitting comments to redistricting@campbellca.gov; or completing the Community of Interest Worksheet at www.campbellca.gov/redistricting.

Hearings are open to the public and any person who attends will have the opportunity to be heard. The next public hearing is scheduled for Tuesday, October 5, 2021. For further information regarding this matter, please contact the City Clerk's Office at 408-866-2100 or email: redistricting@campbellca.gov.

The City Clerk's Office is accepting applications for the Measure O Citizen's Bond Oversight Committee; the Historic Preservation Board and the Rental Increase Fact Finding Committee. To find out more about these Boards, Committees, and Commissions and when the applications are due, please contact the City Clerk's office at 408-866-2117, or visit the city's website: <https://www.ci.campbell.ca.us/157/Boards-Commissions>.

The 11th Annual Caregivers Count! conference is tailored specifically for family caregivers who are caring for older adults. There are two days left, September 25 and October 2, 2021. Attendees will hear from informative speakers on the topics of advance care planning and adult day care. For more information and to register visit www.caregiverscount.net.

The Campbell Museum presents Membership Monday, on October 4, 2021 6:00 - 7:00 PM. Join Dr. Randolph Klien as he presents the fascinating mission and discoveries of NASA's Stratospheric Observatory for Infrared Astronomy, known as the SOFIA mission. If you are curious about NASA missions, astronomy and the future of space exploration and technology, this Membership Monday program will be fascinating. For more information about this event, please visit www.campbellmuseums.com.

The Ainsley House presents Gypsy Swing and Jazz at the Fall Garden Concert Series on October 17, 2021 at 2:00 PM. Tickets are available at www.campbellmuseums.com

The Oktoberfest Fun Run will take place in person this year on October 16, 2021. Registration is open. Please visit www.campbellca.gov/recreation to learn more.

The Jake Shimabakuro and LeAnn Rimes concerts have been rescheduled for November at the Heritage Theatre. Original tickets will be honored for the new dates.

For more information about these concerts or other events, please visit www.campbellca.gov/heritagetheatre.

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.campellmuseums.com.

CONSENT CALENDAR

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

Item 11 was pulled from the consent calendar.

The Consent Calendar was considered as follows:

3. **Minutes of City Council Regular Meeting of September 7, 2021**

Recommended Action: Approve the Regular Meeting minutes of September 7, 2021.

This action approves the City Council Regular Meeting minutes of September 7, 2021.

4. **Approving Bills and Claims.**

Recommended Action: Approve the bills and claims in the amount of \$1,129,334.90.

This action approves the bills and claims in the amount of \$1,129,334.90 as follows: payroll checks dated August 19, 2021, in the amount of \$73,621.59; bills and claims checks dated August 20, 2021, in the amount of \$553,960.68; bills and claims checks dated August 23, 2021, in the amount of \$215,047.36; and bills and claims checks dated August 30, 2021, in the amount of \$256,705.27.

5. **Adopt a Resolution to Approve the Side Letter to Memorandum of Understanding with the Campbell Police Civilian Employees Association (CPCEA) (Resolution/Roll Call Vote)**

Recommended Action: It is recommended that the City Council adopt a Resolution approving the side letter to the Memorandum of Understanding (MOU) with the Campbell Police Civilian Employees Association (CPCEA).

Resolution 12760 approves the Side Letter to Memorandum of Understanding (MOU) with the Campbell Police Civilian Employees Association (CPCEA).

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

Recommended Action: It is recommended that the City Council adopt a Resolution extending the August 3, 2021 City Council proclamation declaring the existence of a local emergency resulting from community spread of COVID-19 in the City of Campbell to November 29, 2021.

Resolution 12761 extends the August 3, 2021 City Council proclamation declaring the existence of a local emergency resulting from community spread of COVID-19 in the City of Campbell to November 29, 2021.

7. **Third Amendment to the Senior Nutrition Program Contract for Fiscal Year 2021-2022 (Resolution/Roll Call Vote)**

Recommended Action: It is recommended that the City Council adopt a Resolution authorizing the City Manager to execute the Third Amendment to the Contract with the County of Santa Clara to approve funding for additional meals in Fiscal Year 2021-22 and approve a corresponding budget amendment in Fiscal Year 2021-22 by increasing expenditure account 101.525.7432 and revenue account 101.525.4561 by \$29,568 each.

Resolution 12762 authorizes the City Manager to execute the Third Amendment to the Contract with the County of Santa Clara to approve funding for additional meals in Fiscal Year 2021-22 and approve a corresponding budget amendment in Fiscal Year 2021-22 by increasing expenditure account 101.525.7432 and revenue account 101.525.4561 by \$29,568 each.

8. **Approval of the Vacation of a Public Service Easement Across a Portion of the Property Known as 577 Salmar Avenue, and Direct the City Clerk to Record the Resolution (Resolution/Roll Call Vote)**

Recommended Action: It is recommended that the City Council adopt a Resolution vacating the Public Service Easement (PSE) recorded on December 14, 1989, in Book L197, Page 1683 of Official Records with Santa Clara County against a portion of the property known as 577 Salmar Avenue and direct the City Clerk to record the resolution.

Resolution 12763 approves vacating the Public Service Easement (PSE) recorded on December 14, 1989, in Book L197, Page 1683 of Official Records with Santa Clara County against a portion of the property known as 577 Salmar Avenue and direct the City Clerk to record the resolution.

9. **Authorization to Submit Application for the CalRecycle Rubberized Pavement Grant Program for Annual Street Maintenance Project 22-BB: Collector and Residential Street Resurfacing (Resolution/Roll Call Vote)**

Recommended Action: It is recommended that the City Council adopt a Resolution authorizing the Public Works Director to submit an application and to execute all related grant documents for the Fiscal Year 2021-22 CalRecycle Rubberized Pavement Grant Program for the Annual Street Maintenance Project 22-BB: Collector and Residential Street Resurfacing Program.

Resolution 12764 authorizes the Public Works Director to submit an application and to execute all related grant documents for the Fiscal Year 2021-22 CalRecycle Rubberized Pavement Grant Program for the Annual Street Maintenance Project 22-BB: Collector and Residential Street Resurfacing Program.

10. **Approval of Amended Rules and Regulations for Edith Morley Park Community Garden (Resolution/Roll Call Vote)**

Recommended Action: It is recommended that the City Council adopt a Resolution approving the amended Rules and Regulations for the Edith Morley Park Community Garden.

Resolution 12765 approves the amended Rules and Regulations for the Edith Morley Park Community Garden.

M/S: Resnikoff/Bybee – That the City Council approve the Consent Calendar, with the exception of item 11. The motion was adopted by the following roll call vote:

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

ITEMS CONSIDERED SEPARATE FROM CONSENT

11. **Commending David Mooso Upon His Retirement After 23 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 David Mooso for twenty-three years of outstanding service to the City of Campbell.

Mayor Gibbons introduced the item and read the proclamation.

Councilmembers expressed appreciation to Dave Mooso for his long and dedicated career with the City of Campbell, noting the complexities of managing the streets and lighting within the boundaries of the City of Campbell but also with neighboring jurisdictions, always meeting resident’s expectations, his kind and compassionate customer service and specifically thanked him for his dedication to the profession and for teaching and mentoring the next generation.

Public Works Director Todd Capurso and Public Works Superintendent Alex Mordwinow expressed gratitude and appreciation to Dave Mooso for his dedicated career, expertise on the job, and for ensuring the next generation could take the reins. Public Works Superintendent Mordwinow acknowledged and thanked Dave Mooso for his service in the U.S. Navy as well as his service to the general public throughout his career.

Mr. Mooso thanked Council and his colleagues for their kind words and noted that he can “stop playing in traffic now”. He feels the department and division are left in good hands and expressed fond memories of working in the Public Works Department and with the City of Campbell.

M/S: Resnikoff/Bybee – That the City Council adopt Resolution 12766 commending David Mooso for twenty-three 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:	Bybee
AYES:	Bybee, Gibbons, Landry, Lopez, Resnikoff

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

There were no public hearings and introduction of ordinances.

NEW BUSINESS

12. Fiscal Year 2020-21 Year-End Fiscal Update

Recommended Action: It is recommended that the City Council receive an update on un-audited Fiscal Year (FY) 2020-21 year-end General Fund actual revenues and expenditures and adopt a Resolution authorizing a Budget Adjustment to offset some allowable General Fund expenditures in FY 2020-21 with the City's American Rescue Plan Act (ARPA) allocations.

Finance Director Will Fuentes presented a Staff Report dated September 21, 2021 updating the Council on the un-audited FY 2020-21 year-end General Fund actual revenues and expenditures noting that before the City's APRA allocations, General Fund un-audited revenues were \$52.16 million and General Fund un-audited expenditures were \$55.11 million; thereby resulting in an operating deficit of \$2.95 million for FY 2021. The un-audited actual deficit is slightly better than estimates by approximately \$266,000; caused by better than expected revenues and less than expected expenditures. On a year-over-year basis, revenues grew by \$1.55 million or 3.07% and expenditures decreased by \$247,000 or 0.45%. This is slightly improved news for the City, but on the whole, the City's General Fund still shows a significant operating deficit for FY 2021; absent its allocation of one-time ARPA funds. While these are largely positive revenue developments, they were also offset by less than expected results in Franchise Fees, Investment Income, Intergovernmental Revenue, and other funding sources; thereby resulting in only a slight \$170,000 increase in actual overall year-end General Fund revenues when compared to previous estimates. While staff expects revenue results to continue to improve in FY 2022 and beyond, it recommends considerable caution when bringing on additional ongoing operational costs due to the unpredictability of the pandemic, a recent uptick in variants, and pre-existing pre-pandemic structural issues within the General Fund.

After discussion, **M/S: Lopez/Bybee – That the City Council receive an update on un-audited Fiscal Year (FY) 2020-21 year-end General Fund actual revenues and expenditures and adopt Resolution 12767 authorizing a Budget Adjustment to offset some allowable General Fund expenditures in FY 2020-21 with the City's American Rescue Plan Act (ARPA) allocations. The motion was adopted by the following roll call vote:**

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

UNFINISHED BUSINESS

13. Measure O, Police Building Design Development

Recommended Action: It is recommended that the City Council provide direction to staff for the Measure O, Police Building Design Development as necessary.

Vice Mayor Resnikoff recused himself and left the meeting at 8:19 PM, due to the subject property being located within 500 feet of his residence.

Mayor Gibbons summarized the previous Study Session conversation and Council confirmed consensus for ensuring a cohesive signage and lighting look for the Civic Center as a whole.

Councilwoman Landry restated her concerns relating to the entry plaza, the front stairs and ADA ramp layouts, the configuration of the second driveway, drainage, and parking lot design.

Councilmember Bybee stated that she assumes the design team is taking into account all Councilmember comments and will address them where appropriate, she reiterated her desire for the project to keep moving forward to the next stage in the design documentation process.

Councilmember Lopez stated his agreement with Councilmember Bybee and that he felt the concerns raised thus far, can be addressed by the design team and that nothing he has heard so far should slow the pace of the project.

Mayor Gibbons stated that she is not supportive of moving the project forward at this stage, she is concerned about not having enough information to uphold her fiduciary responsibility and is missing the master planning document for Measure O as a whole, which would provide the information she needs like the big picture schedule, budget, staffing needs, detailed plans for contractor workspace, parking, nearby facility protections, removal of hazardous materials (hazmat) procedures, phasing of the projects, the multiple moves of staff, furniture and logistics, and the costs associated with all of those moves and logistics. Mayor Gibbons expressed concerns relating to the code plan checks, the time and costs needed for the PG&E utility work, and that the project as she sees it now is at a high risk of being over budget.

Councilwoman Landry stated that she feels she is holding the project accountable not holding it up, and that she doesn't feel the front plaza is ready to move forward and is concerned that if Council moves forward with the design now, it will cost more to make changes down the line.

City Manager Brian Loventhal stated that Staff has received Councilmembers written comments and will be sharing those with LPA and asked that Council

allow their questions to be addressed by Staff in writing and move forward with the project on the areas that they are comfortable with.

Discussions continued relating to the front entryway plaza design, the parking lot design and flow, maximum number of parking spaces, and the ability to preserve existing trees. Council acknowledged that not all Councilmembers are going to agree to each design element and that in order to address some of the concerns raised, there may be tradeoffs in losing an existing tree or lessening parking spaces in order to address the parking lot design for instance.

Mayor Gibbons opened the public comment period and asked if anyone wished to speak, there being no speakers, the public comment period was closed.

M/S: Lopez/Bybee – That the City Council authorize LPA to finalize the parking lot design, ramps and walkways to the Police Department building and lower level to City Hall with the flexibility of losing a parking space or two, taking into account all of Councilmembers comments. The motion was adopted by the following roll call vote:

RESULT:	ADOPTED [4 TO 1]
MOVER:	Lopez
SECONDER:	Bybee
AYES:	Bybee, Gibbons, Landry, Lopez
RECUSED:	Resnikoff

M/S: Gibbons/Landry – That the City Council authorize LPA to continue with the design development drawings into the construction documents phase, including consideration of Council’s comments on a cohesive planning effort including lighting, landscaping and signage for the Civic Center as a whole. The motion was adopted by the following roll call vote:

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

COUNCIL COMMITTEE REPORTS

14. Council Committee Reports

Recommended Action: Report on committee assignments and general comments.

Councilmember Bybee attended the Cities Association Committee meeting in August.

Councilwoman Landry attended the Campbell Chamber of Commerce Luncheon the week of September 6, and the Grand Opening of Geoffrey’s Diamonds &

Goldsmith Jewelry Store on September 17, 2021. The Cities Association Meeting will be held on September 29 and will be reviewing Senate Bill 1383 and its impacts to Cities.

Councilmember Lopez attended the Valley Transportation Authority (VTA) Policy Advisory Committee meeting and reviewed the report relating to Highway 101 improvements including survey results, but the Committee voted to not adopt the survey as there were major errors that needed correcting. The California League of Cities Conference begins this week and will be attending.

Mayor Gibbons read the report submitted by Vice Mayor Resnikoff noting that he attended the West Valley Sanitation District and the West Valley Sanitation Treatment Plant Advisory Committee meetings.

Mayor Gibbons attended the U.S. Conference of Mayors and Managers meeting relating to OSHA requirements on COVID testing and vaccinations; participated in a video campaign for 8X8 on the effectiveness of the cities use of their system; attended meetings with County Supervisor Susan Ellenberg; conducted the 2021 State of the City and attended the Grand Opening of Geoffrey's Diamonds & Goldsmith Jewelry Store on September 17; attended a press conference with Representatives Anna Eshoo and Evan Low relating to the grants for fire resilience and public safety building improvements. Mayor Gibbons attended the Bay Area Governments Executive Committees relating to improving the Plan 2050; attended the Historical Museum and Ainsley House Foundation meeting; the Cities Association Selection Committee appointed a Local Agency Formation Commission (LAFCO) representative and the Silicon Valley Clean Energy Authority succeeded in their prepayment bond with Morgan Stanley which is projected to save customers about \$2 million per year.

ADJOURN

Mayor Gibbons adjourned the meeting at 9:40 p.m.

APPROVED:

ATTEST:

Elizabeth 'Liz' Gibbons, Mayor

Dusty Christopherson, City Clerk