

# CITY COUNCIL MINUTES

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



**CITY COUNCIL EXECUTIVE SESSION**  
**Tuesday, February 16, 2021 – 6:45 p.m.**  
**City Hall – 70 N. First Street**

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

- A. Personnel**
- B. Litigation - CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**  
(Paragraph (1) of subdivision (d) of [Section 54956.9](#))  
Name of case: (One case: employee is seeking workers compensation for alleged job related injuries)
- C. Real Property**
- D. Labor Negotiation**

The City Council met in Executive Session to discuss Item B. City Manager Brian Loventhal, City Attorney Bill Seligmann, Acting Human Resources Manager Salina Flores and RTGR Law Firm Attorney Rick Royer were in attendance.

Executive Session adjourned at 6:57 p.m.

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**REGULAR MEETING OF THE CAMPBELL CITY COUNCIL**  
**Tuesday, February 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

February 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**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
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**

Mayor Gibbons led the Pledge of Allegiance.

### **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

#### **1. Black History Month**

Recommended Action: It is recommended that the City Council proclaim February as Black History Month to honor the accomplishments of African Americans throughout our Nation's history.

Mayor Gibbons proclaimed February as Black History Month and read the proclamation.

### **COMMUNICATIONS AND PETITIONS**

There were no communications and petitions.

### **ORAL REQUESTS**

Raja Pallela, Campbell resident spoke about low-income housing and mixed-use within the Dell area and the San Tomas area.

### **COUNCIL ANNOUNCEMENTS**

The City of Campbell continues to work closely with our partnering agencies to monitor how the coronavirus is impacting our communities. We are actively monitoring the information provided by the U.S. Centers for Disease Control and reviewing guidance provided by the County's Public Health Department. We continue to take proactive steps to prioritize the health and safety of our employees and community members. Our focus is to maintain essential services and keep you informed.

Santa Clara County continues to expand access to COVID-19 vaccinations to anyone age 65 or older. In addition to opening a site at Levi's Stadium, the County has opened two drop-in vaccination sites in East San Jose and Gilroy. Additional drop-in vaccination sites are open and phone appointments are now available for those without access to the internet. Residents 65 and older, and health care workers, can make appointments for the County Health System vaccine sites through the Valley Connection Call Center at (408) 970-2000. To find out who can currently be vaccinated, who will be eligible to receive the vaccine next, and other frequently asked questions, please visit the County's online dashboard at [sccfreevax.org](http://sccfreevax.org).

The City Clerk's office is accepting applications for a vacancy on the Historic Preservation Board for one short term expiring October 2021. Appointment of members to the Historic Preservation Board shall be made from among professionals in the historic preservation-related disciplines. To be eligible for appointment on this volunteer advisory commission, applicants must reside within Campbell city limits and be at least eighteen years of age. 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](http://campbellca.gov) or email the clerk's office at [clerksoffice@campbellca.gov](mailto:clerksoffice@campbellca.gov).

The City is beginning construction of a new all-inclusive play area at John D. Morgan Park. This project will reconstruct the playground on the Budd Avenue side of the park to increase play value and allow for all-inclusive play. Funding for this project is provided in part by a grant from the County of Santa Clara's All-Inclusive Playground Grant Program along with contributions from the City's Park Fund. Completion is scheduled for August of this year.

The spring activity guide is available online. Spring registration at the Campbell Community Center begins today. Please visit [campbellca.gov](http://campbellca.gov) for online class and registration information.

The community center track, tennis courts, handball courts, outdoor fitness equipment and playground are open and require masks and social distancing. The swimming pool is open and available on a reservation basis only. The skatepark is currently closed due to non-compliance with mask wearing and social distancing.

Spread the love at Campbell's 44<sup>th</sup> annual Valentine 5K Virtual Fun Run/Walk through February 21. Create your own 5K, anywhere, anytime-virtually. For more information and to register please visit [campbellca.gov/recreation](http://campbellca.gov/recreation).

The Campbell, Saratoga, and Cupertino Youth Commissions are collaborating to host their first ever Teen Kindness Week. Follow the Campbell Youth Commission Instagram account @campbelyouthcommission the week of February 15-19 to see how you can help spread kindness. Share your kindness stories with #teenkindnessweek.

Donate today. Help support the Campbell Museum. These are unprecedented times and the Campbell Museums are facing an uncertain future. Your donation will help the Campbell Museums' education programs, exhibits, and preservation. For more information, please visit [campbellmuseums.com](http://campbellmuseums.com).

The Campbell Museum and JFCS Holocaust Center presents "Herb" learn his story and hear his testimony of survival on Monday, March 1 from 7:00-8:15 p.m. Herb was a hidden child during the Holocaust. His family escaped from Vienna to Belgium. Herb has shared his testimony on ZOOM across the country.

History at Home presents the History of Fort Ross on Friday, March 26 from 6:00-7:00 p.m. A Russian American Settlement on the Sonoma Coast presented by Igor Polishchuk, Director of External Relations Fort Ross Conservancy. Fort Ross is a former Russian establishment on the Sonoma County coast and has been the subject of archaeological investigation and is a California Historical Landmark. Registration is required for both events. Tickets are free for museum members or \$10 each. To register, please visit [campbellmuseums.com](http://campbellmuseums.com).

Celebrate Campbell's rich heritage at the "Early Settlers Day" virtual event on Wednesday, February 17 at noon. Kerry Perkins from the Campbell Museum will discuss the 175<sup>th</sup> Anniversary of the Campbell's Coming to California. Updates on City business will also be presented. Register for free at [CampbellChamber.net](http://CampbellChamber.net).

The Campbell Library offers extensive virtual story time and classes weekly including: baby story time, kid's art club, yoga for adults and so much more. Check the online calendar for more information about classes, virtual book discussion groups and other programs at [sccl.org](http://sccl.org).

## **CONSENT CALENDAR**

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

Councilmember Landry pulled item five.

The Consent Calendar was considered as follows:

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

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

3. **Approving Bills and Claims**  
Recommended Action: Approve the bills and claims in the amount of \$1,633,563.48.

This action approves the bills and claims in the amount of \$1,633,563.48 as follows: bills and claims checks dated December 28, 2020, in the amount of \$177,475.42; payroll checks dated January 7, 2021, in the amount of \$38,595.92; and bills and claims checks dated January 11, 2021.

4. **Approval of Tract Map No. 10559 Including Acceptance of Street Dedication and Public Service Easements Shown on Said Map, and Abandonment of a Redundant Street Easement Along East Mozart Avenue – 16179 East Mozart Avenue (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution: 1) approving the Tract Map for Tract No. 10559; 2) accepting the street dedication and public service easements as shown on the map; and 3) abandoning the redundant street easement for the property located at 16179 East Mozart Avenue.

Resolution 12676 approves the Tract Map for Tract No. 10559; accepts the street dedication and public service easements as shown on the map; and abandons the redundant street easement for the property located at 16179 East Mozart Avenue.

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Resnikoff
<b>SECONDER:</b>	Landry
<b>AYES:</b>	Gibbons, Resnikoff, Bybee, Landry, Lopez

**ITEMS CONSIDERED SEPARATE FROM CONSENT**

5. **Recognizing the Heroic Actions and Lifesaving Efforts of Agent Margaret Leitz and Reserve Officer Paula Soulodre on July 28, 2019 at the Gilroy Garlic Festival (Resolution/Roll Call Vote)**

Recommended Action: Adopt a Resolution recognizing and commending Agent Margaret Leitz and Reserve Officer Paula Soulodre for their heroic actions and lifesaving efforts on July 28, 2019 at the Gilroy Garlic Festival.

Each Councilmember gave their individual comments of gratitude and appreciation to Agent Margaret Leitz and Reserve Officer Paula Soulodre for their heroic actions at the Gilroy Garlic Festival.

**M/S: Resnikoff/Landry – That the City Council adopt Resolution 12677 recognizing and commending Agent Margaret Leitz and Reserve Officer Paula Soulodre for their heroic actions and lifesaving efforts on July 28, 2019 at the Gilroy Garlic Festival. The motion was adopted by the following**

roll call vote:

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Resnikoff
<b>SECONDER:</b>	Landry
<b>AYES:</b>	Gibbons, Resnikoff, Bybee, Landry, Lopez

**PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES**

- 6. **Public Hearing to Consider the Application of Darko Dekovic for a Major Modification (PLN-2020-85) to a Previously Approved Planned Development Permit (ZC 81-12) to Allow Construction of an Approximately 426 Square-Foot Single-Story Addition to an Existing Single-Family Residence and a 1,011 Square-Foot Detached Building that Will Accommodate a New Accessory Dwelling Unit (ADU) on Property Located at 1409 Harriet Avenue in the P-D (Planned Development) Zoning District. (Resolution/Roll Call Vote)**

Recommended Action: The Planning Commission recommends that the City Council take the following action: Adopt a Resolution, recommending that the City Council adopt a resolution approving a Major Modification (PLN-2020-85) to a previously approved Planned Development Permit (ZC 81-12).

This is the time and place for a public hearing to consider the application of Darko Dekovic for a Major Modification (PLN-2020-85) to a previously approved Planned Development Permit (ZC 81-12) to allow construction of an approximately 426 square-foot single-story addition to an existing single-family residence and a 1,011 square-foot detached building that will accommodate a new Accessory Dwelling Unit (ADU) on property located at 1409 Harriet Avenue in the P-D (Planned Development) Zoning District.

Assistant Planner Healy presented a staff report dated February 16, 2021.

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

Raja Pallela, Campbell resident commented on the San Tomas Area Community Coalition (STACC) and asked about project notification processes.

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

After discussion, **M/S: Resnikoff/Bybee – That the City Council adopt Resolution 12678 approving a Major Modification (PLN-2020-85) to a previously approved Planned Development Permit (ZC 81-12).**

With clarification from City Attorney Seligmann, Councilmember Resnikoff made

a friendly amendment to **delete the last sentence from number six of the Evidentiary Findings from Resolution 12678.**

**Councilmember Bybee accepted the friendly amendment. The motion was adopted by the following roll call vote:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Resnikoff
<b>SECONDER:</b>	Bybee
<b>AYES:</b>	Gibbons, Resnikoff, Bybee, Landry, Lopez

## **NEW BUSINESS**

7. **Acceptance of Fiscal 2019-20 CAFR and Auditor’s Written Communication on Internal Control**

Recommended Action: That the City Council accepts the fiscal 2019-20 Comprehensive Annual Financial Report (CAFR) and Auditor’s written communication on internal control structure and the audit process as submitted with this report.

Finance Manager Vong presented a staff report dated February 16, 2021.

Ahmad Gharaibeh, Partner at Eide Bailley discussed the audit process and the auditor’s report.

Councilmember Bybee acknowledged Joe Escobar of Eide Bailley for his assistance in the audit process and thanked him for attending the Finance Subcommittee meeting on January 26, 2021.

After discussion, **M/S: Resnikoff/Bybee - That the City Council accept the fiscal 2019-20 Comprehensive Annual Financial Report (CAFR) and Auditor’s written communication on internal control structure and the audit process as submitted with this report. The motion was adopted by the following roll call vote:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Resnikoff
<b>SECONDER:</b>	Bybee
<b>AYES:</b>	Gibbons, Resnikoff, Bybee, Landry, Lopez

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

Recommended Action: Staff recommends that the City Council accept the Fiscal Year (FY) 2021 Mid-Year Financial Update Report and adopt by resolution the FY 2021 Mid-Year Budget Adjustments.

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

Members of the public, Nicolas and Diana Capello suggested an equal pay decrease to all employees as an alternative to staff labor reductions.

Council discussed the proposed FY 2021 Mid-Year Budget Adjustments as presented in Table 2 of the staff report. Discussions included the Transient Occupancy Tax and Sales Tax; the use of various City reserve funds; staffing position freezes; budget deficits; and funding accounts. Council discussed the importance of understanding the relationship between any proposed labor reductions and the impact on associated programs.

Council had a majority consensus to move forward with labor reductions in the amount of \$772,417. Council also requested that staff return with revisions to the recommended budget adjustments based on Council's comments.

## **COUNCIL COMMITTEE REPORTS**

### **9. Council Committee Reports**

Recommended Action: Report on committee assignments and general comments.

--Councilmember Lopez attended the Valley Transportation Authority Policy Advisory Committee meeting; and met with Cupertino Mayor Paul.

--Councilmember Landry attended the County Library District JPA Board of Directors meeting; and spoke about the Economic Subcommittee and met with San Jose Councilmember Foley.

--Councilmember Bybee attended the Cities Association of Santa Clara County meeting.

--Vice Mayor Resnikoff attended the West Valley Clean Water meeting; West Valley Sanitation District meeting; West Valley Solid Waste Authority meeting; and the West Valley Sanitation Treatment Plant Advisory Committee.

--Mayor Gibbons attended the Silicon Valley Clean Energy meeting; attended a meeting with Supervisor Ellenberg; and participated in the City Clerk interviews.

## **ADJOURN**

Mayor Gibbons adjourned the meeting at 11:01 p.m.



APPROVED:

ATTEST:

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Elizabeth 'Liz' Gibbons, Mayor

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Andrea Sanders, Deputy City Clerk