

CITY COUNCIL MINUTES

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



CITY COUNCIL EXECUTIVE SESSION

Tuesday, May 19, 2020
City Hall – 70 N. First Street

- A. **Personnel** –Pursuant to G.C. Section 54957: Public Employee Performance Evaluation – City Manager
- B. **Litigation - CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION** - Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of California Government Code [Section 54956.9](#): (one case - for which the City have received a claim pursuant to the Government Claims Act, a copy of which is available for review upon request at the City Clerk's Office.)
- C. **Real Property**
- D. **Labor Negotiations** - Pursuant to G.C. Section 54957.6: Conference with Labor Negotiator - Agency Designated Representatives: City Council and City Manager Performance/Compensation Subcommittee Members Susan M. Landry and Anne Bybee
Unrepresented Employee: City Manager

The City Council met in Executive Session to discuss items A, B and D. City Manager Brian Loventhal was in attendance via teleconference. City Attorney Bill Seligmann, Police Chief Garg Berg, and Finance Director Will Fuentes were in attendance via teleconference for item B. Executive session adjourned at 7:22 p.m.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, May 19, 2020 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 www.cityofcampbell.com/agendacenter.

CALL TO ORDER

The City Council of the City of Campbell convened on the regularly scheduled day of

May 19, 2020, via telecommunication.

Mayor Landry stated that the 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.

Mayor Landry explained the process to provide public comment, stating that it will be accepted via email at ClerksOffice@campbellca.gov during the meeting, before the close of public comment on an item.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Mayor Landry led the Pledge of Allegiance.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

There were no special presentations and proclamations.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

ORAL REQUESTS

Deputy City Clerk Sanders read an email submitted by Roberta Phillips stating concerns with the homeless.

**All emails received were posted with the agenda as part of the public record.

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. On Monday, Dr. Sara Cody, announced a new update of our shelter-in-place order that allows non-

essential retail businesses in Santa Clara County to open for curbside pickup beginning on Friday. Also, the supply chain for those businesses, companies that manufacture the products they sell, will be allowed to reopen provided they comply with social distancing guidelines. The updated order also permits car parades to take place, and outdoor museums, historical sites, and publicly accessible gardens can reopen.

In connection with the State, the County of Santa Clara is working with Motel 6 operators to help those without homes. It has been reported that placements at Motel 6 have begun. Thus far, the County has made 15 placements per day since Sunday and has filled 45 out of the 50 rooms available for this program. Statewide, 600 households have been placed in motels and FEMA trailers. Since March 13, 495 people are currently in shelters. The police department was provided the emergency hotline number for those in need to call.

The Safe Park program is to provide individuals a safe place to sleep at night that are unhoused. This program rotates between several churches within the City and surrounding cities. Please email Campbellministerialassociation@gmail.com.

If you need assistance finding food, paying household bills, seeking available resources or other essential services, please visit www.211.org dial 2-1-1 from your phone. 211 is completely confidential and is accessible 24 hours a day, 7 days a week.

The County of Santa Clara directly provides free COVID-19 testing through the Public Health Department and through Valley Medical Center hospitals and clinics, as well as, through several drive-through testing locations throughout the County. To find a clinic or community testing site closest to you, and make an appointment today, please visit www.Sccgov.org/cv19testing.

Thousands of Americans could soon join the ranks of disease detectives in one of the most important battles against Coronavirus. Contact tracing has helped slow or stop previous epidemics, such as the SARS and Ebola outbreaks. Santa Clara County is looking for case investigators with appropriate language abilities to reach out to the community. To request more information, please email www.ContactTracing@EOC.sccgov.org.

California is expanding "Friendship Line California" to support lonely and isolated older Californians across the state. "Friendship Line California" provides emotional support to older Californians facing loneliness, isolation and anxiety. "Friendship Line California" is a toll-free number 1-888-670-1360.

CalFresh applications are being accepted over the phone for residents who need help buying food. Contact Second Harvest Food Bank Connection Hotline at 1-800-984-3663.

The Santa Clara County Library District has resources for students and families while distance learning. There are many online resources for students including, homework

help, tutoring, test preparation, research tools, not to mention academic videos, articles, eBooks and so much more. Please visit their website at www.scclid.org.

The City of Campbell will be closed on Monday, May 25, in observance of Memorial Day. Limited essential services to the public will reopen on Tuesday, May 26. The Campbell Police Department, along with other critical City services, will continue to provide emergency and essential services to the community.

Please continue to visit the city's website at www.campbellca.gov for up to date information on COVID-19, adjusted City services, cancelled events, Police Department services, the Campbell Community Center, and Business Resources.

CONSENT CALENDAR

Mayor Landry asked if any Councilmember, staff member, or anyone from the public wished to remove any item from the Consent Calendar.

Vice Mayor Gibbons pulled items five and six from the consent calendar.

Mayor Landry pulled item eight.

Mayor Landry recused herself from item seven due to a potential conflict of interest.

Councilmember Resnikoff himself recused from item eight due to the proximity of the project to his residence.

The consent calendar was considered as follows:

1. **Minutes of City Council Study Session Meeting of April 28, 2020**
Recommended Action: Approve the study session meeting minutes of April 28, 2020.

This action approves the study session meeting minutes of April 28, 2020 including the follow up items that were provided to City Manager Loventhal.

2. **Minutes of City Council Special Meeting of April 30, 2020**
Recommended Action: Approve the special meeting minutes of April 30, 2020.

This action approves the special meeting minutes of April 30, 2020 including the desk item.

3. **Minutes of City Council Regular Meeting of May 5, 2020**
Recommended Action: Approve the regular meeting minutes of May 5, 2020

This action approves the regular meeting minutes of May 5, 2020.

4. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$1,383,386.74.

This action approves the bills and claims in the amount of \$1,383,386.74 as follows: payroll checks dated April 16, 2020, in the amount of \$34,771.86; bills and claims checks dated April 20, 2020, in the amount of \$216,138.20; and bills and claims checks dated April 27, 2020, in the amount of \$1,132,476.68.

M/S: Gibbons/Resnikoff – that the City Council approve the consent calendar with the exception of items five, six, seven and eight. The motion was adopted by the following roll call vote:

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

ITEMS PULLED FROM CONSENT

5. **Local Early Action Planning (LEAP) Grant Application**

Recommended Action: That the City Council adopt a Resolution, authorizing the City Manager to submit to the Department of Housing and Community Development (HCD) a Local Early Action Planning (LEAP) Grant application for approval of, and receipt of funding for, preparation of an updated Housing Element and other actions required to comply with the sixth-cycle of the Regional Housing Need Assessment (RHNA).

Vice Mayor Gibbons commented on the allocation of the grant funding.

M/S: Gibbons/Resnikoff - That the City Council adopt Resolution 12584, authorizing the City Manager to submit to the Department of Housing and Community Development (HCD) a Local Early Action Planning (LEAP) Grant application for approval of, and receipt of funding for, preparation of an updated Housing Element and other actions required to comply with the sixth-cycle of the Regional Housing Need Assessment (RHNA). The motion was adopted by the following roll call vote:

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

6. **Approval of Transportation Development Act (TDA) Article 3 Grant Application for Fiscal Year 20/21 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution authorizing the Public Works Director to submit a grant application to the Santa Clara Valley Transportation Authority (VTA) for \$43,874 in Transportation Development Act

(TDA) Article 3 Guarantee Funds for the Campbell Bicycle and Pedestrian Project Fiscal Year (FY) 20/21.

Vice Mayor Gibbons commented on traffic issues at the Civic Center Drive and Second Street and stated that staff will return with potential solutions at the appropriate time.

M/S: Gibbons/Resnikoff - That the City Council adopt Resolution 12585 authorizing the Public Works Director to submit a grant application to the Santa Clara Valley Transportation Authority (VTA) for \$43,874 in Transportation Development Act (TDA) Article 3 Guarantee Funds for the Campbell Bicycle and Pedestrian Project Fiscal Year (FY) 20/21. The motion was adopted by the following roll call vote:

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

7. **Resolution to Authorize the City Manager to Execute the First Amendment to the Contract with the County of Santa Clara to Approve Funding for Additional Emergency Meals in FY 2019-20 and Provide a Senior Nutrition Program for FY 2020-21 and Approve a Corresponding Budget Amendment in FY 2019-20. (Resolution/Roll Call Vote)**

Recommended Action: It is recommended that the City Council adopt a resolution authorizing the City Manager to execute the First Amendment to the Contract with the County of Santa Clara to approve funding for additional emergency meals in FY 2019-20 and provide a Senior Nutrition Program for FY 2020-21 and approve a corresponding budget amendment in FY 2019-20; increasing expenditure account 101.525.7432 and revenue account by \$10,569 each.

Mayor Landry recused herself from this item due to a potential conflict of interest and asked that Vice Mayor Gibbons chair the discussion for item 7.

M/S: Resnikoff/Bybee - That the City Council adopt Resolution 12586 authorizing the City Manager to execute the First Amendment to the Contract with the County of Santa Clara to approve funding for additional emergency meals in FY 2019-20 and provide a Senior Nutrition Program for FY 2020-21 and approve a corresponding budget amendment in FY 2019-20; increasing expenditure account 101.525.7432 and revenue account by \$10,569 each. The motion was adopted by the following roll call vote: (Mayor Landry recused)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Resnikoff
SECONDER:	Bybee

AYES:	Gibbons, Waterman, Bybee, Resnikoff
RECUSED:	Landry

8. **Authorize the Issuance of a Request for Proposals for the Measure O – Civic Center Improvements Environmental Services, and Authorize the City Manager to Negotiate and Execute a Consultant Services Agreement (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution to authorize staff to issue a Request for Proposals (RFP) for environmental consultant services for the Measure O - Civic Center Improvements, and authorize the City Manager to negotiate and execute a consultant services agreement.

Councilmember Resnikoff recused himself from this item due to the proximity of the project to his residence.

Mayor Landry requested that this item be pulled from the agenda at this time and brought back at a future date.

Public Works Director Capurso provided clarification.

Vice Mayor Gibbons made a motion that the City Council authorize staff to return this item to a Council agenda in the July/August time frame. Motion failed due to lack of a second.

M/S: Bybee/Waterman - That the City Council adopt a resolution to authorize staff to issue a Request for Proposals (RFP) for environmental consultant services for the Measure O - Civic Center Improvements, and authorize the City Manager to negotiate and execute a consultant services agreement. The motion failed by the following roll call vote: (Councilmember Resnikoff recused)

RESULT:	FAILED [2 TO 2]
MOVER:	Bybee
SECONDER:	Waterman
AYES:	Waterman, Bybee
NAYS:	Landry, Gibbons
RECUSED:	Resnikoff

UNFINISHED BUSINESS

9. **Approval of John D. Morgan Park (Budd Avenue) Improvement Project Final Conceptual Design (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution to approve the Final Conceptual Design for the John D. Morgan Park (Budd Avenue) Improvement Project 18-PP.

City Engineer Olay presented a staff report dated May 19, 2020.

After discussion, **M/S: Bybee/Resnikoff - That the City Council adopt resolution 12587 to approve the Final Conceptual Design for the John D. Morgan Park (Budd Avenue) Improvement Project 18-PP. Motion was adopted by the following roll call vote:**

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

10. **Award the Measure O – New Police Operations Building Design Services Contract to LPA, Inc., Authorize the City Manager to Execute a Consultant Services Agreement in a Contract Amount Not to Exceed \$980,835, and Approve a Corresponding Budget Amendment in Fiscal Year (FY) 2019-2020. (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution to award the Measure O - New Police Operations Building Design Services contract to LPA, Inc., authorize the City Manager to execute a consultant services agreement in a contract amount not to exceed \$980,835, and approve a corresponding budget amendment in account 448.518.7430 in Fiscal Year (FY) 2019-2020.

Councilmember Resnikoff recused himself from this item due to the proximity of his house to the project site, muted his microphone and turned off his video.

Project Manager Kim presented a staff report dated May 19, 2020.

Project Manager Kim introduced Jeremy Hart, Director LPA who provided additional information.

Deputy City Clerk Sanders read an email submitted by Sergeant Ian White on behalf of the Campbell Police Officers Association regarding the Measure O police building.

Deputy City Clerk Sanders read an email submitted by Jeff Cristina regarding the Measure O police building.

Vice Mayor Gibbons commented on project scheduling.

Mayor Landry clarified that the City Council members are synonymous with the decisionmakers referenced in the Scope of Services, Task A1.

Vice Mayor Gibbons made a motion that the Measure O - New Police Operations Building Design Services contract to LPA, Inc., authorize the City Manager to execute a consultant services agreement in a contract amount not to exceed \$980,835, and approve a corresponding budget amendment in account 448.518.7430 in Fiscal Year (FY) 2019-2020 with the additional language that

staff provide a master schedule for all components of the Measure O project from inception to move in including projected staffing, council decision points, temporary relocations, financial obligations, bond schedule and public hearings.

Public Works Director Capurso stated that staff will provide a master calendar.

Motion failed due to lack of a second.

After discussion, **M/S: Waterman/Bybee - That the City Council adopt resolution 12588 to award the Measure O - New Police Operations Building Design Services contract to LPA, Inc., authorize the City Manager to execute a consultant services agreement in a contract amount not to exceed \$980,835, and approve a corresponding budget amendment in account 448.518.7430 in Fiscal Year (FY) 2019-2020. Motion was adopted by the following roll call vote: (Councilmember Resnikoff recused)**

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

Councilmember Resnikoff returned to the meeting.

- 11. **Award the Measure O – Campbell Library Improvements Design Services Contract to Jayson Architecture, Authorize the City Manager to Execute a Consultant Services Agreement in a Contract Amount Not to Exceed \$1,704,210, and Approve a Corresponding Budget Amendment in Fiscal Year (FY) 2019-2020. (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution to award the Measure O - Campbell Library Improvements Design Services contract to Jayson Architecture, authorize the City Manager to execute a consultant services agreement in a contract amount not to exceed \$1,704,210, and approve a corresponding budget amendment in account 448.518.7430 in Fiscal Year (FY) 2019-2020.

Project Manager Kim presented a staff report dated May 19, 2020.

Project Manager Kim introduced Principal Architect Abraham Jayson of Jayson Architecture who introduced his consultant team and spoke about their role in the project.

M/S: Gibbons/Bybee - That the City Council adopt resolution 12589 to award the Measure O - Campbell Library Improvements Design Services contract to Jayson Architecture, authorize the City Manager to execute a consultant services agreement in a contract amount not to exceed \$1,704,210, and approve a corresponding budget amendment in account

448.518.7430 in Fiscal Year (FY) 2019-2020. Motion was adopted by the following roll call vote:

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

NEW BUSINESS

12. **Designation of Newspaper to Publish Required Legal Advertising in the City of Campbell (Resolution/Roll Call Vote)**

Recommended Action: To adopt a resolution designating the “Metro News” as a newspaper of general circulation for use by the City of Campbell.

City Manager Loventhal presented a staff report dated May 19, 2020.

Council discussed identifying the three public places for posting legal notices in place of a newspaper publishing when appropriate to do so.

M/S: Resnikoff/Waterman - adopt resolution 12590 designating the “Metro News” as a newspaper of general circulation for use by the City of Campbell and also identifying the three other sites to post in lieu of the newspaper when allowed by the appropriate stature.

Mayor Landry made a friendly amendment to include language in the resolution identifying City Hall, the Campbell Library and the Community Center as the three public places to post legal notices.

Councilmember accepted the friendly amendment and added “ and future areas we find to be appropriate.” Motion was adopted by the following roll call vote:

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

City Attorney Seligmann reported on Executive Session item B stating Council voted to deny the claim and authorize retention of outside counsel by a unanimous vote.

COUNCIL COMMITTEE REPORTS

13. **Council Committee Reports**

Recommended Action: Report on committee assignments and general comments.

--Councilmember Bybee attended the Valley Transportation Authority Policy Advisory Committee.

--Councilmember Resnikoff attended the West Valley Clean Water JPA meeting; attended the West Valley Solid Waste Authority JPA meeting; attended the West Valley Sanitation District meeting; and attended the Cities Association of Santa Clara County meeting.

--Vice Mayor Gibbons spoke about Silicon Valley Clean Energy and its COVID-19 relief programs; and the Association of Bay Area Governments (ABAG).

--Mayor Landry spoke about the U.S. Conference of Mayors surveys; attended the Santa Clara County Emergency Operations Center (EOC) briefing for Elected Officials; participated in the San Tomas Aquino Neighborhood Association Tele-Town meeting; and spoke about the Campbell Chamber of Commerce.

ADJOURN

Mayor Landry, adjourned the meeting at 10:02 p.m.

APPROVED:

ATTEST:

Susan M. Landry, Mayor

Andrea Sanders, Deputy City Clerk