

# CITY COUNCIL MINUTES

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



## CITY COUNCIL EXECUTIVE SESSION

Tuesday, July 21, 2020 – 5:00 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.

- A. **Personnel** –Pursuant to G.C. Section 54957: Public Employee Performance Evaluation – City Manager
- B. **Litigation**
- 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 and D. City Manager Brian Loventhal was in attendance via teleconference. Executive session adjourned at 5:32 p.m.

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## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, July 21, 2020 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 [www.cityofcampbell.com/agendacenter](http://www.cityofcampbell.com/agendacenter).

## CALL TO ORDER

The City Council of the City of Campbell convened on the regularly scheduled day of July 21, 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.

### **ROLL CALL**

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

There were no oral requests.

### **COUNCIL ANNOUNCEMENTS**

The council announcements were heard out of order after the Consent Calendar.

You are invited to the City of Campbell's annual State of the City Address. Please join Mayor Susan M. Landry virtually, to discuss the current State of the City, recent accomplishments, and information on upcoming projects. The State of the City address will be held at 6:30 p.m. on Wednesday, July 29. Learn how to participate by visiting [www.campbellca.gov/virtualsotc](http://www.campbellca.gov/virtualsotc).

The City of Campbell will be holding a General Municipal Election, consolidated with the Statewide General Election, on Tuesday, November 3, 2020, to elect one Councilmember for District 1, and one Councilmember for District 2, each to a full four (4) year term. The nomination period opens Monday, July 13, 2020 and will close Friday, August 7, 2020. Nomination paperwork will be available during that time in the Office of the City Clerk by appointment only. For more information, please contact the Clerk's Office at (408) 866-2117 or at [www.clerksoffice@campbellca.gov](mailto:www.clerksoffice@campbellca.gov).

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 US 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.

For anyone needing help or resources call 2-1-1. You can also go to [www.211.org](http://www.211.org). If you need help and don't know what to do, know that you are not alone and dial 211.

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](http://www.Sccgov.org/cv19testing).

Santa Clara County Library District has contactless curbside services available Monday – Saturday from 1:00 - 5:00 p.m. at all eight library locations. Patrons can go online to place holds on materials then make an appointment to collect their requested books and movies from the library. For more information about this service, please visit their website at [www.scclld.org](http://www.scclld.org).

The DMV is providing an automatic one-year extension to Californian's age 70 and older with a noncommercial driver license with an expiration date between March 1 and December 31, 2020. While the new extensions are automatic, drivers will not receive a new card or paper extension in the mail. For more information about this and other DMV services, please visit [www.dmv.ca.gov](http://www.dmv.ca.gov).

Clipper START is an 18-month pilot program initiated by Bay Area Transit agencies and the Metropolitan Transportation Commission that uses the Clipper transit fare payment system to reduce the cost of transportation for adults with limited income. To learn more about Clipper START and apply online, visit [www.clipperstartcard.com](http://www.clipperstartcard.com).

Please continue to visit the City's website at [www.campbellca.gov](http://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 there was anyone who wished to pull an item off consent.

Vice Mayor Gibbons asked to pull item five.

Mayor Landry pulled items seven through eleven.

The Consent Calendar was considered as follows:

1. **Minutes of City Council Executive Session Meeting of June 23, 2020**  
Recommended Action: Approve the executive session meeting minutes of June 23, 2020.

This action approves the executive session meeting minutes of June 23, 2020.

2. **Minutes of City Council Special Meeting of June 25, 2020**  
Recommended Action: Approve the special meeting minutes of June 25, 2020.

This action approves the special meeting minutes of June 25, 2020.

3. **Minutes of City Council Executive Session Meeting of July 7, 2020**  
Recommended Action: Approve the executive session meeting minutes of July 7, 2020.

This action approves the executive session meeting minutes of July 7, 2020, including the desk item.

- \*\*4. **Minutes of City Council Study Session Meeting of July 7, 2020**  
Recommended Action: Approve the study session meeting minutes of July 7, 2020.

This item was not approved due to an error made with the motion for item five. This item will return for approval at the regular meeting of August 18, 2020.

6. **Approving Bills and Claims**  
Recommended Action: Approve the bills and claims in the amount of \$1,266,307.01.

This action approves the bills and claims in the amount of \$1,266,307.01 as follows: bills and claims checks dated June 22, 2020, in the amount of \$311,441.97; payroll checks dated June 25, 2020, in the amount of \$29,154.75; and bills and claims checks date June 29, 2020, in the amount of \$925,710.29.

12. **Approval of Resolution Amending Compensation and Benefits for Confidential Employees (Resolution/Roll Call Vote)**  
Recommended Action: That the City Council adopt a resolution amending compensation and benefits for Confidential employees.

Resolution 12611 amends compensation and benefits for Confidential employees.

13. **Adoption of Legislative Advocacy Principles (Resolution/Roll Call Vote)**  
Recommended Action: Adopt a resolution approving the Legislative Advocacy Principles Policy as Section 1.31 of the City Council Policy Manual.

Resolution 12612 approves the Legislative Advocacy Principles Policy as Section

1.31 of the City Council Policy Manual.

**M/S: Resnikoff/Bybee – That the City Council approve the consent calendar with the exception of items five, and seven through eleven. 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>     | Landry, Gibbons, Waterman, Bybee, Resnikoff |

**ITEMS PULLED FROM CONSENT**

5. **Minutes of City Council Regular Meeting of July 7, 2020**  
Recommended Action: Approve the regular meeting minutes of July 7, 2020.

Vice Mayor Gibbons pulled item five, the regular meeting minutes of July 7, however referenced item four, the study session minutes of July 7 with amendments. Due to this oversight, both the July 7 regular meeting minutes and the amended July 7 study session minutes, with the clarification that Vice Mayor Gibbons commented on buildings that are entitled and then sold, will be brought back at the August 18, 2020 regular City Council meeting for approval.

Mayor Landry commented on items seven through eleven, thanking the bargaining units for helping the City get a balanced budget. Mayor Landry also thanked Human Resources Manager Lopez and City Manager Loventhal for participating in the process.

7. **Accept Improvements for Harriet Avenue Traffic Calming Project 18-NN, and File Notice of Completion (Resolution/Roll Call Vote)**  
Recommended Action: That the City Council adopt a resolution accepting construction of the improvements for the Harriet Avenue Traffic Calming Project 18-NN; direct the City Engineer to file the Notice of Completion; and to return the remaining fund balance to the CIPR.

**M/S: Gibbons/Bybee – That the City Council adopt resolution 12613 accepting construction of the improvements for the Harriet Avenue Traffic Calming Project 18-NN; direct the City Engineer to file the Notice of Completion; and to return the remaining fund balance to the CIPR. The motion was adopted by the following roll call vote:**

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

8. **Adopt a Resolution to Approve a Side Letter to Memorandum of Understanding with Campbell Police Officers' Association (CPOA) (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution approving a side letter to Memorandum of Understanding with Campbell Police Officers' Association (CPOA)

**M/S: Gibbons/Bybee – That the City Council adopt resolution 12614 approving a side letter to Memorandum of Understanding with Campbell Police Officers' Association (CPOA). The motion was adopted by the following roll call vote:**

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

9. **Adopt a Resolution to Approve a Side Letter to Memorandum of Understanding with Northern California Carpenters Regional Council (CARP), (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution to approve a side letter to Memorandum of Understanding with Northern California Carpenters Regional Council (CARP).

**M/S: Gibbons/Bybee – That the City Council adopt resolution 12615 to approve a side letter to Memorandum of Understanding with Northern California Carpenters Regional Council (CARP). The motion was adopted by the following roll call vote:**

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

10. **Adopt a Resolution to Approve a Side Letter to Memorandum of Understanding with Campbell Municipal Employees Association (CMEA), (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution to approve a side letter to Memorandum of Understanding with Campbell Municipal Employees Association.

**M/S: Gibbons/Bybee – That the City Council adopt resolution 12616 to approve a side letter to Memorandum of Understanding with Campbell Municipal Employees Association. The motion was adopted by the following roll call vote:**

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

11. **Approval of Resolution Amending Compensation and Benefits for Classified and Unclassified Management Employees (Resolution/Roll Call Vote)**

Recommended Action: That the City Council approve a resolution amending compensation and benefits for Classified and Unclassified Management employees.

**M/S: Gibbons/Bybee – That the City Council adopt resolution 12617 amending compensation and benefits for Classified and Unclassified Management employees. The motion was adopted by the following roll call vote:**

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

**PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES**

14. **Placing the Cost of Abating Hazardous Vegetation on the Property Tax Assessment Roll (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution placing the cost of abating hazardous vegetation on the property tax assessment roll.

This is the time and place for a public hearing to consider placing the cost of abating hazardous vegetation on the property tax assessment roll.

Senior Planner Fama presented a staff report dated July 21, 2020.

Mayor Landry declared the public hearing open and asked if there was anyone from the public wishing to be heard.

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

**M/S: Resnikoff/Waterman – that the City Council adopt resolution 12618 placing the cost of abating hazardous vegetation on the property tax assessment roll. Motion was adopted by the following roll call vote:**



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

15. **Lighting and Landscaping District, Fiscal Year 2020/21 - Confirming Assessments (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution overruling protests, if any, approving the Engineer's Report, ordering the improvements, and confirming the diagram and assessments.

This is the time and place for a public hearing for comments regarding the levy of assessments for the City of Campbell Lighting and Landscaping District (LLA-1) for Fiscal Year (FY) 2020/21 and adopt a resolution overruling protests, if any, approving the Engineer's Report, ordering the improvements, and confirming the diagram and assessments.

Mayor Landry gave opening statements, declared the public hearing open and asked if there was anyone in the audience wishing to be heard.

Deputy City Clerk Sanders read the Clerk's statement verifying public hearing notification and stated that no protests were received.

Senior Civil Engineer Storz provided a statement regarding the nature of the lighting and landscape district.

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

**M/S: Gibbons/Bybee - That the City Council adopt resolution 12619 overruling protests, if any, approving the Engineer's Report, ordering the improvements, and confirming the diagram and assessments. The motion was adopted by the following roll call vote:**

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

**UNFINISHED BUSINESS**

16. **Temporary Closure of East Campbell Avenue (Resolution/Roll Call Vote)**

Recommended Action: Adopt a Resolution to facilitate expansion of outdoor dining areas onto East Campbell Avenue in support of economic recovery of Downtown Campbell businesses.

Economic Development Specialist Thomas presented a staff report dated July 21, 2020.



Council discussed adding in retail and all other permitted businesses in the loop streets to be allowed to expand into the street closure area.

Council discussed waiving encroachment permit fees for businesses wanting to expand to outdoor spaces; and discussed when the street closure would be implemented.

Jennette Holzworth would like her business that is slightly outside of the downtown area to be included with the businesses allowed to expand.

Ken Johnson, Executive Director of the Campbell Chamber of Commerce spoke about the importance of informing businesses of the guidelines. He spoke about the parking impacts to the businesses on the side streets of Campbell Avenue and that he would be willing to help in the process.

After Council discussion, Mayor Landry reopened the public comment period to obtain further input from Chamber Executive Director Johnson.

Ken Johnson, Campbell Chamber of Commerce stated that businesses need a clear plan from the City and getting buy-in from the businesses with their needs is important.

Jennette Holzworth agreed with Ken Johnson that having a solid plan in place is important.

Mayor Landry closed the public comment period.

Council had a general consensus to implement the street closure on Tuesday, July 28, 2020; leave the parking lot by Blue Line Pizza open, and that staff works with the Chamber of Commerce and the Downtown Campbell Business Association (DCBA).

Council discussed including all permitted business be included in the alternate resolution that was presented as a desk item and defining the loop streets.

City Attorney Seligmann provided a motion that Council could adopt.

**M/S: Gibbons/Resnikoff – That the City Council adopt the revised resolution presented as a desk item to facilitate the expansion of outdoor business areas onto E. Campbell Avenue in support of economic recovery of downtown businesses, with replacing every place it says “dining and retail” with “permitted businesses located along E. Campbell Avenue between Ainsley Park and Third Street” and replacing in the first now therefore in the center of page 3, “located between Civic Center Drive” with “located on E. Campbell Avenue between Ainsley Park and Third Street.”**

Vice Mayor Gibbons made a friendly amendment that staff is to work with the DCBA and Chamber to address the parking requirements for all businesses and discuss an alternative parklet solution as discussion dictates.

Councilmember Resnikoff accepted the friendly amendment.

The motion was as follows: **M/S: Gibbons/Resnikoff – That the City Council adopt the revised resolution presented as a desk item to facilitate the expansion of outdoor business areas onto E. Campbell Avenue in support of economic recovery of downtown businesses, with replacing every place it says “dining and retail” with “permitted businesses located along E. Campbell Avenue between Ainsley Park and Third Street” and replacing in the first now therefore in the center of page 3, “located between Civic Center Drive” with “located on E. Campbell Avenue between Ainsley Park and Third Street;” and that staff is to work with the DCBA and Campbell Chamber of Commerce to address the parking requirements for all businesses and discuss an alternative parklet solution as discussion dictates. The motion was adopted by the following roll call vote:**

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

Council discussed bringing back the resolution pertaining to businesses located outside of the Downtown area.

**M/S: Gibbons/Resnikoff - That staff return to Council to incorporate the new businesses now identified as appropriate by the Governor. The motion was adopted by the following roll call vote:**

|                  |                                   |
|------------------|-----------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [4 TO 1]</b>           |
| <b>MOVER:</b>    | Gibbons                           |
| <b>SECONDER:</b> | Resnikoff                         |
| <b>AYES:</b>     | Landry, Gibbons, Bybee, Resnikoff |
| <b>NAYS:</b>     | Waterman                          |

Council took a five-minute recess and reconvened at 10:05 p.m.

## **NEW BUSINESS**

- 17. Draft Policy for Vehicle Miles Traveled (VMT) Under CEQA**  
Recommended Action: Review the draft policy for VMT and provide input to staff.

Due to the late hour, a staff report was not given. Public Works Director Capurso spoke briefly about the Draft Vehicle Miles Traveled (VMT) policy. He stated the City will still retain the LOS analysis for internal purposes but that it cannot be

used for the environmental review of a project.

18. **Resolution Authorizing the Issuance and Sale of General Obligation Bonds in an Aggregate Principal Amount Not to Exceed \$20,000,000, Increasing the Revenue Estimate in Fund 448 (Measure O Capital Projects) to Account for Anticipated Measure O Bond Proceeds in Fiscal Year 2020-21, and Authorizing Actions Related Thereto**

Recommended Action: That the City Council adopt a resolution authorizing the issuance and sale of General Obligation Bonds in an aggregate principal amount not to exceed \$20,000,000, increasing the revenue estimate in Fund 448 (Measure O Capital Projects) to account for anticipated Measure O bond proceeds in Fiscal Year 2020-21, and authorizing actions related thereto.

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

Due to the late hour a staff report was not given; staff was available for any questions.

**M/S: Gibbons/Bybee – That the City Council adopt resolution 12621 authorizing the issuance and sale of General Obligation Bonds in an aggregate principal amount not to exceed \$20,000,000, increasing the revenue estimate in Fund 448 (Measure O Capital Projects) to account for anticipated Measure O bond proceeds in Fiscal Year 2020-21, and authorizing actions related thereto. The motion was adopted by the following roll call vote:**

|                  |                                  |
|------------------|----------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>       |
| <b>MOVER:</b>    | Gibbons                          |
| <b>SECONDER:</b> | Bybee                            |
| <b>AYES:</b>     | Landry, Gibbons, Waterman, Bybee |
| <b>RECUSED:</b>  | Resnikoff                        |

19. **Resolution Authorizing an Ad Valorem Tax Levy Based on a Debt Service Estimate to be Provided to Santa Clara County Respecting Unsold General Obligation Bonds for Fiscal Year 2020-21 and Increasing the Revenue Estimate in Fund 348 (Measure O Bond) to Account for Anticipated Measure O Property Tax Levy Revenue in Fiscal Year 2020-21 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution authorizing an ad valorem tax levy based on a debt service estimate to be provided to Santa Clara County respecting unsold general obligation bonds for Fiscal Year 2020-21 and increasing the revenue estimate in Fund 348 (Measure O Bond) to account for anticipated Measure O Property Tax Levy revenue in Fiscal Year 2020-21.

Due to the late hour a staff report was not given; staff was available for any questions.

**M/S: Gibbons/Waterman – That the City Council adopt Resolution 12622 authorizing an ad valorem tax levy based on a debt service estimate to be provided to Santa Clara County respecting unsold general obligation bonds for Fiscal Year 2020-21 and increasing the revenue estimate in Fund 348 (Measure O Bond) to account for anticipated Measure O Property Tax Levy revenue in Fiscal Year 2020-21, including the desk item. The motion was adopted by the following roll call vote:**

|                  |                                  |
|------------------|----------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>       |
| <b>MOVER:</b>    | Gibbons                          |
| <b>SECONDER:</b> | Waterman                         |
| <b>AYES:</b>     | Landry, Gibbons, Waterman, Bybee |
| <b>RECUSED:</b>  | Resnikoff                        |

**COUNCIL COMMITTEE REPORTS**

**20. Council Committee Reports**

Recommended Action: Report on committee assignments and general comments.

--Vice Mayor Gibbons spoke about Silicon Valley Clean Energy’s eHUB program.

**ADJOURN**

Mayor Landry adjourned the meeting at 10:20 p.m.

APPROVED:

ATTEST:

\_\_\_\_\_  
Susan M. Landry, Mayor

\_\_\_\_\_  
Andrea Sanders, Deputy City Clerk