

# CITY COUNCIL MINUTES

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



## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, September 7, 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 7, 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

Jennifer Kenton lead the Pledge of Allegiance in recognition of her promotion to a Police Department Communications Supervisor.

Mayor Gibbons asked for a moment of silence in honor of the 20<sup>th</sup> anniversary of the September 11, 2001 terrorist attacks and for those who are still suffering in Afghanistan.

### SPECIAL PRESENTATIONS AND PROCLAMATIONS

- Proclamation Declaring the Month of September as “Ovarian Cancer Awareness Month” in the City of Campbell**  
Recommended Action: It is recommended that the City Council proclaim the month of September as “Ovarian Cancer Awareness Month” in the City of Campbell.

Mayor Gibbons acknowledged September 2021 as Ovarian Cancer Awareness Month in the City of Campbell, honoring the courage of those affected and renewing our commitment to fighting the illness.

2. **Proclamation Declaring the Month of September as “Suicide Prevention Awareness Month” in the City of Campbell**

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

Mayor Gibbons acknowledged September 2021 as Suicide Prevention Awareness Month in the City of Campbell, noting that this is a time to raise awareness on this stigmatized and often taboo topic. Mayor Gibbons encouraged those suffering with suicidal thoughts to call the National Suicide Hotline at 1-800-273-TALK (8255) or text NAMI to 741-741.

### **COMMUNICATIONS AND PETITIONS**

There were no communications or petitions.

### **ORAL REQUESTS**

There were no oral requests.

### **COUNCIL ANNOUNCEMENTS**

The State of the City address will be held at the Ainsley House Gardens on Friday, September 17, 2021, at 10:00 a.m. Due to limited capacity restrictions, we are encouraging virtual participation. The event will be viewable on Chanel 26 or livestreamed at <https://www.youtube.com/user/CityofCampbell>.

The recall election asking voters if they want to replace Governor Gavin Newsom will take place on September 14, 2021. The City Clerk’s office webpage has information and links to the Santa Clara County Registrar of Voters to assist Campbell voters. Ballot drop off boxes are available at Campbell City Hall; Campbell Community Center, and Westmont High School, the Vote Center is located at the Santa Clara County Library District building on Dell Avenue. Please visit [www.campbellca.gov](http://www.campbellca.gov) for more information.

The County of Santa Clara and the Silicon Valley Small Business Development Center invites applications for the Small Business Grant Program for COVID-19 protective measures. Grants of up to \$5,000 for small businesses to protect employees, and the public from COVID-19 are available. To learn more about this grant and eligible costs, visit [www.svsbdc.org/sc-covid-grant](http://www.svsbdc.org/sc-covid-grant). Applications must be submitted by September 7, 2021.

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 and Committees, and when

applications are due, please contact the City Clerk's office at (408) 866-2117, or visit the city's website at <https://www.ci.campbell.ca.us/157/Boards-Commissions>.

As of September 1, 2021, the various transit agencies that connect with BART will have new schedules in place that offer improved connections between systems. Additionally, both BART and Caltrain are offering discount fares for the month of September. BART will offer a special promotion of 50% off all fares on Clipper for the entire month. Visit [www.BART.gov](http://www.BART.gov) or [www.caltrain.com/Allaboard](http://www.caltrain.com/Allaboard) for more information.

On September 17, 2021, 6:00 – 7:00 p.m., the Campbell Museum presents Alcatraz Island, 200 years on the Rock. An illustrated history of Alcatraz Island, from its discovery by Spanish explorers through today's status as a world renowned National Park site. Tickets are \$10. To purchase tickets for this virtual event, please visit [www.campbellmuseums.com](http://www.campbellmuseums.com)

The 11th Annual Caregivers Count! Conference is tailored specifically for family caregivers who are caring for older adults. The conference will be held virtually on Zoom for four consecutive weeks, September 11, 18, 25, and October 2, 2021. Attendees will hear from informative speakers on the topics of caregiver self-care, taking care of someone with mental health needs, advanced care planning, and adult day care. There is no fee for the conference. For more information and to register please visit [www.caregiverscount.net](http://www.caregiverscount.net).

Many Afghanistan refugees will be arriving in the Bay Area soon and will need assistance with housing and jobs. If you have the ability to help please reach out to the County of Santa Clara or the Jewish Family Services of Silicon Valley.

## **CONSENT CALENDAR**

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

Item 4 was pulled from the consent calendar.

The Consent Calendar was considered as follows:

3. **Minutes of City Council Executive Session Meeting of August 10, 2021.**  
Recommended Action: Approve the Executive Session meeting minutes of August 10, 2021.  
This action approves the Executive Session Meeting minutes of August 10, 2021.
5. **Minutes of City Council Executive Session Meeting of August 24, 2021.**  
Recommended Action: Approve the Executive Session meeting minutes of August 24, 2021.  
This action approves the Executive Session Meeting minutes of August 24, 2021.
6. **Minutes of City Council Special Meeting of August 30, 2021.**

Recommended Action: Approve the Special Meeting minutes of August 30, 2021.

Vice Mayor Resnikoff requested an amendment to the meeting minutes of August 30, 2021, changing the title of the document to reflect it was a Special Meeting of the City Council. This action approves the Special Meeting minutes of August 30, 2021.

7. **Approving Bills and Claims.**

Recommended Action: Approve the bills and claims in the amount of \$7,331,812.90.

This action approves the bills and claims in the amount of \$7,331,812.90 as follows: bills and claims checks dated July 30, 2021, in the amount of \$111,050.98; bills and claims checks dated August 2, 2021, in the amount of \$220,038.01; payroll checks dated August 5, 2021, in the amount of \$45,362.85; bills and claims checks dated August 6, 2021, in the amount of \$46,375.69; bills and claims checks dated August 9, 2021, in the amount of \$3,215,575.71; bills and claims checks dated August 13, 2021, in the amount of \$286,322.83; and bills and claims checks dated August 16, 2021, in the amount of \$3,407,086.83.

8. **Second Reading of Ordinance 2274 Adopting a Planned Development Permit for Property Located at 2575 & 2585 S. Winchester Boulevard (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council approve the second reading and adopt Ordinance 2274 approving a Planned Development Permit for property located at 2575 & 2585 S. Winchester Blvd. in the P-D (Planned Development) zoning district.

Ordinance 2274 adopts a Planned Development Permit for property located at 2575 & 2585 S. Winchester Boulevard. Mayor Gibbons recused herself due to a previous professional relationship with the applicant.

**M/S: Resnikoff/Landry – That the City Council approve the Consent Calendar, including Desk Item 8, with the exception of item 4. 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>	Bybee, Gibbons, Landry, Lopez, Resnikoff

**ITEMS CONSIDERED SEPARATE FROM CONSENT**

4. **Minutes of City Council Executive/Regular Meeting of August 17, 2021.**

Recommended Action: Approve the Executive/Regular Meeting minutes of August 17, 2021.

Councilwoman Landry requested an amendment to the meeting minutes of August 17, 2021, item 8, clarifying that the shower needs discussion was relating

to the Library building.

**M/S: Landry/Bybee – That the City Council approve the amendment to the meeting minutes of August 17, 2021. The motion was adopted by the following roll call vote:**

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

## **PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES**

### **9. Receive Input from the Community on Redistricting of City Council District Boundaries. (Time Certain 7:50 PM)**

Recommended Action: Receive input from the Community on the Redistricting of City Council district boundaries and provide any necessary feedback and direction to Staff.

This is the time and place for a public hearing to receive input from the Community on the redistricting of City Council district boundaries.

City Clerk Christopherson reviewed the Staff Report dated September 7, 2021 and provided a brief background on the redistricting process noting that this meeting represents the first public hearing in the redistricting process and its purpose is to update the community on the process and to receive feedback about what neighborhoods and/or communities of interest should be taken into consideration while creating district boundaries.

City Clerk Christopherson noted that formal public hearing notices were published in English and Spanish and press releases were circulated to community school districts, community groups, religious institutions, City Boards and Commissions, special interest groups, and individuals who requested notifications. In addition, a Community of Interest worksheet was developed and available on the dedicated redistricting webpage as a tool for the community to provide their feedback on this process.

Dr. Jeff Tilton, Senior Consultant, National Demographics Corporation (NDC) noted that the U.S. Census Bureau has released the census data to the State's for prison inmate population adjustments and it is anticipated that the data will be released to the Cities for use in their redistricting processes by the end of September 2021. Between September 2021 and February 2022, the data will be available for review, analysis, and map drawing by the Community. The first time City Council will review submitted maps is at their February 1, 2022 City Council meeting.

Dr. Tilton reviewed the federal and state rules and goals for drawing draft district maps noting that each district must be nearly equal in population (+/- 10%), geographically contiguous, have easily identifiable boundaries and be compact.

Dr. Tilton reviewed the DistrictR mapping tool, which is a national tool, that can be used for creating draft maps and noted that this tool is currently only available in English.

In response to inquiries from Councilmembers, Dr. Tilton noted that ideally the analysis of the submitted draft maps will respect the maps drawn in 2019 and an effort is made to not disenfranchise affected voters. Dr. Tilton clarified that NDC will review all draft maps submitted for compliance with all Federal and State laws prior to presentation to City Council for consideration.

Mayor Gibbons opened the public hearing, there being no speakers, the public hearing was closed.

Councilmembers thanked Staff and Dr. Tilton for the community outreach efforts and expressed optimism for future community participation.

10. **Public Hearing to Consider Request of Pulte Home Company, LLC, for an Authorization to Apply for an Amendment to the General Plan to Change the Land Use Designation of Property Located at 251 Lewellyn Avenue, from Institutional to a Residential Designation (Low-Medium Density Residential, Medium Density Residential, or High Density Residential) to Allow for Future Residential Development.**

Recommended Action: It is recommended that the City Council deny the request to authorize submittal of a General Plan Amendment application.

This is the time and place for a public hearing to consider the request of Pulte Home Company, LLC for an authorization to apply for an amendment to the General Plan to change the land use designation of property located at 251 Lewellyn Avenue, from Institutional to a Residential Designation (low-medium density residential, medium density residential, or high density residential) to allow for future residential development.

Senior Planner, Daniel Fama, reviewed the Staff Report dated September 7, 2021, and noted the subject parcel is the 5.5 acre campus of Uplift Family Services, the current zoning is Institutional and the applicant is requesting a change to a residential designation. The applicant has provided schematic concept drawings of what a residential project on that site could look like should the zoning be changed. Senior Planner Fama noted recent changes in state law relating to a City's ability to approve or deny a development proposal given the current housing shortage statewide. This specific development site could accommodate a higher level of density, however Staff is recommending City Council deny the general plan amendment request at this time because the City is currently in the process of reviewing and updating the Housing Element and General Plan. Considering this parcel as a part of the review in its entirety could help the City in identifying where the state required new housing units could be placed.

In response to an inquiry from Vice Mayor Resnikoff, Senior Planner Fama explained that should Council authorize the General Plan Amendment, the next

step would be for the applicant to submit the appropriate application materials to the Planning Commission for review, the Community would be afforded the opportunity to provide feedback as well, a process that could take up to one year.

In response to an inquiry from Councilmember Bybee, Community Development Director Rob Eastwood stated that the City has just begun the Housing Element and General Plan review process with a deadline to have identified where the State required 3,000 housing units could be placed within our City boundaries by the end of next year. Including this potential development site in a Citywide review could be very beneficial in identifying the required 3,000 residential units. If this site is considered as part of the larger process, the Environmental Impact Report (EIR) would include this parcel as well. If approved separately, the cost of the EIR would be paid by the applicant. Community Development Director Eastwood noted that including all potential development proposals from this point forward in the EIR for the Housing Element and the General Plan could serve to expedite future development proposals.

Mayor Gibbons opened the public hearing and allowed each speaker up to 1 minute.

The following public speakers expressed varied concerns (traffic, parking, open space, shared park space, site lines, privacy, neighborhood feel) with the potential development at 251 Llewellyn Avenue: Deepu Sugathan, John Field, Dickson Tsai, Skip Houston, Dana Stevens, Brian Perez, Elise Sias, Kenan Chen, Dan Smith, Peter Young, Diane Loughran, Emerald Doolittle, Gustavo Arias, Anu Pugalia, E. Brian Wulff, Denis Nikitin, Sunam Lee, and Anne DeBell.

Mayor Gibbons invited the applicant to make a presentation of up to 3 minutes.

Don Taylor, Uplift Family Services stated that the company formerly known as EMQ, has been a neighbor at the Llewellyn property for many decades as a residential facility, but since the mid 1990's has evolved into more of a community-based organization noting the last residential site closed in 2013. Mr. Taylor noted that Uplift Family Services is not able to utilize this property to its fullest potential and is looking to sell the property and put the proceeds into the mission of the organization.

James Sullivan, Pulte Home Company, LLC (Pulte), stated that the initial application was made in May 2021 and since that time they have reached out to the Homeowner's Association and neighborhood groups in the area. Pulte has made an effort to show the different density options in the schematic designs and it is not their preference to wait the 1.5 years to be included in the General Plan and Housing Element process and would prefer to focus on this project now.

Mayor Gibbons closed the public hearing.

Vice Mayor Resnikoff thanked the public speakers for participating and stated that he does not support the staff's recommendation to deny this request and include it in the General Plan and Housing Element process. Vice Mayor Resnikoff noted that the project details such as the parking and open park space

can all be addressed at the Planning Commission and noted the lengthy process these projects go through. He noted the required state housing mandates but that all of the required units don't need to be developed in one place. He is supportive of a low to mid-density in this area and supportive of projects that fit into the character of the existing neighborhoods.

Councilwoman Landry expressed support for Staff's recommendation and noted her concern about spot zoning approvals instead of looking at things holistically within the Housing Element and General Plan review.

Councilmember Bybee stated that although she understands Staff's position, she does not support the recommendation to deny this request. She feels the resident's concerns should be considered and that this site could support low-medium density.

Councilmember Lopez stated that he is supportive of Staff's recommendation and would prefer to look at all potential development sites holistically and if the neighborhood concerns expressed in the public comment can be addressed, he is supportive of maximizing each sites full development potential.

Mayor Gibbons expressed support for Staff's recommendation noting her participation on the Association of Bay Area Governments Executive Board and the potential consequences of not reaching the housing goals that have been mandated by the State, which includes a takeover of the City's ability to control what is developed within the City. Mayor Gibbons expressed concern that if the City continues to spot zone and not review the projects holistically with the General Plan and Housing Element, the City could be in jeopardy of not meeting the housing mandate.

**M/S: Landry/Lopez – That the City Council deny the request to authorize submittal of a General Plan Amendment application. The motion was adopted by the following roll call vote:**

<b>RESULT:</b>	<b>ADOPTED [3 TO 2]</b>
<b>MOVER:</b>	Landry
<b>SECONDER:</b>	Lopez
<b>AYES:</b>	Gibbons, Landry, Lopez
<b>NOES:</b>	Bybee, Resnikoff

The Council took a five-minute recess and reconvened at 10:05 p.m. with all members present.

- 11. Public Hearing to Consider Applications for Mills Act Contracts for Properties Located at 73 S. 1St Street, 204 Alice Avenue, and 81 Alice Avenue, Commonly Known as the Laura Campbell Swope House, the William and Dorothy (Mills) Harrison House, and the Doc and Cora Beal House, Respectively. (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution accepting the recommendation of the Historic Preservation Board (HPB) to approve Mills Act



contracts for properties located at 73 S. 1st Street (Laura Campbell Swope House) and 204 Alice Avenue (William and Dorothy Mills Harrison House).

Senior Planner Fama reviewed the Staff Report dated September 7, 2021, noting the Historic Preservation Board (HPB) considered the applications received. The number of applications reviewed exceeded the two remaining contract slots available, the review was a competitive process. The HPB adopted a resolution ranking the applications as (1) 73 S. 1st Street, (2) 204 Alice Avenue, and (3) 81 Alice Avenue. The HPB recommends Council authorize an eleventh application so that 81 Alice Avenue may also be granted a Mills Act contract.

Senior Planner Fama stated that at its last review of the Mills Act program, Council provided direction to staff regarding a review of the Mills Act Program, including conducting an audit of the existing contracts before providing direction on expanding the program. However, due to the COVID-19 pandemic, the audit was not completed. The HPB believes that the inability to complete this work should not holdup a worthwhile Mills Act request for 81 Alice Avenue.

In response to inquiries from Councilmembers, Senior Planner Fama stated that the Mills Act contracts are rolling ten-year contracts and will renew in perpetuity until terminated, at which point the final ten years would begin. The Mills Act Program was originally created as a pilot program and expanded by Resolution, it is not yet codified.

Mayor Gibbons opened the public hearing, there being no speakers, the public hearing was closed.

Vice Mayor Resnikoff expressed disagreement with expanding the program from 10 contract slots to 11, given that the audit of the program has not been completed and there is no evidence that this is the best use of the tax payer money.

Councilwoman Landry stated that the historic housing in Campbell is part of what gives Campbell its small town feel and they add character to the City. She would be supportive of making the program audit a priority and for limiting the rolling contract period.

Following discussion, **M/S: Landry/Lopez – That the City Council adopt Resolution 12756 approving Mills Act contracts for properties located at 73 S. 1st Street (Laura Campbell Swope House), 204 Alice Avenue (William and Dorothy Mills Harrison House), and 81 Alice Avenue (Doc and Cora Beal House), updating the Mills Act Program Resolution allowing 11 contracted homes, directing staff to complete the program audit and return to Council with the necessary ordinances to codify the program.**

**Councilmember Lopez requested a friendly amendment to the motion adding that no other homes will be approved for a Mills Act Contract until the program audit is complete.**

**Councilwoman Landry accepted the friendly amendment.**

The motion was adopted by the following roll call vote:

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Landry
<b>SECONDER:</b>	Lopez
<b>AYES:</b>	Bybee, Gibbons, Landry, Lopez
<b>NOES:</b>	Resnikoff

**NEW BUSINESS**

- 12. **Acceptance of an Office of Traffic Safety (OTS) Traffic Records Improvement Project Grant Not to Exceed the Amount of \$77,500 to Establish an E-Citations Program and Upgrade the City's Current Crossroads Database; Authorize the City Manager to Dispense with the Bidding Procedures as Specified in Campbell Municipal Code Section 3.20.050; and Authorize a Corresponding Budget Adjustment (Resolution/Roll Call Vote)**

Recommended Action: It is recommended that the City Council adopt a Resolution authorizing the City Manager to execute an Agreement setting forth terms under which the City of Campbell may accept the 2022 Traffic Records Improvement Project Grant from the State of California - Office of Traffic Safety; dispense with the bidding procedures specified in Campbell Municipal Code Section 3.20.050; and initiate a budget adjustment to appropriate \$82,276 for E-Citation program costs and to recognize grant revenue from the Office of Traffic Safety (OTS) Traffic Records Improvement Project Grant for \$77,476 in Fiscal Year 2022.

Police Captain Dan Livingston presented the Staff Report dated September 7, 2021 noting that Staff has been researching and evaluating the City's current model of issuing and processing traffic citations and traffic collision reports, up to and including through the court system in an effort to modernize operations with a paperless reporting and record-keeping process.

In January 2021, the Police Department applied to the OTS for a Traffic Records Improvement Project grant. OTS grants are federally funded by the National Highway Traffic Safety Administration (NHTSA) designed to make California roadways safer. The grant request was for an e-citations program in addition to an upgrade of the current Crossroads database which would allow the Police Department to electronically send traffic collision reports to the California Highway Patrol SWITRS program. In July 2021, staff was advised of a tentative draft agreement by OTS for \$77,476 to cover the cost of the e-citations program and upgrade to the department's existing Crossroads database. In August 2021, staff was advised the agreement was approved with a not to exceed amount of \$77,500, assuming the City accepts the conditions in the grant agreement.

Staff is requesting to purchase ten smartphones/tablets and printers as the site licensing for e-citations allows the software to be downloaded on an unlimited number of computers and devices at no additional cost. The total costs to implement an E-Citation Program in Fiscal Year (FY) 2022 is \$82,276. Of this

amount, \$77,476 will be funded by the City's OTS Traffic Records Improvement Project Grant award; leaving a required City match of \$4,800 that is currently unbudgeted. Additionally, the City is estimated to incur ongoing annual service and maintenance costs of approximately \$7,300 in future fiscal years starting in FY 2023. Staff is recommending a budget adjustment in FY 2022 to account for first year implementation expenses and expected grant revenue and will program ongoing expenses into future operating budget requests starting in FY 2023.

In response to inquiries from Councilmembers, Police Captain Livingston noted that the new smartphones/tablets are not assigned to individual officers but are assigned to the patrol division, and that the year 1 costs of this program is \$4800, but that moving forward the total annual cost will be \$7,300, which includes the annual software maintenance.

**M/S: Bybee/Resnikoff – That the City Council adopt Resolution 12757 authorizing the City Manager to execute an Agreement setting forth terms under which the City of Campbell may accept the 2022 Traffic Records Improvement Project Grant from the State of California - Office of Traffic Safety; dispense with the bidding procedures specified in Campbell Municipal Code Section 3.20.050; and initiate a budget adjustment to appropriate \$82,276 for E-Citation program costs and to recognize grant revenue from the Office of Traffic Safety (OTS) Traffic Records Improvement Project Grant for \$77,476 in Fiscal Year 2022. The motion was adopted by the following roll call vote:**

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

### **UNFINISHED BUSINESS**

13. **Receive an Update on the Status of the Downtown Campbell Parklet Program and Adopt a Resolution Ending the Program on September 30, 2021 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution ending the Downtown Campbell Parklet Program for outdoor restaurant dining and business operations in parklets on September 30, 2021.

City Manager Brian Loventhal presented the Staff Report dated September 7, 2021 and noted that Staff is recommending Council end the Downtown Campbell Parklet Program on September 30, 2021 and if Council chooses to extend the program, staff would request an end date of December 31, 2021. City Manager Loventhal reviewed the challenges with the current parklet placements and their compatibility with other Downtown street events, the Farmer's Market challenges and their lease expiration at the Campbell Community Center on September 30, 2021, noting the other activities that take place at the Community Center during the fall months which impact the parking lots. City Manager Loventhal noted that County regulations and public health orders currently do not restrict indoor capacities on businesses or restaurants. The total costs to the City for the

Downtown Campbell Parklet Program is \$58,000 not including Staff time, and the on-going cost per month is approximately \$3,000.

Ken Johnson, Campbell Chamber of Commerce, noted the challenging position the Chamber is on this issue, they support the Downtown restaurants in their effort to support their businesses, but also recognize that the Chamber itself loses revenue when a street event is not able to be held (or significantly impacted) because the parklets are in place. The Chamber is planning to hold Oktoberfest in Downtown Campbell on October 16 and 17 and they have been exploring ways for the downtown restaurants to partner and support the event in other ways. The Chamber will be supportive of whatever decision the City Council makes regarding its Downtown Campbell Parklet Program.

Joshua Assink, Urban Village (operator of the Campbell Farmer's Market), expressed their desire to return to the Downtown Campbell location noting that it has been a tough 1.5 years for the market. Mr. Assink noted that the current configuration of the parklets do not allow sufficient space for the market to operate and that each time they move their operations there is a significant cost associated with marketing and notifying all vendors and patrons. In response to an inquiry, Mr. Assink noted that the Campbell Library parking lot is not a feasible location as the necessary parking would significantly impact the surrounding neighborhoods.

Councilmembers expressed appreciation to Ken Johnson and Joshua Assink for attending the meeting and providing Council their feedback.

Vice Mayor Resnikoff expressed his desire to find a way for all types of businesses and events to coexist in the Downtown area and he would be open to restricting some spaces, limiting the parklets to just the frontage of businesses, charging fees or offering a buy-in program, scaling back the number and size of parklets, or possibly having the City provide some design and standard guidelines.

Councilmember Lopez expressed support for Vice Mayor Resnikoff's ideas of finding ways to coexist and is supportive of extending the program to December 31, 2021. Councilmember Lopez would like to explore options for a more permanent process that could include permanent parklets, tiered parking spaces and pricing.

Councilwoman Landry expressed support for Vice Mayor Resnikoff's comments and expressed concerns that restaurants now have the ability to use full indoor seating capacity and with the parklets have doubled their seating capacity without increasing infrastructure such as garbage collection among others. Councilwoman Landry is supportive of extending the program through December 31, 2021 and for Staff to return to Council with a detailed proposal for a permanent parklet structure.

Mayor Gibbons expressed support for extending the parklets through the end of the year and for initiating some sort of pricing structure as a method to limit the number and size of parklets in the Downtown area. Mayor Gibbons noted the

need to extend the Farmer's Market lease through October with the ultimate goal of encouraging the market to return to the Downtown area. Mayor Gibbons noted that many neighboring jurisdictions are exploring ways to make parklets permanent and suggested that Staff review best practices.

Councilmember Bybee supports the extension of the Downtown Campbell Parklet Program through the end of the year but is hopeful that more and more people will be willing to move indoors and ultimately lessening the number of them over time. She is not supportive of a permanent parklet program or a fee structure on just a three-month time frame, as it would defeat the purpose of the parklet in an effort to support the businesses.

Community Development Director Eastwood confirmed Staff's ability to bring back to Council options for a permanent parklet program by December 2021.

Following discussions, Council confirmed consensus for extending the expiration date to January 3, 2022 to eliminate confusion regarding the use of parklets for the New Year's Eve/Day holiday weekend.

**M/S: Landry/Lopez – That the City Council adopt Resolution 12758 ending the temporary Downtown Campbell Parklet Program for outdoor restaurant dining and business operations in parklets to January 3, 2022, direct Staff to investigate options for reducing the number of parklets, and return to Council with options for a permanent parklet program. The motion was adopted by the following roll call vote:**

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Landry
<b>SECONDER:</b>	Lopez
<b>AYES:</b>	Gibbons, Landry, Lopez, Resnikoff
<b>NOES:</b>	Bybee

*On Council consensus, Item 15 was taken out of order.*

## **COUNCIL COMMITTEE REPORTS**

### **15. Announce Appointments to the Planning Commission**

Recommended Action: It is recommended that the City Council announce the appointments made to the Planning Commission at the Special Council Meeting on August 30, 2021.

Mayor Gibbons announced that Planning Commissioner interviews were held at a Special Meeting of the City Council on August 30, 2021. Commissioners Maggie Ostrowski and Mike Krey were reappointed and Matt Kamkar was newly appointed, each to a four-year term ending in August 2025.

## **UNFINISHED BUSINESS CONTINUED**

### **14. Police Operations Building Project Delivery Method - Continued from August 17, 2021 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution authorizing the City Manager to proceed with the construction of the proposed Police Operations Building using the standard Design-Bid-Build Project Delivery Method in order to retain a higher level of design control through the preparation of design documents.

Vice Mayor Resnikoff recused himself by leaving the City Council Meeting, as the subject property lies within 500 feet of his residence.

Public Works Director Todd Capurso presented the Staff Report dated September 7, 2021, noting that at this point in the process, there would not be much of a time difference between the traditional Design-Bid-Build and Design-Build project delivery methods, however a correction to the Staff Report is necessary to note that the City would not need to adopt an Ordinance allowing for the Design-Build project delivery method to be utilized, as it is allowable by State law. The Design-Build method would require adoption of a separate project specific Conflict of Interest Code and require a two step Request for Proposals/Request for Qualifications process to identify a short list of qualified contractors. Public Works Director Capurso reviewed the project management plan presented.

In response to inquiries relating to the project schedule and budget, Public Works Director Capurso noted that with either method an amendment with LPA will be required, and there will be a learning curve should Council choose the Design-Build project delivery method as it is not a method utilized by the City previously. Choosing the Design-Build method will require the City to make final design decisions sooner in the process.

Mayor Gibbons noted that she has been in contact with the Mayor and City Staff of the City of Cupertino to ask about their Design-Build process for their new Library renovation project and received good feedback on best practices. Mayor Gibbons expressed concern about selecting a construction delivery method that the City Staff has not utilized in the past given that there is not the project management team in place to oversee the project and its consultants. Mayor Gibbons expressed her support for utilizing the Design-Bid-Build method to ensure the project keeps moving forward and for directing Staff to solidify the necessary in house and project management company resources to ensure the project is properly supported and managed. Mayor Gibbons requested a full project detailed budget at the next project review.

Councilwoman Landry expressed support for utilizing the Design-Bid-Build construction delivery process to keep the project moving forward and for prequalifying bidding contractors.

Councilmember Bybee expressed her continued support for the Design-Bid-Build construction delivery method.

Councilmember Lopez stated that he was under the impression that there were bigger differences between the two project delivery methods in terms of budget and schedule, but after the presentation it doesn't appear there is, he expressed

support for the Design-Bid-Build delivery method.

**M/S: Landry/Bybee – That the City Council adopt Resolution 12759 authorizing the City Manager to proceed with the construction of the proposed Police Operations Building using the standard Design-Bid-Build Project Delivery Method in order to retain a higher level of design control through the preparation of design documents and that the bidding contractors be prequalified through the Request for Qualifications process.**

**Mayor Gibbons requested a friendly amendment to the motion adding that Staff solicit for outside project management/construction management services in addition to in-house staff resources deemed necessary.**

**Councilwoman Landry accepted the friendly amendment.**

**The motion was adopted by the following roll call vote:**

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

**COUNCIL COMMITTEE REPORTS CONTINUED**

**16. Council Committee Reports**

Recommended Action: Report on committee assignments and general comments.

Due to the late hour this item was not heard.

**ADJOURN**

Mayor Gibbons adjourned the meeting at 12:41 a.m.

APPROVED:

ATTEST:

\_\_\_\_\_  
Elizabeth 'Liz' Gibbons, Mayor

\_\_\_\_\_  
Dusty Christopherson, City Clerk