

CITY COUNCIL MINUTES

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



CITY COUNCIL EXECUTIVE SESSION
Tuesday, August 17, 2021 – 6:30 p.m.
City Hall – 70 N. First Street

- A. Personnel**
- B. Litigation** – Conference with Legal Counsel - Existing Litigation - Paragraph (1) of subdivision (d) of California Gov. Code Section 94956.9
Name of case: A. Spear v. City of Campbell
- C. Real Property** - Pursuant to GC Section 54956.8 Conference with Real Property Negotiators Campbell Community Center, One W. Campbell Avenue, Campbell, CA 95008
City Negotiator: City Manager, Brian Loventhal
Negotiating Parties: SAGE Academy
Under Negotiation: Lease Renewal, including price and terms of payment
- D. Labor Negotiations**

The City Council met in Executive Session to discuss Item B Litigation, City Manager Brian Loventhal and City Attorney Bill Seligmann were in attendance; and Item C Real Property, City Manager Loventhal, City Attorney Seligmann and Recreation & Community Services Director Natasha Bissell were in attendance. Executive Session adjourned at 7:06 p.m.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL
Tuesday, August 17, 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 August 17, 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

In honor of their heroic efforts in saving the life of a resident, Mayor Gibbons welcomed Campbell Police Officers Nathaniel Velichko and Kevin Charloe.

Officer Nathaniel Velichko and Officer Kevin Charloe led the Pledge of Allegiance.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. **A Proclamation Recognizing Campbell Police Officers Nathaniel Velichko and Kevin Charloe for Their Life Saving Efforts.**

Recommended Action: Approve a Proclamation commending Officer Nathaniel Velichko and Officer Kevin Charloe for their lifesaving efforts on July 25, 2021.

Mayor Gibbons read the proclamation honoring Campbell Police Officers Nathaniel Velichko and Kevin Charloe for their heroic efforts in saving the life of a resident. Officers Velichko and Charloe were dispatched to a scene involving a man in sudden cardiac arrest. Officers Velichko and Charloe recognized the signs and symptoms and deployed an Automated External Defibrillator (AED), the resident regained a pulse and was transported to the hospital where he was stabilized and survived.

Councilmembers thanked Officer Velichko and Charloe for their heroic lifesaving efforts and expressed appreciation for their quick actions and the dedicated training they undergo to ensure the best citizen protections in our City.

Police Chief Gary Berg noted that these officers received the Life Saving Award in the Department and expressed appreciation to Council for recognizing the officers and the department.

Officer Charloe expressed appreciation to Council and to Chief Berg for the recognition and stated that he is enjoying his time with Campbell as it is a unique community and he truly feels supported and appreciated by Council and the Community.

Officer Velichko expressed appreciation to Council and to Chief Berg for the recognition and noted the high standards the department holds the officers to and that he intends to have a long career in Campbell.

COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

ORAL REQUESTS

Mayor Gibbons opened the floor for oral requests.

Ms. Manaal Shafi spoke in support of the Stars & Strides Run being held at the Discovery Meadow in Downtown San Jose on August 22, 2021 to benefit the Valley Medical Center Foundation.

COUNCIL ANNOUNCEMENTS

The California Energy Commission took a step Wednesday, August 11, to move the state closer to its hoped-for decarbonized future via a wonky-but-effective means: the building code. The Commission unanimously voted to update California's already-strict building efficiency standards, which have so far achieved greenhouse gas reductions that equate to taking more than two million cars off the roads annually. The updates include requiring certain types of commercial buildings to have rooftop solar and battery storage, implementing stricter standards that improve indoor ventilation, ensure that homes using natural gas are "electric-ready", and encouraging efficient electric heat pump technology for space and water heating.

Last week, City Council acted to formally implement a tier 3 water rationing ordinance consistent with all local and state agencies, as well as water supplier, San Jose Water. Watch the Council Meeting on August 3, 2021, item 10 for good discussion and clarity on responsibility. Visit the Council meeting Agenda Center at: www.ci.campbell.ca.us/agendacenter.

California Penal Code Section 396, prohibits landlords and other businesses from raising rent (or the price of many consumer goods and services) by more than 10 percent after a state of emergency has been declared by the President, the Governor, or local officials. Rent increases are limited to 10% for the duration of the emergency, irrespective of the duration and whether the unit becomes vacant. For more information, or to report price gouging, please visit <https://www.oag.ca.gov/consumers>.

Santa Clara County officials announced Monday that a third dose of the COVID-19 vaccine is now available for people who have a compromised immune system. Eligible individuals are encouraged to contact their primary healthcare provider for consideration of the additional dose.

The Delta variant is spreading rapidly, particularly among young people. Hospitalizations and deaths are high for those that are not vaccinated. The County of Santa Clara continues to offer broad opportunities for community members to get a free COVID-19 vaccine, with expanded hours on evenings and weekends and various pop-up sites throughout the County that do not require an appointment. Scheduling appointments for COVID-19 vaccinations can be made for anyone who is 12 years of age or older. For more information about scheduling appointments, or locating a drop-in

vaccination site throughout the county, including local pharmacies, please visit sccfreevax.org.

The City Clerk's Office is accepting applications for the Citizen's Bond Oversight Committee for Measure O. The City Council invites Campbell residents 18 years of age and older, who are not current City employees, officials of the city, vendors, contractors or consultants of the city, or commissioners currently serving on commissions related to the city to apply. Applications may be obtained from the City Clerk's Office, or at the city's website: <https://www.ci.campbell.ca.us/157/Boards-Commissions>, and must be returned no later than September 30, 2021, by 5:00 p.m. For more information, please contact the City Clerk's Office at (408) 866-2117 or ClerksOffice@campbellca.gov.

Registration for fall recreation classes is underway. Please visit www.campbellca.gov/recreation to learn more.

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

Fall Garden Concert Series at the Ainsley House begins Sunday, August 29, 2021 with The Jazz Guitar Show featuring Chris Shahin and Mason Razavi. Tickets are \$25 and can be purchased at 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 to attend this virtual conference. For more information and to register visit www.caregiverscount.net.

CONSENT CALENDAR

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

The Consent Calendar was considered as follows:

2. **Minutes of City Council Executive Session Meeting of July 30, 2021.**
Recommended Action: Approve the Executive Session meeting minutes of July 30, 2021.
This action approves the Executive Session Meeting minutes of July 30, 2021.
3. **Minutes of City Council Regular Meeting of August 3, 2021.**
Recommended Action: Approve the Regular Meeting minutes of August 3, 2021.
This action approves the Regular Meeting minutes of August 3, 2021.
4. **Approving Bills and Claims.**
Recommended Action: Approve the bills and claims in the amount of \$1,211,843.26.

This action approves the bills and claims in the amount of \$1,211,843.26 as follows: bills and claims checks dated July 16, 2021, in the amount of \$720,744.12; bills and claims checks dated July 19, 2021, in the amount of \$88,169.60; payroll checks dated July 22, 2021, in the amount of \$73,261.87; bills and claims checks dated July 23, 2021, in the amount of \$180,923.83; bills and claims checks dated July 26, 2021, in the amount of \$148,743.84.

5. **Investment Report - Quarter Ending June 2021.**

Recommended Action: That the City Council approve the Investment Report for the quarter ending June 2021 and the report be noted and filed.

This action approves the Investment Report for the quarter ending June 2021 and the report be noted and filed.

6. **Approval of the Fiscal Year (FY) 2021-22 City of Campbell Investment Policy Update (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution approving the annual update to the City's Investment Policy.

Resolution 12748 approves the annual update to the City's Investment Policy.

M/S: Resnikoff/Landry – That the City Council approve the Consent Calendar. The motion was adopted by the following roll call vote:

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

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

7. **Public Hearing to Consider the Application (PLN2019-39) by Gordon Wong of GKW Architects for a Planned Development Permit to Allow the Construction of an Approximately 50-Foot Tall Mixed-Use Building (15 Apartment Units and 2,106 Square Feet of Ground Floor Commercial Space) with At-Grade and Underground Parking and Associated Site Improvements, a Tentative Parcel Map to Allow the Merger of Two Parcels, Dedication of Additional Public Right-Of-Way and New Public Utility Easements, the Abandonment of Existing Public Utility Easements, a Tree Removal Permit to Allow the Removal of Ten (10) On-Site Trees, a Density Bonus to Allow a Reduction in Required Parking, and a Variance to Allow the Placement of a New Utility Pole, for Property Located at 2575 & 2585 S. Winchester Boulevard in the P-D (Planned Development) Zoning District. (Ordinance / Resolutions / Roll Call Vote)**

Recommended Action: Staff recommends that the City Council introduce an Ordinance approving a Planned Development Permit; adopt a Resolution approving a Tentative Parcel Map; adopt a Resolution approving a Tree Removal Permit; and adopt a Resolution approving a Variance.

This is the time and place for a public hearing to consider introducing an Ordinance approving a Planned Development Permit; adopting a Resolution approving a Tentative Parcel Map; adopting a Resolution approving a Tree Removal Permit; and adopting a Resolution approving a Variance for the property located at 2575 & 2585 S. Winchester Boulevard.

Mayor Gibbons recused herself from this item noting a prior professional relationship with the applicant, turned the meeting over to Vice Mayor Resnikoff and turned off her microphone and video camera.

Senior Planner Stephen Rose presented a Staff Report dated August 17, 2021, stating that the applicant is seeking approval of a Planned Development Permit to allow the construction of an approximately 50-foot tall mixed-use building (15 apartment units and 2,106 square feet of ground floor commercial space) with at-grade and underground parking and associated site improvements, a Tentative Parcel Map to allow the merger of two parcels, dedication of additional public right-of-way and new public utility easements, and the abandonment of existing public utility easements, a Tree Removal Permit to allow the removal of ten (10) on-site trees, a Density Bonus to allow a reduction in required parking, and a Variance to allow the placement of a new utility pole.

The project site is comprised of two parcels located at the northwest corner of S. Winchester Boulevard and Friar Way which have a combined net lot area of 14,688 square-feet (.33 acres). The project site is bordered by a small commercial center to the north and a single-family residence to the west and is located within half a mile southwest of a major transit stop (VTA Lightrail). The site is developed with two single-family homes and there are 10 existing trees proposed to be removed as part of the project. The project site is located within the Planned Development (P-D) Zoning District and has a mixed-use General Plan land use designation of Residential/Commercial/Professional Office.

On June 22, 2021, the Planning Commission reviewed changes to the plans made in response to the Site and Architectural Review Committee (SARC) and primarily discussed comments raised in the Architectural Report. Two residents on Friar Way attended the Planning Commission meeting seeking clarification on various project details such as how parking would be managed on Friar Way (a small segment of Friar Way will be painted red in front of the project to maintain sight lines), seeking clarification on the proposal to extend the median on Winchester (to be extended to stop unpermitted turns into the project site), and seeking confirmation the lights on the project would be pointed downward (they will be). After due consideration, the Planning Commission adopted resolutions recommending the City Council approve the project as presented on a unanimous 7-0 decision.

Senior Planner Rose noted that the project does qualify as a density bonus project as the parking is exceeding state requirements although does not meet the Cities requirements. The project will include two units for very low-income households. There are 20 existing trees being removed however three new trees and ground shrubs will be planted as part of the project. Overhead powerlines

will be converted to underground and a new utility pole will be installed.

Vice Mayor Resnikoff opened the public hearing, there being no one wishing to speak, the public hearing was closed.

Councilwoman Landry stated that she likes this project, it has an eclectic rhythm to it, plans a four-story building on a small lot in a creative way, yet has a slopped angle with plenty of set-back. Councilwoman Landry expressed appreciation to the applicant for bringing the project forward.

Councilmember Lopez expressed appreciation for the creative use of the space and for finding a way to add density to a pretty small parcel.

Vice Mayor Resnikoff expressed appreciation to the applicant for their cooperation and positive way in which they worked with all affected parties throughout this process.

M/S: Landry/Bybee – That the City Council introduce Ordinance 2274 approving a Planned Development Permit; adopt Resolution 12749 approving a Tentative Parcel Map; adopt Resolution 12750 approving a Tree Removal Permit; and adopt Resolution 12751 approving a Variance. The motion was adopted by the following roll call vote:

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

City Clerk Christopherson read the title of Ordinance 2274.

M/S: Bybee/Landry – That the City Council waive further reading of Ordinance 2274. The motion was adopted by the following roll call vote:

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

Mayor Gibbons rejoined the meeting.

- 8. Adopt the Mitigated Negative Declaration for the Measure O - Civic Center Improvements Project (Resolution/Roll Call Vote)**
Recommended Action: That the City Council adopt a Resolution adopting the Mitigated Negative Declaration for the Measure O - Civic Center Improvements Project No. 21-MM.

Vice Mayor Resnikoff recused himself because his personal residence lies within 500 feet of the subject property. Vice Mayor Resnikoff turned off his microphone and turned off his video camera.

Public Works Director Todd Capurso introduced Akoni Danielson with David J. Powers, Inc. Mr. Danielson presented the completed Environmental Impact Report for the Measure O – Civic Center Improvements Project noting that the report analyzes and discloses the environmental impacts of the construction and allows for a dedicated public comment period. Council is required to adopt an environmental impact report in order to move forward with the Measure O – Civic Center Improvement Project.

In summary, Mr. Danielson noted that the presented report reviewed the air quality, noise and vibration, historic resources, tree surveys, Phase I Environmental Site Assessment, and site access and circulation issues and found no significant impacts. The public comment period was open from July 21 – August 10, 2021 and one email was received from a nearby resident concerned about noise and historic impacts to the Ainsley House. Staff noted one late public comment was received from the Tamien Nation relating to being kept aware of the projects progress specifically around cultural resources that may be found during the construction of the project.

In response to inquiries from Councilwoman Landry relating to bicycle parking, showers, and changing facilities in the Library building, Public Works Director Capurso explained that the requirement for bicycle parking, showers, and changing facilities is to be accommodated in the Police building, and by the project as a whole. In addition, the report did not identify stop signs as necessary at the intersection of Grant and First Street, but Staff can review that finding and bring alternatives to Council to review as well as solutions for accessibility issues on the sidewalk by the bus stop outside the Library building and the trees potentially affected by the construction.

Mayor Gibbons opened the public hearing, with no one wishing to speak the public hearing was closed.

Mayor Gibbons expressed concerns relating to the historic analysis of the project and specifically the impacts of the construction so close to the Ainsley House. Mr. Danielson noted that a professional historian was engaged to analyze the impacts to the Ainsley House and the impacts were limited to construction vibrations, however if the Ainsley House is of specific concern to the community, Staff can include in the contract documents to track and measure the impacts of the construction on the Ainsley House and mitigate those impacts as the project progresses.

Councilwoman Landry suggested tenting of the Ainsley House may be needed during construction.

Councilmember Lopez expressed support for including the Tamien Nation and for exploring tenting of the Ainsley House to protect the asset and avoid potential costly issues in the future.

After discussion, **M/S: Landry/Bybee – That the City Council adopt Resolution 12752 adopting the Mitigated Negative Declaration for the Measure O - Civic Center Improvements Project No. 21-MM. The motion was adopted by the following roll call vote:**

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

Vice Mayor Resnikoff rejoined the meeting.

NEW BUSINESS

9. **Adoption of a Suicide Prevention Policy (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution approving the addition of a Suicide Prevention Policy to the Council Policy Manual.

City Manager Brian Loventhal presented a Staff Report dated August 17, 2021 stating support of the County’s Suicide Prevention Strategic Plan and that many cities have adopted Suicide Prevention Policies. The City of Campbell understands the significance of its role in implementing policy to raise public awareness, promote resources and encourage mental health care. Drawing upon the best practices and policy models in nearby cities, staff is recommending a policy where the City will promote strategies and resources provided by Santa Clara County and utilize its platform to directly outreach to city employees, retirees and residents; as well as update public safety protocols governing the City’s response to a suicide attempt in City facilities. The County Behavioral Health Services agency will be a key partner to assist the City with the identification of mental health resources and safe messaging practices. City staff will reach out to Behavioral Health Services staff to coordinate trainings/ education sessions that can be offered virtually to all city staff. Additionally, September is National Suicide Prevention Month and thus provides a relevant opportunity to launch the City’s suicide prevention and education efforts.

Vic Ojakian, National Alliance on Mental Illness (NAMI) Santa Clara County Board Co-President, Santa Clara County Behavioral Health Board and Suicide Prevention Oversight Committee and Former Palo Alto Mayor spoke in support of adoption of the proposed policy and shared the local National Suicide Prevention Crisis Hotline number, 1-855-278-4204, which is available 24/7, and includes a text line as well. Mr. Ojakian noted that stigma is one of the hardest barriers for people to overcome when talking or thinking about suicide and much of the County’s and advocate’s efforts are focusing on pushing past the stigma and encouraging all Cities to get involved and embrace suicide awareness, prevention training, and share their resources and knowledge with their communities.

Mayor Gibbons opened the floor for public comment.

Dr. Shashank Joshi spoke in support of the City's Suicide Prevention Policy and noted that much of the everyday doses of well being and connection with each other as peers, trusted adults, and parent and community members have been lost in our communities over the past 20 months, so now more than ever the Cities efforts to bring light to suicide is needed.

Councilmembers expressed support for the proposed policy and thanked Mr. Ojakian and Supervisor Ellenberg's Office for their tireless advocacy of suicide prevention and mental health services.

Councilmembers confirmed consensus for making suicide prevention hotlines and other resources readily available on the City website.

M/S: Landry/Lopez – That the City Council adopt Resolution 12753 approving the addition of a Suicide Prevention Policy to the Council Policy Manual, including Desk Item 9. The motion was adopted by the following roll call vote:

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

10. **Authorize Staff to Proceed with Standard Design-Bid-Build Delivery Method for Police Operations Building (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 because his personal residence lies within 500 feet of the subject property. Vice Mayor Resnikoff turned off his microphone and turned off his video camera.

Special Advisor Timm Borden with Management Partners provided a presentation to Council on the project delivery method for the Police Operations Building. Mr. Borden explained that Council has two options for a project delivery method, a traditional Design-Bid-Build or a Design-Build method. Mr. Borden reviewed the advantages, disadvantages, and next steps with each project delivery method option. With a Design-Bid-Build project delivery method it is a linear scope of work and the risk and onus is on the project owner (City) to carry a contingency for unforeseen conditions. With a Design-Build project delivery method there is a need for a well-defined scope and basis of design (bridging documents), there is the potential to accelerate the delivery and the risk and onus is on the contractor to carry contingency for unforeseen conditions. Staff is recommending the use of the Design-Bid-Build project delivery method in order

to retain a high level of design control and transparency throughout the remainder of the design process.

In response to an inquiry from Councilmember Bybee, Mr. Borden noted that regardless of which delivery method is selected, a project manager or construction management firm is going to be required for this project. With the traditional Design-Bid-Build method the construction manager will act as the coordinator between the designer and the contractor, with the Design-Build method the construction manager will ensure the bridging documents are followed and conformed to. The scope of the construction manager is larger with the traditional Design-Bid-Build process because the role is more critical.

Mayor Gibbons expressed concern about making this delivery method decision without fully understanding the proposed timeline and detailed budget for the project, as the Design-Build method can be delivered sooner, but will be at a higher price. Without the full understanding of those two pieces of information, it is difficult to make an informed decision.

Councilmember Bybee expressed support for the traditional Design-Bid-Build delivery method which has been used by the City for years in public works projects and feels this project is a significant one to be trying out a new process.

City Manager Loventhal clarified that regardless of which delivery method is chosen by Council, staff will be needed to support the Measure O projects. Staff has begun the recruitment work for a project manager for both projects. However, having two different delivery methods for the Library building and Police Operations Building would increase the complexity of managing the two different projects at the same time.

In response to inquiries, City Manager Loventhal noted that the cost estimates provided to Council have included projected cost escalations and noted that in the Design-Build project delivery model design decisions need to be made early in the design process, with the Design-Bid-Build project delivery method design decisions can be made later but it is a much lengthier design process, and the construction costs in future months is unpredictable in today's economy.

Mayor Gibbons stated her hesitation for making a delivery method decision at this stage and requested additional information relating to scheduling, budget, and design risks, specifically with the Design-Build project delivery method. Mayor Gibbons stated that she is not in favor of utilizing a construction management firm if it means a duplication of staffing costs. Mayor Gibbons requested Staff return to Council with a clear explanation of staffing, scope, costs, and timeline for each of the project delivery methods to be considered. Mayor Gibbons also requested clarification on how the Library building fits into this decision and how the coordination of the two projects is best handled.

Mr. Borden stated that with either project delivery method, the staffing requirements are not going to be much different, there will still be the need for a project manager, their scope and focus might be different, but they will still have a necessary role.

City Manager Loventhal stated that there will be a time impact if Council chooses to hold the project delivery method decision to a later date, all of the impacts are not known at this time, without direction on next steps the consultant will be unable to move forward on this project.

Councilmember Lopez stated that at this point, he is in favor of the Design-Build project delivery method as it minimizes the risk of cost escalation and has the potential to deliver at a faster pace, he agrees that more information would be helpful, but doesn't want to see the project delayed waiting on that information.

Councilwoman Landry stated that she is more supportive of the Design-Build project delivery method at this point in time and is very uncomfortable with where project costs could be months from now if Council were to choose the Design-Bid-Build project delivery method.

Councilmember Bybee stated that she does not want to see this project delayed, we will need a project management firm with either method as the City does not have that type of inhouse expertise, the budget will be tight, and the project management firm will need to manage within those limitations with either method decided upon.

Council confirmed consensus to direct Staff to return to the next regular Council meeting with additional information relating to the cost estimates, project delivery schedule, staff needs/resources, remaining design decisions, and a deeper explanation of bridging documents.

The City Council meeting was recessed at 11:10 p.m. and reconvened at 11:15 p.m. with all members present.

UNFINISHED BUSINESS

11. **Authorization to Amend Consultant Services Agreement with Verde Design Inc.; and Authorization for Finance Director to Perform a Budget Adjustment for John D. Morgan Park (Budd Avenue Side) Improvement Project 18-PP (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution authorizing the Public Works Director to amend the Consultant Services Agreement with Verde Design, Inc.; and, authorizing the Finance Director to perform a budget adjustment for John D. Morgan Park (Budd Avenue Side) Improvement Project 18-PP.

City Engineer Amy Olay presented a Staff Report dated August 17, 2021 noting that construction of the John D. Morgan Park Improvement Project began the last week of January 25, 2021 with an anticipated completion date of August 4, 2021. Although construction continued during the Santa Clara County's Health Order, the COVID-19 pandemic had an adverse impact on the supply chain of various materials. Additionally, several unanticipated site conditions such as an abundance of redwood tree roots, communication lines, and irrigation and domestic water lines required Verde Design, Inc. and its subconsultants to spend

additional time in developing solutions and monitoring the work as the contractor was carefully exposing these unanticipated site conditions. The unanticipated challenges arising during construction were unavoidable and have direct impacts on 1) the resources necessary to address the issues and 2) extending the construction period which then delays the construction completion. Therefore, an additional \$60,000 to the Consultant Services Agreement is being requested to allow Verde Design, Inc. to continue construction management and engineering support for the remainder of the construction period. The construction completion date has been extended to late September/early October.

In response to an inquiry from Councilmember Lopez, City Engineer Olay stated that the funds requested will be taken from the Parks Usage Fund, Staff will attempt to reclaim that money using park grant funds, but there is not guarantee at this point if that will be allowed given the grant rules.

Councilmember Landry expressed deep concern relating to the unanticipated challenges namely the tree roots and the communication lines and feels that these issues were known and could have been addressed much earlier in the park design process and is not supportive of the requested budget adjustment.

Mayor Gibbons expressed concern relating to the lateness of bringing this item to Council and feels that a better approach would have been to bring additional change orders forward to Council as the project progressed and not to wait until the end of the project when the contracted amount has been spent, and Council as no other feasible alternatives to complete the project.

Vice Mayor Resnikoff expressed concern that not approving this budget adjustment could jeopardize the on-time completion of the project and that for a \$2 million project, a \$60,000 adjustment is not exorbitant. However, he would like to know about overages sooner and would like a process change investigated to prevent this from happening in the future.

Councilmember Bybee expressed the same concerns relating to the overrun of this project budget but agrees with Vice Mayor Resnikoff to keep the project moving forward and not delay the completion date.

Council confirmed consensus for Staff initiating a process review of this project cost overrun and investigating a method to prevent this from happening in the future.

M/S: Resnikoff/Bybee – That the City Council adopt Resolution 12754 authorizing the Public Works Director to amend the Consultant Services Agreement with Verde Design, Inc.; and, authorizing the Finance Director to perform a budget adjustment for John D. Morgan Park (Budd Avenue Side) Improvement Project 18-PP. The motion was adopted by the following roll call vote:

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

12. **Authorize the City Manager to Dispense with the Bidding Procedures as Specified in Campbell Municipal Code Section 3.20.050, and Negotiate, Award, and Execute a Contract with De Novo Planning Group for the Completion of the Envision Campbell General Plan and Environmental Impact Report; and with the Metropolitan Planning Group for the Preparation of the 2023-2031 Housing Element; and Authorize a Corresponding Budget Adjustment. (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution authorizing the City Manager to dispense with the bidding procedures specified in Campbell Municipal Code Section 3.20.050; and negotiate, award, and execute a contract with De Novo Planning Group for completion of the Envision Campbell General Plan and Environmental Impact Report, and with Metropolitan Planning Group for the preparation of the 2023-2031 Housing Element; and initiate a budget adjustment to appropriate \$563,618 for additional contract costs and to recognize grant revenue from the Local Early Action Planning (LEAP) / Regional Early Action Planning (REAP) Grant for \$153,339 in Fiscal Year 2022.

Community Development Director Rob Eastwood presented a Staff Report dated August 17, 2021 and noted that the De Novo Planning Group has agreed to partner with the City for the completion of the Environmental Impact Report and the Envision Campbell General Plan, but has declined to complete the Housing Element. The Metropolitan Planning Group based here in Campbell has agreed to partner with the De Novo Planning Group and the City for completion of the 2023-2031 Housing Element. Community Development Director Eastwood noted the large amount of work ahead for the City on this effort and stated that a dedicated Study Session will be scheduled in the coming month.

Senior Planner Stephen Rose provided a presentation reviewing the overall project scope, public outreach and engagement efforts, project schedule, and the dedicated budgetary resources and related work efforts.

Councilmembers expressed support for the recommendation and thanked City staff for responding quickly to Council feedback and for working proactively with the consultants to bring forward a proposal that all Councilmembers can support.

M/S: Bybee/Landry – That the City Council adopt Resolution 12755 authorizing the City Manager to dispense with the bidding procedures specified in Campbell Municipal Code Section 3.20.050; and negotiate, award, and execute a contract with De Novo Planning Group for completion of the Envision Campbell General Plan and Environmental Impact Report, and with Metropolitan Planning Group for the preparation of the 2023-2031 Housing Element; and initiate a budget adjustment to appropriate \$563,618

for additional contract costs and to recognize grant revenue from the Local Early Action Planning (LEAP) / Regional Early Action Planning (REAP) Grant for \$153,339 in Fiscal Year 2022. The motion was adopted by the following roll call vote:

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

COUNCIL COMMITTEE REPORTS

13. **Approve Appointments to the Civic Improvement Commission and Provide Direction on Planning Commission Term Expirations**

Recommended Action: It is recommended that the City Council approve the recommendation of the Advisory Commissioner Appointment Interview Subcommittee regarding appointments to the Civic Improvement Commission for two four-year terms expiring August 2025 and one unexpected vacancy with a term expiring August 2024; and, allow expiring Planning Commission Members to continue to serve until they are replaced or re-appointed and direct the City Clerk to reopen the application period until a sufficient number of applications have been received.

Councilmember Bybee reported that the Advisory Commissioner Appointment Interview Subcommittee met on August 13, 2021, and interviewed three candidates, noting that all three were excited for the opportunity to serve and expressed interesting ideas for the community. Councilmember Bybee noted that the Subcommittee recommends reappointing Maryanne Yoshikawa to a four-year term, appointing Jenna Naylor to a four-year term, and appointing Heather Malcom to the shorter three-year term.

City Clerk Christopherson updated the Council on the Planning Commissioner recruitment process noting that at the close of the application process one commissioner expressed a desire to be reappointed, but at the time of this meeting one additional Commissioner had also requested reappointment.

Council confirmed consensus for extending the application period for one week, schedule a special City Council meeting for the Planning Commissioner interviews and make the appointments prior to the next Planning Commission meeting in September.

M/S: Bybee/Landry – That the City Council approve the recommendation of the Advisory Commissioner Appointment Interview Subcommittee appointing Jenna Naylor and Maryanne Yoshikawa each to a four-year term expiring August 2025 and Heather Malcolm to a three-year short term expiring August 2024 on the Civic Improvement Commission; and, direct the City Clerk to reopen the application for the Planning Commission for one additional week. The motion was adopted by the following roll call vote:

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

14. **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 12:20 a.m.

APPROVED:

ATTEST:

Elizabeth 'Liz' Gibbons, Mayor

Dusty Christopherson, City Clerk