

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, April 4, 2023 – 7:30 p.m.

City Hall Council Chamber – 70 N. First Street

This City Council meeting was duly noticed pursuant to open meeting requirements of the Ralph M. Brown Act (G.C. Section 54956).

This meeting was recorded and can be viewed in its entirety at www.cityofcampbell.com/agendacenter.

CALL TO ORDER

The City Council of the City of Campbell convened this day in the regular meeting place, the City Hall Council Chamber, 70 N. First St., Campbell, California.

ROLL CALL

Attendee Name	Title	Status
Anne Bybee	Mayor	Present
Susan M. Landry	Vice Mayor	Present
Dan Furtado	Councilmember	Present
Sergio Lopez	Councilmember	Present
Elliot Scozzola	Councilmember	Present

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Furtado.

Following the Pledge of Allegiance, Mayor Bybee welcomed Assistant City Manager Angelique Gaeta who was attending the meeting on behalf of the City Manager.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

There were no special presentations and proclamations.

COMMUNICATIONS AND PETITIONS

City Attorney Seligmann reported out on the April 4, 2023 Executive Session stating that the City Council voted unanimously to join the nationwide opioid settlement in the cases against Teva, Allergan, CVS, Walgreens, and Walmart and to utilize those funds for the City of Campbell in programs and resources to deal with the opioid crisis.

ORAL REQUESTS

Amy Taylor, Campbell resident and Cloud City Supply business owner, appreciated the City Council discussion to evaluate a cannabis ordinance as a Fiscal Year 2024 priority. She stated the benefits of cannabis and stated that jurisdictions allowing the legal sale of marijuana derived products will aid in eradicating the illegal cannabis market.

Richard Culbertson stated he missed having access to the full library. He hoped the Measure O project would be completed soon so he could enjoy the library with his grandchildren, and so the Police Department could have a safe place to work.

COUNCIL ANNOUNCEMENTS

TRUST is a community service that helps Santa Clara County residents during an urgent mental health or substance use situation. Call Centers and field response teams are available 24/7 to answer calls for help. Call 988 for the local 408 area code.

On April 8, the Campbell Kiwanis Club will be hosting the 41st annual Campbell Eggstravaganza Easter egg hunt for children ages 1-12. It's a morning of free events that include face painting, jump houses, kids' games, pictures with the Easter bunny, and of course the traditional egg/candy hunt. The free event starts at 9:00 a.m. at Campbell Community Center.

The Bunnies and Bonnets Parade will follow that same day at 11:00 a.m. in downtown Campbell. The Downtown Business Association sponsors this annual Easter Parade tradition that features marching bands, dancers, community groups, local organizations and more. Put on your finest Easter hat or rabbit ears and come join in the fun.

The AARP Tax Aid Program will provide income tax assistance free of charge through April 14 at the Campbell Community Center. The AARP Tax-Aide Program provides tax assistance to anyone, free of charge, with a focus on taxpayers who are over 50 and have a low to moderate income. To learn more, please visit campbellca.gov.

On Saturday, April 15 at 3:00 p.m., Campbell CERT will be holding its 5th annual Taste of Campbell Fundraiser. Enjoy an afternoon experiencing local wines, beers, cuisine, and live music at the Campbell Community Center Orchard City Banquet Hall. Proceeds from this event help pay for emergency supplies, equipment, and training in support of our community. Ticket and pricing information is available at campbellcert.org.

The Downtown Campbell Spring Wine Walk is back. The wine walk is scheduled for Wednesday, April 19, from 6:00 to 9:00 p.m. Event and ticket information is available at www.downtowncampbell.com.

CONSENT CALENDAR

Mayor Bybee asked if anyone wished to remove an item from the Consent Calendar.

Items one, nine and ten were pulled from the Consent Calendar.

The Consent Calendar was considered as follows:

2. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$489,791.46.

This action approves the bills and claims in the amount of \$489,791.46, as follows: payroll checks dated March 2, 2023, in the amount of \$73,266.02; bills and claims checks dated March 6, 2023, in the amount of \$187,919.98; and bills and claims checks dated March 13, 2023, in the amount of \$228,605.46.

3. **Monthly Investment Transactions Report (February 2023)**

Recommended Action: That the City Council review and accept the Monthly Investment Transactions Report for February 2023.

This action approves the Monthly Investment Transactions Report for February 2023.

4. **Monthly Treasurer's Report (February 2023)**

Recommended Action: That the City Council review and accept the Monthly Treasurer's Report for the month ended February 28, 2023.

This action reviews and accepts the Monthly Treasurer's Report for the month ended February 28, 2023.

5. **Initiate Proceedings of the Campbell Lighting and Landscaping District, Fiscal Year 2023-24 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution initiating proceedings, describing the improvements, and directing staff to prepare the Engineer's Report for the Campbell Lighting and Landscaping Assessment District for Fiscal Year 2023-24.

Resolution 12956 initiates proceedings, describes the improvements, and directs staff to prepare the Engineer's Report for the Campbell Lighting and Landscaping Assessment District for Fiscal Year 2023-24.

6. **Accept Grant Funds from the California Board of State and Community Corrections (BSCC) for an Officer Wellness Program and Authorize a Corresponding Budget Adjustment (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution to accept the California Officer Wellness Grant funds from the California Board of State and Community Corrections (BSCC) in the amount of \$30,189.55 to provide additional funding for a contracted dedicated mental health clinician for police department staff; and to authorize a corresponding budget adjustment.

Resolution 12957 accept the California Officer Wellness Grant funds from the California Board of State and Community Corrections (BSCC) in the amount of \$30,189.55 to provide additional funding for a contracted dedicated mental health clinician for police department staff; and to authorize a corresponding budget adjustment.

7. **Approval of City Council Code of Conduct Policy for City Board Members and Commissioners**

Recommended Action: That the City Council approve a City Council Code of Conduct Policy for City Board Members and Commissioners related to conflicts of interest.

This action approves a City Council Code of Conduct Policy for City Board Members and Commissioners related to conflicts of interest.

8. **Review of Campbell Statement of Values (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution amending Campbell's Statement of Values.

Resolution 12958 amends the Campbell Statement of Value's.

M/S: Landry/Lopez - That the City Council approve the consent calendar. The motion was adopted by the following roll call vote:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Landry
SECONDER:	Lopez
AYES:	Bybee, Landry, Furtado, Lopez, Scozzola

ITEMS CONSIDERED SEPARATE FROM CONSENT

1. **Minutes of City Council Regular Meeting of March 21, 2023**

Recommended Action: Approve the regular meeting minutes of March 21, 2023

Councilmember Furtado requested the March 21, 2023 minutes be amended to reflect his comment on Item 9, to state, that he expressed concerns and disappointment that the property owner of the building was not present to make some remarks nor did the owner submit a written statement as to the nature of his project, leaving some questions unanswered.

M/S: Landry/Furtado – That the City Council approve the regular meeting minutes of March 21, 2023 as amended. The motion was adopted by the following roll call vote:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Landry
SECONDER:	Furtado
AYES:	Bybee, Landry, Furtado, Lopez, Scozzola

9. **Resolution Congratulating Nicholas Welzenbach on Being Selected “Citizen of the Year” by the Campbell Chamber of Commerce (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution congratulating Nicholas Welzenbach on being selected Campbell's 2022 “Citizen of the Year.”

Ken Johnson, Campbell Chamber of Commerce Executive Director, acknowledged Nicholas Welzenbach as the Chamber Citizen of the Year. He extended his gratitude to the City for their support of the Campbell Chamber events and spoke of two previous Citizens of the Year, Leonard Cino and Tom Francois, who lost their plaques in the Paradise CA fires and Santa Rosa CA fires. Mr. Cino was issued a new plaque at the Celebrate Campbell event, and Mr. Johnson presented Mr. Francois a new plaque at his home in Santa Rosa.

M/S: Lopez/Landry – That the City Council adopt Resolution 12959 congratulating Nicholas Welzenbach on being selected Campbell’s 2022 “Citizen of the Year.” The motion was adopted by the following roll call vote:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lopez
SECONDER:	Landry
AYES:	Bybee, Landry, Furtado, Lopez, Scozzola

10. **Resolution Congratulating Sports Basement on Being Selected “Business of the Year” by the Campbell Chamber of Commerce (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution congratulating Sports Basement on being selected Campbell’s 2022 “Business of the Year.”

Ken Johnson, Campbell Chamber of Commerce Executive Director, acknowledged Sports Basement as Business of the Year and recognized the other Business of the Year finalists, Marvel Cakes and Campbell Press. He extended his gratitude to the City for their support of the Campbell Chamber of Commerce events.

Councilmember Lopez thanked Mr. Johnson for his work in putting on a beautiful Celebrate Campbell event.

M/S: Lopez/Landry – That the City Council adopt Resolution 12960 congratulating Sports Basement on being selected Campbell’s 2022 “Business of the Year.” The motion was adopted by the following roll call vote:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Lopez
SECONDER:	Landry
AYES:	Bybee, Landry, Furtado, Lopez, Scozzola

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

11. **Review of Historic Preservation Board Recommendations, Confirmation of Direction, and Authorization to Proceed with Drafting of a Zoning Code Amendment for the Historic Preservation Ordinance Update (CDD FY23**

Work Plan), Inclusive of (1) Creation of Penalty Provisions to Discourage Unpermitted Alterations and Demolitions of Historic Structures, (2) Clarification of Permitting Requirements for Historic Properties, and (3) Establishment of a New Mills Act Program.

Recommended Action: That the City Council authorize staff to prepare Zoning Code Amendments for the Historic Preservation Ordinance Update (CDD FY23 Work Plan), inclusive of (1) Creation of penalty provisions to discourage unpermitted alterations and demolitions of historic structures, (2) Clarification of permitting requirements for historic properties, and (3) Establishment of a new Mills Act Program.

Senior Planner Fama presented a staff report dated April 4, 2023. He asked for Council direction relating to the penalty provisions and permitting requirements of historic properties, and Mills Act Program improvements.

The council asked general questions related to the staff report.

Mayor Bybee opened the public hearing and asked if anyone wished to speak.

Glen Kinsey, Campbell resident, bought the property and then subsequently understood he was on the Historic Property Interest list. He wanted to ensure that he would not be forced to sign up for a Mills Act contract and he believed that his home was not a historic property. He noted if he sold the home their property tax would be much higher and assumed that would be of interest to the City.

Bill Perry, Campbell resident wanted to know the difference between historic houses and properties of merit as he had thought they have now been combined into one group.

Seeing no one else wishing to speak, Mayor Bybee closed the public hearing.

The council asked for clarification on the different Historic Resource Inventory (HRI) categories and if properties are added to the list without owner consent.

Senior Planner Fama explained that the HRI has 3 tiers of structure, Structures of Merit on the bottom, which are historic properties, but not so historic that they are considered landmarks, then, properties that are within the Alice Avenue Historic District that are not landmarks, and then Landmark properties. Additionally, the City's current Historic Preservation Ordinance, adopted in 2018 does require that any subsequent additions to the HRI require explicit property owner authorization, but that was not retroactive.

Mayor Bybee made comments related to Mills Act ineligible items in the interior of the home, requesting those be considered eligible if the homeowner was making restoration improvements with features similar to its original period state.

Councilmember Lopez noted the importance of providing educational materials for residents related to the permitting requirements for homes on the HRI and the Mills Act program.

Councilmembers discussed the penalty provision fees. Mayor Bybee felt the fees may be punitive in nature.

Senior Planner noted the fees as proposed were comparable to other cities and is the most objective approach as it does not rely on estimates from an appraiser or contractor opinion. While the current proposed fee was equal to 100% of the building permit valuation, the Council could choose to lower that percentage if they felt the fees were too high.

Councilmember Scozzola stated support for the higher fee to deter residents from ruining the historic integrity of the home.

Councilmember Lopez shared concerns that the proposed amount was too punitive and was supportive of the fee being based on a lower percentage.

Vice Mayor Landry noted that the fee needs to be high enough to prevent residents from ruining the historic integrity of the home and was supportive of a higher percentage.

Councilmembers discussed the Mills Act program and were generally supportive of the staff recommendation of 5 contracts per year.

After discussion, **M/S: Landry/Lopez – That the City Council authorize staff to prepare Zoning Code Amendments for the Historic Preservation Ordinance Update (CDD FY23 Work Plan), inclusive of (1) Creation of penalty provisions to discourage unpermitted alterations and demolitions of historic structures, (2) Clarification of permitting requirements for historic properties, and (3) Establishment of a new Mills Act Program. The motion was adopted by the following roll call vote:**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Landry
SECONDER:	Lopez
AYES:	Bybee, Landry, Lopez, Scozzola
ABSTAIN:	Furtado

Mayor Bybee called for a 5-minute recess and reconvened at 8:56 p.m.

NEW BUSINESS

- 12. Authorization for the City Manager to Execute Two Grant Agreements with Silicon Valley Clean Energy (SVCE) for the Community Energy Resilience Program and Community Decarbonization Demonstration Program, in the Amounts of \$197,972 and \$500,000 (Respectively) for the Campbell Police Operations Building (Project No. 23-RR) and Campbell Library Renovations (Project No. 23-SS) (Resolution/Roll Call Vote)**
Recommended Action: That the City Council adopt a Resolution authorizing the City Manager to execute two Silicon Valley Clean Energy (SVCE) Grant Agreements for the Community Energy Resilience Program and Community

Decarbonization Demonstration Program, in the amounts of \$197,972 and \$500,000 (respectively), for the Campbell Police Operations Building (Project No. 23-RR) and Campbell Library Renovations (Project No. 23-SS).

Public Works Director Capurso presented a staff report dated April 4, 2023.

Following Council questions, Mayor Bybee asked if anyone wished to speak. There were no public speakers.

After discussion, **M/S: Scozzola/Landry - That the City Council adopt Resolution 12961 authorizing the City Manager to execute two Silicon Valley Clean Energy (SVCE) Grant Agreements for the Community Energy Resilience Program and Community Decarbonization Demonstration Program, in the amounts of \$197,972 and \$500,000 (respectively), for the Campbell Police Operations Building (Project No. 23-RR) and Campbell Library Renovations (Project No. 23-SS). The motion was adopted by the following roll call vote:**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Scozzola
SECONDER:	Landry
AYES:	Bybee, Landry, Furtado, Lopez, Scozzola

UNFINISHED BUSINESS

There was no unfinished business.

COUNCIL COMMITTEE REPORTS

13. Council Committee Reports

Recommended Action: That the City Council report on activities from their committee assignments.

Councilmember Furtado attended the Silicon Valley Regional Interoperability Authority meeting.

Vice Mayor Landry attended the Campbell Police Foundation Fundraising Breakfast; and the Education Subcommittee meeting with Councilmember Scozzola. She noted that May is Mental Health Month and April 24 is National Library Week.

Councilmember Scozzola attended the Education Subcommittee meeting and noted the upcoming Santa Clara County Library Poetry Contests.

ADJOURN

Mayor Bybee adjourned the meeting at 9:04 p.m.

APPROVED:

ATTEST:

Anne Bybee, Mayor

Andrea Sanders, City Clerk