

# CITY COUNCIL MINUTES

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



## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, May 2, 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](http://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 Chamber of Commerce “Citizen of the Year” recipient Nicholas Welzenbah and his wife Kendall, daughter Audrey and son Lachlan.

Mayor Bybee thanked Mr. Welzenbach and family for leading the Pledge and presented him with a certificate of appreciation.

### SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. **Presentation of Resolutions to Campbell Chamber of Commerce Citizen and Business of the Year Recipients**

Recommended Action: That the City Council present resolutions to the 2022 Chamber of Commerce Citizen of the Year recipient Nicholas Welzenbach and Business of the Year Recipient Sports Basement.

Mayor Bybee congratulated Nicholas Welzenbach for his award as Campbell Chamber of Commerce “Citizen of the Year”, noted his contributions to the Campbell community and presented him with a framed Resolution signed by all Councilmembers.

Councilmembers congratulated Mr. Welzenbach for his many contributions to the community.

Mr. Welzenbach thanked the City Council for the recognition and spoke of the many reasons he and his family enjoy being active in the community.

A representative from the Chamber of Commerce “Business of the Year,” Sports Basement was unable to attend the meeting. Mayor Bybee stated she will present their Resolution at a future time.

2. **Proclamation Recognizing National Peace Officers Memorial Day and Declaring the Week of May 14-20, 2023 as National Police Week**

Recommended Action: That the City Council recognize May 14-20, 2023 as “National Police Week” to honor the Campbell Police Department and May 15, 2023 as “National Peace Officers Memorial Day” for America’s law enforcement officers who have lost their lives in the line of duty for the safety and protection of others.

Mayor Bybee spoke of the significance of National Peace Officers Memorial Day and declared the week of May 14-20, 2023 as National Police Week.

Police Chief Berg thanked Mayor Bybee and invited night patrol staff members up to accept the proclamation.

Sergeant Quintero, Agent Favreau, Officer Palmer, Officer Johnson, and Officer Stephens accepted the proclamation on behalf of the Campbell Police Department.

Councilmembers expressed their appreciation and thanked the Campbell Police Department for their service to the City of Campbell.

**COMMUNICATIONS AND PETITIONS**

There are no communications and petitions.

**ORAL REQUESTS**

Amy Cody, Campbell resident, Cloud City Supply business owner, and Downtown Campbell Business Association (DCBA) president, thanked the City Council for their continued support of DCBA community events and appreciated the partnership with the Campbell Police Department for their assistance in helping to seek approval of their upcoming car show event.

**COUNCIL ANNOUNCEMENTS**

May is Mental Health Awareness Month and has been observed in the U.S. since 1949. Every year during the month of May, the National Alliance on Mental Illness (NAMI) joins the national movement to raise awareness about mental health by fighting stigma, providing support, and advocating for policies that support the millions of people

affected by mental illness. Throughout the month of May, NAMI invites you to share on social media why you are more than enough by tagging @NAMICommunicate and hashtag your post with #MoreThanEnough. Feel free to also bookmark this webpage, additional resources and ways to get involved will be added.

April 30 through May 6 is the 54<sup>th</sup> Annual Professional Municipal Clerks Week. This week is a time of celebration and reflection on the importance of the Clerk's office and the vital services they provide for local government and the community. Mayor Bybee thanked the City Clerk and her staff for the support provided to Council and City staff.

To pay tribute to the brave local, state and federal peace officers who have died or been disabled in the line of duty, the Campbell Water Tower will be lit on Monday, May 15 in recognition of National Peace Officers Memorial day.

Join the Campbell Veterans Memorial Foundation in honoring the men and women who have died while serving in the United States military on Monday, May 29 from 9:00 a.m. to 10:00 a.m. at the Orchard City Green located here at City Hall.

Back to school museum field trips are open for reservations. The Campbell Historical Museum & Ainsley House are available for school trips. Programs are designed to complement study units for 2<sup>nd</sup> and 3<sup>rd</sup> grade students. Activities invite students to engage in experiential learning as they rotate through exhibit stations and tour the Ainsley House. To find out more, please visit [campbellca.gov](http://campbellca.gov).

Event tickets are available for the Ainsley House Spring Garden Concerts. On Sunday, June 18, Campbell welcomes Ren Geisick a singer song writer from Los Gatos. Enjoy elements of jazz, blues, country and soul. Ren delivers a heartfelt performance of original music and reimagined classics. To purchase tickets, or to find out more about other concert events, please visit [campbellmuseums.com](http://campbellmuseums.com).

## **CONSENT CALENDAR**

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

Vice Mayor Landry commented on item eight stating that she hopes the City continues their water conservation efforts.

The Consent Calendar was considered as follows:

3. **Minutes of City Council Regular Meeting of April 18, 2023**

Recommended Action: Approve the regular meeting minutes of April 18, 2023.

This action approves the regular meeting minutes of April 18, 2023.

4. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$1,745,057.60.

This action approves the bills and claims in the amount of \$1,745,057.60 as follows: bills and claims dated April 3, 2023, in the amount of \$442,825.29; and bills and claims dated April 10, 2023, in the amount of \$1,302,232.31.

5. **Monthly Investment Transactions Report (March 2023)**  
Recommended Action: That the City Council review and accept the Monthly Investment Transactions Report for March 2023.

This action accepts the Monthly Investment Transactions Report for March 2023.

6. **Monthly Treasurer's Report (March 2023)**  
Recommended Action: That the City Council review and accept the Monthly Treasurer's Report for the month ended March 31, 2023.

This action accepts the Monthly Treasurer's Report for the month ended March 31, 2023.

7. **Second Reading of Ordinance 2293 Establishing a New Zoning Map and Amending Title 6 (Health and Sanitation), Title 7 (Animals), Title 20 (Subdivision and Land Development) , and Title 21 (Zoning) of the Campbell Municipal Code (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council approve the second reading and adopt Ordinance 2293 establishing a new zoning map and amending Title 6 (Health and Sanitation), Title 7 (Animals), Title 20 (Subdivision and Land Development), and Title 21 (Zoning) of the Campbell Municipal Code.

Ordinance 2293 establishes a new zoning map and amends Title 6 (Health and Sanitation), Title 7 (Animals), Title 20 (Subdivision and Land Development), and Title 21 (Zoning) of the Campbell Municipal Code.

8. **Adopt a Resolution Rescinding Stage 3 and Enacting Stage 1 of the City's Drought Measures in Accordance with Recent Water Supply Updates (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution to rescind Stage 3 and enact Stage 1 of the City's Drought Measures, Section 8.34.022 of the Municipal Code, in accordance with actions taken by Governor Newsom, Santa Clara Valley Water District (Valley Water), and San Jose Water Company (SJWC).

Resolution 12974 rescinds Stage 3 and enacts Stage 1 of the City's Drought Measures, Section 8.34.022 of the Municipal Code, in accordance with actions taken by Governor Newsom, Santa Clara Valley Water District (Valley Water), and San Jose Water Company (SJWC).

9. **Resolution Amending Pay Ranges for Temporary Positions (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution amending pay ranges for temporary positions.

Resolution 12975 amends pay ranges for temporary positions.

10. **Amendment to the Classification and Salary Plan**  
Recommended Action: That the City Council adopt the Resolution amending the Classification and Salary Plan for Arborist.

Resolution 12976 amends the Classification and Salary Plan for Arborist.

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

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

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

Mayor Bybee asked the City Council if there were any disclosures, they would like to make in regards to the Public Hearing items. There were no disclosures made.

- 11. Public Hearing to Consider the Request of Joma Studio Architects for Property Located at 24-28 E. Campbell Avenue to Allow Construction of a 3-Story, Approximately 8,000 Square-Foot Mixed-Use Building, Consisting of Ground-Floor and 2Nd-Level (Mezzanine) Commercial/Office Space, and Three 1-Bedroom Upper-Level Apartment Units. the Application Under Consideration Includes a Planned Development Permit. File No.: PLN-2022-79. (Resolution/Roll Call Vote)**

Recommended Action: The Planning Commission recommends that the City Council adopt a Resolution approving a Planned Development Permit to allow construction of a 3-story, approximately 8,000 square-foot mixed-use building.

This is the time and place for a public hearing to consider the request of Joma Studio Architects for property located at 24-28 E. Campbell Avenue to allow construction of a 3-story, approximately 8,000 square-foot mixed-use building, consisting of ground-floor and 2nd-Level (Mezzanine) Commercial/Office Space, and three 1-bedroom upper-level apartment Units. The application under consideration includes a Planned Development Permit.

Senior Planner Fama presented a staff report dated May 2, 2023.

Following Council questions, Mayor Bybee opened the public hearing.

Anthony Joma of Joma Studio Architects stated that he was available if the City Council had any questions.

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

After discussion, **M/S: Landry/Furtado - That the City Council adopt Resolution 12977 approving a Planned Development Permit to allow construction of a 3-story, approximately 8,000 square-foot mixed-use building. The motion was adopted by the following roll call vote:**

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

12. **Continued Public Hearing to Consider an Appeal of the Planning Commission’s Approval of a Variance for Property Located at 68 Page Street to Allow Construction of an Approximately 1,053 Square-Foot One-Story Single-Family Dwelling, Inclusive of a 313 Square-Foot Junior Accessory Dwelling Unit (JADU), with a 529 Square-Foot Attached Accessory Dwelling Unit (ADU), with Substandard Front- and Street-Side Setbacks (14 ½-Ft and 3-Ft Respectively), Including Retention of an Existing Detached Non-Conforming Garage. File No.: PLN-2022-101.**  
Recommended Action: That the City Council continue the public hearing on the appeal of the Variance approved by the Planning Commission related to the property located at 68 Page Street to allow the applicant time to revise the Variance plans in response to community concerns and to allow the applicant the opportunity to be present at the hearing.

This is the time and place for a public hearing to consider an appeal of the Planning Commission’s approval of a Variance for property located at 68 Page Street to allow construction of an approximately 1,053 square-foot one-story Single-Family Dwelling, inclusive of a 313 square-foot Junior Accessory Dwelling Unit (JADU), with a 529 square-foot attached Accessory Dwelling Unit (ADU), with substandard front and street-side setbacks (14 ½-Ft and 3-Ft respectively), including retention of an existing detached non-conforming garage.

Senior Planner Fama presented a staff report dated May 2, 2023. Senior Planner Fama stated staff is recommending deferring this item to a future date to allow the applicant and architect additional time to revise the project plans based on Council’s direction.

Following Council questions, Mayor Bybee opened the public hearing and asked if anyone wished to speak.

Leanne Hamakin, Campbell resident thanked the Council for their consideration on this item and was in attendance to receive a status update on the project.

After discussion, **M/S: Furtado/Scozzola - That the City Council continue the public hearing to a date uncertain. The motion was adopted by the following roll call vote:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Furtado
<b>SECONDER:</b>	Scozzola

<b>AYES:</b>	Bybee, Landry, Furtado, Lopez, Scozzola
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13. **Public Hearing and Introduction of an Ordinance Amending Provisions of the Campbell Municipal Code to Revise the Business License Tax Rates Effective in Fiscal Year 2024 (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council introduce and take a first reading of an Ordinance amending provisions of the Campbell Municipal Code to revise the business license tax rates, effective in Fiscal Year (FY) 2024.

This is the time and place for a public hearing to consider introduction of an Ordinance amending provisions of the Campbell Municipal Code to revise the business license tax rates, effective in Fiscal Year (FY) 2024.

Finance Director Fuentes presented a staff report dated May 2, 2023.

Following Council questions, Mayor Bybee opened the public hearing and asked if anyone wished to speak.

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

After discussion, **M/S: Landry/Lopez - That the City Council introduce and take a first reading of an Ordinance amending provisions of the Campbell Municipal Code to revise the business license tax rates, effective in Fiscal Year (FY) 2024. The motion was adopted by the following roll call vote:**

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

City Clerk Sanders read the full title of Ordinance 2294.

**M/S: Landry/Furtado - That the City Council waive further reading of Ordinance 2294. The motion was adopted by the following roll call vote:**

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

14. **Approval of Fiscal Year 2024 Schedule of Fees and Charges (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution approving the Fiscal Year (FY) 2024 Schedule of Fees and Charges, effective July 1, 2023.

This is the time and place for a public hearing to consider approval of Fiscal Year 2024 Schedule of Fees and Charges.

Finance Director Fuentes introduced Terry Madsen of ClearSource Financial Consulting, who presented a staff report dated May 2, 2023.

Following Council questions, Mayor Bybee opened the public hearing and asked if anyone wished to speak.

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

The City Council discussed appeal fees. They noted the appeal fee should be kept at a reasonable amount to ensure public accessibility to file an appeal.

The Council discussed lowering the proposed appeal fee from \$500 to \$300.

**M/S: Landry/Furtado – That the City Council adopt Resolution 12978 approving the Fiscal Year (FY) 2024 Schedule of Fees and Charges, effective July 1, 2023 and changing the appeal fee to \$300. The motion was adopted by the following roll call vote:**

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

15. **Assembly Bill 481, Military Equipment Annual Report (Ordinance/Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution finding that each type of military equipment identified in the 2022 Military Equipment Annual Report has complied with the standard set forth in Ordinance 2280; and introduce an ordinance for first reading renewing City of Campbell Ordinance 2280, per the requirements set forth in California Government Code § 7070, *et. seq.*

This is the time and place for a public hearing to consider Assembly Bill 481, Military Equipment Annual Report.

Police Captain Livingston presented a staff report dated May 2, 2023.

Following Council questions, Mayor Bybee opened the public hearing and asked if anyone wished to speak.

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

After discussion, **M/S: Landry/Lopez – That the City Council adopt Resolution 12979 finding that each type of military equipment identified in the 2022 Military Equipment Annual Report has complied with the standard set forth in Ordinance 2280; and introduce Ordinance 2295 for first reading renewing City of Campbell Ordinance 2280, per the requirements set forth in California Government Code § 7070, *et. seq.* The motion was adopted by the following roll call vote:**

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

City Clerk Sanders read the full title of Ordinance 2295.

**M/S: Furtado/Lopez – That the City Council waive further reading of Ordinance 2294. The motion was adopted by the following roll call vote:**

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

## **NEW BUSINESS**

16. **Downtown Special Event Fee Waiver Request - Campbell Chamber of Commerce**

Recommended Action: That the City Council consider and provide direction to staff regarding the requests from the Campbell Chamber of Commerce to (1) approve a fee waiver allowing the Campbell Chamber of Commerce to pay no more than \$25,000 in Downtown Special Event Permit fees to the City of Campbell for processing and staffing costs related to the Campbell Chamber of Commerce’s 2023 Boogie Music Festival; and (2) amend the existing Promissory Note between the City of Campbell and the Campbell Chamber of Commerce to reflect the same not-to-exceed Downtown Special Event Permit fee amount of \$25,000 for the Campbell Chamber of Commerce’s Boogie Music Festival and Oktoberfest events held in 2019, 2021 and 2022.

Assistant City Manager Gaeta presented a staff report dated May 2, 2023.

Following Council questions, Mayor Bybee asked if anyone from the public wished to speak.

Campbell Chamber of Commerce Executive Director, Ken Johnson spoke of the community benefit to the Chamber events, presented a history of past events in relation to costs, fees, and revenues. He requested the City Council amend the existing Promissory Note between the City of Campbell and the Campbell Chamber of Commerce to reflect the same not-to-exceed Downtown Special Event Permit fee amount of \$25,000 for the Campbell Chamber of Commerce’s Boogie Music Festival and Oktoberfest events held in 2019, 2021 and 2022.

Nicholas Welzenbach, of Darling & Fischer Garden Chapel and Chamber of Commerce member spoke in support of the Chamber and their request.

The Council discussed the fee waiver request and amending the existing promissory note to reduce the fees owed and how it relates to the City’s fiscal responsibility.

Police Chief Berg provided information related to the Police services that are needed to staff the Chamber events and the costs thereof.

There was Council consensus to approve the \$25,000 fee waiver for the Chamber's 2023 Boogie Music Festival.

After discussion, **M/S: Furtado/Scozzola – That the City Council consider and provide direction to staff regarding the requests from the Campbell Chamber of Commerce to approve a fee waiver allowing the Campbell Chamber of Commerce to pay no more than \$25,000 in Downtown Special Event Permit fees to the City of Campbell for processing and staffing costs related to the Campbell Chamber of Commerce's 2023 Boogie Music Festival. The motion was adopted by the following roll call vote:**

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

**M/S: Furtado/ Scozzola – That the City Council provide direction to staff to amend the existing Promissory Note between the City of Campbell and the Campbell Chamber of Commerce to reflect the same not-to-exceed Downtown Special Event Permit fee amount of \$25,000 for the Campbell Chamber of Commerce's Boogie Music Festival and Oktoberfest events held in 2019, 2021 and 2022.**

Vice Mayor Landry made a friendly amendment to approve not-to-exceed amounts of \$25,000 for the Boogie Musical events and \$35,000 for Oktoberfest events.

Councilmembers Furtado and Scozzola 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>	Furtado
<b>SECONDER:</b>	Scozzola
<b>AYES:</b>	Landry, Furtado, Lopez, Scozzola
<b>NAYS:</b>	Bybee

City Manager Loventhal stated that resolutions would be brought forward at a future meeting to effectuate the Council's decisions.

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **COUNCIL COMMITTEE REPORTS**

17. **Council Committee Reports**

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

Councilmember Furtado spoke of the upcoming budget discussions to be had at the West Valley Sanitation District meeting; Silicon Valley Clean Water JPA meeting; and the West Valley Solid Waste Authority JPA meeting.

Vice Mayor Landry attended the Santa Clara County Library District JPA Board of Directors meeting where she was appointed Chair; and attended the City's Arbor Day event at John D. Morgan park.

Councilmember Lopez attended the City's Arbor Day event; and the Santa Clara Valley Transportation Authority Policy Advisory Board meetings; and presented a Mayor's Proclamation at San Jose State for their Asian American Studies Founders Alumni event.

Councilmember Lopez commented on the vandalism of some community signs that were intended to be welcoming. He reaffirmed that Campbell is a welcoming place and that type of behavior is not in line with Campbell's values.

Mayor Bybee attended the West Valley Mayors and Managers meeting with guest speak Supervisor Simitian.

**ADJOURN**

Mayor Bybee adjourned the meeting at 9:49 p.m.

APPROVED:

ATTEST:

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Anne Bybee, Mayor

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Andrea Sanders, City Clerk