

# CITY COUNCIL MINUTES

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



## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, July 18, 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.campbellca.gov/agendacenter](http://www.campbellca.gov/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 Lopez.

### SPECIAL PRESENTATIONS AND PROCLAMATIONS

There were no special presentations and proclamations.

### COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

### ORAL REQUESTS

Amy Taylor, Downtown Campbell Business Association (DCBA) member thanked the City Council and the Police Department for their support of the DCBA Downtown Campbell Car Show event. Additionally, Ms. Taylor thanked the City for their efforts in

bringing in resources and a mental health clinician to assist residents. She concluded with a request that the City follow up on trash issues in the downtown area.

## **COUNCIL ANNOUNCEMENTS**

The City Clerk's office is accepting applications for the Planning Commission until 5:00 p.m. on Friday, August 11. To find out more about this position, or to apply, please contact the City Clerk's office at (408) 866-2117, or visit the city's website at [campbellca.gov](http://campbellca.gov).

A City Council meeting has been scheduled for Tuesday, July 31 at 7:00 p.m. to allow for participation for the National Night Out event on August 1. The regularly scheduled Council meeting on Tuesday, August 1 has been canceled.

The City of Campbell's summer concert series will run through Thursday, August 3. Admission is free and concert's start at 6:30 p.m. on the Orchard City Green. Bring a lawn chair and enjoy the Hill Street Band on Thursday, July 20 and Daze on the Green the following Thursday, July 27. For a complete listing of upcoming bands, please visit the City's website at [campbellca.gov](http://campbellca.gov).

July is Park & Recreation Month, so please join the team as they celebrate everyday with a new event that helps build community. Some upcoming events include a free chalk art contest in the parking lot at the Campbell Community Center on Sunday, July 23. Reserve your spot in advance and showcase your talents. Friday, July 28 there will be a free movie in the park at John D. Morgan Park and on Monday, July 31 the team will close out July with a special summer concert featuring the Houserockers on the Orchard City Green from 7:00 p.m.-8:30 p.m. Information on these events and all the daily events can be found at [www.campbellca.gov/PRM](http://www.campbellca.gov/PRM).

## **CONSENT CALENDAR**

Mayor Bybee asked if anyone wished to remove an item from the Consent Calendar. The consent calendar was considered as follows:

1. **Minutes of City Council Executive Session Meeting of June 20, 2023**  
Recommended Action: Approve the executive session meeting minutes of June 20, 2023.  
This action approves the executive session meeting minutes of June 20, 2023.
2. **Minutes of City Council Regular Meeting of June 20, 2023**  
Recommended Action: Approve the regular meeting minutes of June 20, 2023.  
This action approves the regular meeting minutes of June 20, 2023.
3. **Minutes of City Council Special Meeting of June 23, 2023**  
Recommended Action: Approve the special meeting minutes of June 23, 2023.

This action approves the special meeting minutes of June 23, 2023.

4. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$3,331,120.98.

This action approves the bills and claims in the amount of \$3,331,120.98 as follows: bills and claims checks dated June 5, 2023, in the amount of \$143,328.65; payroll checks dated June 8, 2023, in the amount of \$71,412.04; bills and claims checks dated June 12, 2023, in the amount of \$601,429.10; bills and claims checks dated June 19, 2023, in the amount of \$382,305.84; payroll checks dated June 22, 2023, in the amount of \$35,175.43; and bills and claims checks dated June 26, 2023, in the amount of \$2,097,469.92.

5. **Monthly Investment Transactions Report (May 2023)**

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

This action reviews and accepts the Monthly Investment Transactions Report for May 2023.

6. **Monthly Treasurer's Report (May 2023)**

Recommended Action: That the City Council review and accept the Monthly Treasurer's Report for the month ended May 31, 2023.

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

7. **2022 Fire Marshal Inspection Report (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution acknowledging receipt of the 2022 Fire Marshal, State Mandated Inspection Report for the City of Campbell.

Resolution 13012 acknowledges receipt of the 2022 Fire Marshal, State Mandated Inspection Report for the City of Campbell.

8. **Award and Approve a Construction Contract to Radius Earthwork, Inc. for Camden Avenue Resurfacing Project 21-SS (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution to: 1) award the project to the lowest responsible bidder, Radius Earthwork, Inc.; 2) approve the construction contract in the amount of \$1,212,910 plus \$121,290 construction contingency; 3) authorize the City Manager to execute the contract; and 4) authorize the City Engineer to negotiate and execute contract change orders up to and within the allocated construction contingency.

Resolution 13013 awards the project to the lowest responsible bidder, Radius Earthwork, Inc.; approves the construction contract in the amount of \$1,212,910

plus \$121,290 construction contingency; authorizes the City Manager to execute the contract; and authorizes the City Engineer to negotiate and execute contract change orders up to and within the allocated construction contingency.

9. **Approval of a Cost Share Agreement with the City of San Jose in the Not to Exceed Amount of \$121,000; Authorization for the City Manager to Execute Said Agreement, and the Finance Director to Perform Associated Budget Adjustments**

Recommended Action: That the City Council adopt a resolution to: 1) approve the cost share agreement with the City of San Jose in the not to exceed amount of \$121,000; 2) authorize the City Manager to execute said agreement; and 3) authorize the Finance Director to perform associated budget adjustments.

Resolution 13014 approves the cost share agreement with the City of San Jose in the not to exceed amount of \$121,000; authorizes the City Manager to execute said agreement; and authorizes the Finance Director to perform associated budget adjustments.

10. **Resolution Approving an Agreement with San Jose Water Company (SJWC) to Provide Equipment and Labor Services, in an Amount Not to Exceed \$218,473, for the Installation of Water Utility Service Connections for the Measure O - Campbell Police Operations Building Project (No. 23-RR); Authorizing the City Manager to Execute Said Agreement as Specified in Campbell Municipal Code Section 3.20.100; and Authorizing the Public Works Director to Negotiate and Execute Contract Change Orders Up to and Within the Allocated 10% Construction Contingency Amount (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution approving an agreement with San Jose Water Company (SJWC) to provide equipment and labor services, in an amount not to exceed \$218,473, for the installation of water utility service connections for the Measure O - Campbell Police Operations Building Project (No. 23-RR); authorizing the City Manager to Execute Said Agreement as Specified in Campbell Municipal Code Section 3.20.100; and authorizing the Public Works Director to negotiate and execute contract change orders up to and within the allocated 10% construction contingency amount.

Resolution 13015 approves an agreement with San Jose Water Company (SJWC) to provide equipment and labor services, in an amount not to exceed \$218,473, for the installation of water utility service connections for the Measure O - Campbell Police Operations Building Project (No. 23-RR); authorizes the City Manager to Execute said agreement as specified in Campbell Municipal Code Section 3.20.100; and authorizes the Public Works Director to negotiate and execute contract change orders up to and within the allocated 10% construction contingency amount.

**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**

**11. Lighting and Landscaping District LLA-1, Fiscal Year 2023-24 - Confirming Assessments (Resolution/Roll Call Vote)**

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

This is the time and place for a public hearing for confirming assessments for the City of Campbell Lighting and Landscaping District (LLA-1) for Fiscal Year (FY) 2023/24 and adopt a resolution overruling protests, if any, approving the Engineer's Report, ordering the improvements, and confirming the diagram and assessments.

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

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

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

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

**M/S: Landry/Furtado – That the City Council adopt Resolution 13016 overruling protests, if any, approving the Engineer's Report, ordering the improvements, and confirming the diagram and assessments. The motion was adopted by the following roll call vote:**

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

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

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

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

Community Development Director Eastwood presented a staff report dated July 18, 2023.

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.

**M/S: Scozzola/Lopez – That the City Council adopt Resolution 13017 placing the cost of abating hazardous vegetation on the property tax assessment roll. The motion was adopted by the following roll call vote:**

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

13. **Continued Public Hearing to Consider an Appeal of a Variance Approval for Property Located at 68 Page Street to Allow Construction of an Approximately 916 Square-Foot Single-Family Dwelling and a 642 Square-Foot Attached Accessory Dwelling Unit (ADU), with a Substandard 14 ½ Foot Front-Yard Setback and 5-Foot Street-Side Setback. File No.: PLN-2022-101. The Planning Commission Found This Item be Deemed Categorically Exempt from CEQA. (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution approving the appeal and modifying the Planning Commission's approval of a Variance.

This is the time and place for a continued public hearing to consider an appeal of a Variance approval for property located at 68 Page Street to allow construction of an approximately 916 square-foot Single-Family Dwelling and a 642 square-foot attached Accessory Dwelling Unit (ADU) with a substandard 14 ½ foot front-yard setback and 5-foot street-side setback.

Senior Planner Fama presented a staff report dated July 18, 2023.

Following Council questions Mayor Bybee declared the public hearing open and invited the appellants up to speak.

Appellant Brittany Sozua acknowledged the revision the property owner made to the plans but noted it only applied to the exterior and not the interior. Ms. Sozua expressed concerns with the interior noting four sets of washers and dryers; the lack of closets in the bedrooms; the removal of the garage; and commented on the six exterior doors and the 5-foot setback instead of 6-foot as requested.

Ms. Sozua shared comments on behalf of a neighbor stating the intentions of the property are a boarding house and not a single-family residence.

Mayor Bybee invited the property owner Yanjun Wang and his representative to speak.

The property owners stated the four washers and dryers was an error and the units only have two. They noted the lack of closets was because they wanted to use furniture such as a wardrobe as they felt it was more fashionable. They spoke about the number of doors stating it was to allow access to the backyard without having to use the front door and go around the house. They stated the purpose of the project was to have a single-family house that had an ADU for their parents.

Mayor Bybee invited members of the public to speak.

Patrick Gasaway Campbell resident, stated this project appears to be more of a high density build in a single-family neighborhood and does not support the project.

Chy Sarmiento Campbell resident, expressed concerns with the property owners and that this may end up being an illegitimate business or for short-term housing and was not in support of the project.

Adrian Sarmiento, Campbell resident, expressed concerns that after seeing the project plans that this would not be used for single-family long-term housing.

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

Vice Mayor Landry commented that with the number of bathrooms, doors, and washers and dryers that the property owner should not qualify for a hardship exemption.

Councilmember Furtado stated that he did not feel it was in the purview of the Council to decide what happens inside the house as it relates to closets and washers and dryers. He noted the unusual size of the property and that it has to be livable and the Variance is justified.

Councilmember Lopez appreciated the revised plans and thanked staff and property owners for their added efforts. He noted that he shared some of the same concerns as Councilmember Furtado.

Councilmember Scozzola agreed with Vice Mayor Landry and suggested a further compromise from the property owners.

Mayor Bybee noted the unusual property size and stated that in order to approve the Variance the Council would need to adopt findings that doesn't support the Variance.

Council asked the City Attorney to provide further clarification on defining physical hardship.

City Attorney Seligmann stated the hardship would be whether the characteristics of the property are different in such a way that someone is being deprived of what someone else in the area would normally be able to develop.

Council asked the property owner if they would be open to revising the plans again to a more traditional floor plan with a greater setback.

The applicant noted that they have revised the plans several times, noted the small kitchen and bedroom sizes, noted the desire to use the property for their family, and stated they would not be willing to revise the project plans.

The Council asked staff what the procedure would be if they approved the appeal.

Senior Planner Fama stated the approval of the appeal would turnover the Planning Commissions decision to grant the Variance. The Council would need to continue the item to a future date for staff to prepare a draft resolution for denial with new findings for the denial action.

**M/S: Landry/Lopez – That the City Council approve the appeal and direct staff to return to a date uncertain with a Resolution with appropriate findings in support of the Variance denial. 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>	Anne Bybee, Susan M. Landry, Sergio Lopez, Elliot Scozzola
<b>NAYS:</b>	Dan Furtado

14. **Semi-Arcade Permit- Khartoum at 300 Orchard City Drive Suite 101, Campbell, California (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution approving the issuance of a Semi-Arcade Permit for Khartoum located at 300 Orchard City Drive Suite 101, Campbell, California.

This is the time and place for a public hearing to consider the issuance of a Semi-Arcade Permit for Khartoum located at 300 Orchard City Drive Suite 101, Campbell, California.

Police Chief Berg presented a staff report dated July 18, 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: Scozzola/Lopez – That the City Council adopt Resolution 13018 approving the issuance of a Semi-Arcade Permit for Khartoum located at 300 Orchard City Drive Suite 101, Campbell, California. The motion was adopted by the following roll call vote:**

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

### **NEW BUSINESS**

15. **Approval of Sixth Amended City Attorney Agreement (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution approving the sixth amended agreement for City Attorney services and adjusting compensation for Paralegal and Law Clerk services.

Assistant City Manager Gaeta presented a staff report dated July 18, 2023.

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

After discussion, **M/S: Landry/Lopez – That the City Council adopt Resolution 13019 approving the sixth amended agreement for City Attorney services and adjusting compensation for Paralegal and Law Clerk services. 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

16. **Social Service Sub-Grant Awards (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution awarding Social Service Subgrants as recommended by the Civic Improvement Commission.

Assistant City Manager Gaeta presented a staff report dated July 18, 2023.

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

Councilmembers provided positive comments on the value these Social Service Subgrants provide to the community and thanked the Civic Improvement Commission for their efforts.

**M/S: Furtado/Scozzola – That the City Council adopt Resolution 13020 awarding Social Service Subgrants as recommended by the Civic Improvement Commission. 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

*The City Council took a 10-minute recess and reconvened at 8:57 p.m.*

17. **Resolution Authorizing an Ad Valorem Tax Levy Based on a Debt Service Estimate to be Provided to Santa Clara County Regarding General Obligation Bonds for Fiscal Year 2023-24 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution authorizing an ad valorem tax levy based on a debt service estimate to be provided to Santa Clara County regarding general obligation bonds for Fiscal Year 2023-24.

Finance Director Fuentes presented a staff report dated July 18, 2023.

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

After discussion, **M/S: Lopez/Landry – That the City Council adopt Resolution 13021 authorizing an ad valorem tax levy based on a debt service estimate to be provided to Santa Clara County regarding general obligation bonds for Fiscal Year 2023-24. The motion was adopted by the following roll call vote:**

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

### **UNFINISHED BUSINESS**

18. **Approval of the Plans, Specifications, and Estimate (PS&E), and Authorization for the Public Works Director to Solicit Bid Proposals from the List of Pre-Qualified Contractors, for the Measure O – Police Operations Building Project**

Recommended Action: That the City Council adopt a resolution approving the plans, specifications, and estimate (PS&E), and authorizing the Public Works

Director to solicit bid proposals from the list of pre-qualified contractors, for the Measure O - Police Operations Building Project (No. 23-RR).

Public Works Director Capurso presented a staff report dated July 18, 2023. Director Capurso introduced consultants from Griffin Structures and LPA Inc.

Mayor Bybee asked if anyone from the public wished to speak. There were no public comments.

Vice Mayor Landry expressed concerns with revocable bid items, and noted various concerns with the plans and requested her major concerns such as the drainage by fixed prior to the project bid.

The Council discussed decoupling the existing PD building renovations from the Measure O project to save costs.

Councilmember Furtado expressed concerns with moving forward given the cost estimate overages and the potential that staff will have to return to the Council asking for additional funding. He felt that the Bond Measure language led voters to believe that the renovation of the existing PD building would be used for other City purposes.

After discussion, **M/S: Landry/Lopez – That the City Council adopt Resolution 13022 approving the plans, specifications, and estimate (PS&E), and authorizing the Public Works Director to solicit bid proposals from the list of pre-qualified contractors, for the Measure O - Police Operations Building Project (No. 23-RR). 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>	Anne Bybee, Susan M. Landry, Sergio Lopez, Elliot Scozzola
<b>NAYS:</b>	Dan Furtado

Following the roll call, Councilmember Furtado clarified that he was not supportive of the motion but was supportive of moving forward with the new Police building and would be more comfortable decoupling the project.

## **COUNCIL COMMITTEE REPORTS**

### **19. Council Committee Reports**

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

Councilmember Scozzola encouraged everyone to attend a Summer Concert event and that proceeds from food and beverage purchases go to the Campbell Historical Museum and Ainsley House Foundation.

Councilmember Lopez attended the Legislative Subcommittee meeting; attended a national transit conference with American Public Transportation Association on behalf of Santa Clara Valley Transportation Authority

Councilmember Furtado attended the Measure O Citizens Oversight Committee as a member of the public; and noted the passing of retired Navy Commander, and founding member of the Veterans Memorial Foundation, Al Hagman.

Vice Mayor Landry attended the City Clerk Performance/Compensation Subcommittee meeting with Mayor Bybee; attended the DCBA car show event; attended a Campbell Chamber of Commerce ribbon cutting event to welcome new business; and noted the upcoming Economic Development Subcommittee meeting to be held on July 27, 2023.

Mayor Bybee attended both Summer Concert events with the opportunity to welcome the crowd; attended the West Valley Mayors and Managers meeting, and thanked Councilmember Lopez who came and provided an update from the Santa Clara Valley Transportation Authority (VTA); and attended the DCBA car show event.

**ADJOURN**

Mayor Bybee adjourned the meeting at 10:21 p.m. in memory of Al Hagman.

APPROVED:

ATTEST:

\_\_\_\_\_  
Anne Bybee, Mayor

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