

CITY COUNCIL MINUTES

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



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, September 19, 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.

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

Mayor Bybee led the Pledge of Allegiance.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

There were no special presentations and proclamations.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

ORAL REQUESTS

Amy Taylor, Campbell resident and owner of Cloud City Supply, requested the City Council address the paid parking lot issue and the concern with an un-named businesses' parklet permit.

Steve Saunders, Campbell resident, expressed his concerns with the large groups of Bicyclists who ride through Downtown and do not obey the rules of the road.

COUNCIL ANNOUNCEMENTS

The City Clerk's office is accepting applications for two positions on the Bicycle and Pedestrian Advisory Committee. These are full term appointments expiring August 2028. To find out more about this Committee, or to apply, please contact the City Clerk's office at (408) 866-2117, or visit the city's website at campbellca.gov.

You are invited to attend a Family Health and Wellness Fair on Saturday, September 30 from 1:00-4:00 pm at Castlemont Elementary School located at 3040 E. Payne Avenue in Campbell. There will be fun activities for everyone. Kids can catch up on important health screenings from local doctors for free. This event is a joint partnership with Assemblyman Marc Berman, Campbell Union School District, Valley Health Foundation and the Santa Clara County Public Health Department. For more information, please visit asmcd.org.

The Caregivers Count Conference is an annual virtual event designed for families and friends caring for loved ones. This conference features professional speakers covering wide ranging topics to support caregivers. There are two days remaining, September 23 and 30 will be from 10:00 am to 12:00 pm. For more information, or to register, please visit caregiverscount.net.

On Sunday, October 1 at 7:30 am at Campell Park you are invited to participate in the 9th annual Teal Run 5k Fun Run/Walk. The Teal Run is a day of hope, love and support for women and families affected by ovarian cancer. Take part in the fun filled event that will have many activities in addition to the 5K run/walk. There will be a survivor ceremony, art, face painting, photo booth, bubble show, kids' fun run and so much more. For more information, or to register for this event, please visit thetealrun.org.

Join the fun, meet your neighbors, make some money, and keep those items from going into the landfill! Be sure to sign up for the City of Campbell's annual garage sale on Saturday, October 14 from 8:00 am to 4:00 pm. For more information, or to register, please call (408)866-2145.

Free Youth Heart Screening at the Campbell Community Center, Orchard City Banquet Hall from 9:00 am to 4:00 pm on Saturday, October 28. For additional information, please visit campbellca.gov.

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 September 5, 2023**

Recommended Action: Approve the executive session meeting minutes of September 5, 2023.

This action approves the executive session meeting minutes of September 5, 2023.

2. **Minutes of City Council Regular Meeting of September 5, 2023**

Recommended Action: Approve the regular meeting minutes of September 5, 2023.

This action approves the regular meeting minutes of September 5, 2023.

3. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$3,315,677.75.

This action approves the bills and claims in the amount of \$3,315,677.75, as follows: bills and claims checks dated August 21, 2023, in the amount of \$295,090.79; bills and claims checks dated August 25, 2023, in the amount of \$11,888.32; bills and claims checks dated August 28, 2023, in the amount of \$2,934,309.65; and payroll checks dated August 31, 2023, in the amount of \$74,388.99.

4. **Resolution Approving an Agreement with Burr Plumbing to Provide Equipment and Labor Services, in an Amount Not to Exceed \$290,180, for Completion of the Remaining Gas Line Repairs at the Campbell Community Center; Authorization for the City Manager to Execute Said Agreement as Specified in Campbell Municipal Code Section 3.20.100; and Authorization for the Finance Director to Execute a Budget Adjustment in the Amount of \$290,180 to Fund the Associated Improvements**

Recommended Action: That the City Council adopt a resolution: 1) approving an agreement with Burr Plumbing to provide equipment and labor services, in an amount not to exceed \$290,180, for completion of the remaining gas line repairs at the Campbell Community Center; 2) authorizing the City Manager to execute said agreement as specified in Campbell Municipal Code Section 3.20.100; and 3) authorizing the Finance Director to execute a budget adjustment in the amount of \$290,180 to fund the associated improvements.

Resolution 13046 approves an agreement with Burr Plumbing to provide equipment and labor services, in an amount not to exceed \$290,180, for completion of the remaining gas line repairs at the Campbell Community Center; authorizes the City Manager to execute said agreement as specified in Campbell Municipal Code Section 3.20.100; and authorizes the Finance Director to execute a budget adjustment in the amount of \$290,180 to fund the associated improvements, including the desk item.

5. **Resolution Authorizing: 1) the Solicitation of Bids for Concrete Repair Services for the City's Annual Sidewalk, Curb, and Gutter Improvements (No. 24-GG); 2) Approval to Award a Service Contract, in an Amount Not to Exceed \$175,000, to the Lowest, Responsive Bidder for a Period of Up to**

One (1) Year, Plus Options for the City to Renew Up to Four (4) Additional One (1) Year Contracts, Not to Exceed \$75,000 Per Year, for a Total of Up to Five (5) Years; and 3) the City Manager to Execute Said Agreement as Specified in Campbell Municipal Code Section 3.20.100 (Resolution/Roll Call Vote)

Recommended Action: That the City Council adopt a resolution authorizing: 1) the solicitation of bids for concrete repair services for the City's annual Sidewalk, Curb, and Gutter Improvements (No. 24-GG); 2) approval to award a service contract, in an amount not to exceed \$175,000, to the lowest, responsive bidder, for a period of up to one (1) year, plus options for the City to renew up to four (4) additional one (1) year contracts, not to exceed \$75,000 per year, for a total of up to five (5) years; and 3) the City Manager to execute said agreement as specified in Campbell Municipal Code Section 3.20.100.

Resolution 13047 authorizes: the solicitation of bids for concrete repair services for the City's annual Sidewalk, Curb, and Gutter Improvements (No. 24-GG); approval to award a service contract, in an amount not to exceed \$175,000, to the lowest, responsive bidder, for a period of up to one (1) year, plus options for the City to renew up to four (4) additional one (1) year contracts, not to exceed \$75,000 per year, for a total of up to five (5) years; and the City Manager to execute said agreement as specified in Campbell Municipal Code Section 3.20.100.

6. **Resolution Approving a First Amendment to the Recycling and Waste Reduction Commission (RWRC) Memorandum of Agreement (MOA) Permitting Access to Teleconference Options as Specified in Section 54953(B) of the Ralph M. Brown Act; and Authorization for the City Manager to Execute Said Agreement as Specified in Campbell Municipal Code Section 3.20.100 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution: 1) approving a first amendment to the Recycling and Waste Reduction Commission (RWRC) Memorandum of Agreement (MOA) permitting access to teleconference options as specified in Section 54953(b) of the Ralph M. Brown Act; and 2) authorizing the City Manager to execute said agreement as specified in Campbell Municipal Code Section 3.20.100.

Resolution 13048 approves a first amendment to the Recycling and Waste Reduction Commission (RWRC) Memorandum of Agreement (MOA) permitting access to teleconference options as specified in Section 54953(b) of the Ralph M. Brown Act; and authorizes the City Manager to execute said agreement as specified in Campbell Municipal Code Section 3.20.100.

7. **Authorization to Submit County Climate Change Adaptation and Mitigation Grant Application (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution authorizing the Community Development Director to submit a County Climate Change Adaptation and Mitigation Grant application for the Campbell Climate Action Plan.

Resolution 13049 authorizes the Community Development Director to submit a County Climate Change Adaptation and Mitigation Grant application for the Campbell Climate Action Plan.

8. **Water Tower Lighting Request - Teal Foundation**

Recommended Action: That the City Council approve the Teal Foundation's request to light the Campbell Water Tower teal on September 30 to support Ovarian Cancer Awareness Month and to raise awareness of the "Teal Run" on Sunday, October 1 at Campbell Park.

This action approves the Teal Foundation's request to light the Campbell Water Tower teal on September 30 to support Ovarian Cancer Awareness Month and to raise awareness of the "Teal Run" on Sunday, October 1 at Campbell Park.

9. **Accept Donation to Campbell Police Department from Medicare Drop, LLC (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution authorizing the City Manager to accept a donation of \$10,000 from Medicare Drop, LLC for the Police Department and for the Finance Director to prepare an associated budget adjustment.

Resolution 13050 authorizes the City Manager to accept a donation of \$10,000 from Medicare Drop, LLC for the Police Department and for the Finance Director to prepare an associated budget adjustment.

Vice Mayor Landry expressed her appreciation for the donation.

M/S: Landry/Lopez - That the City Council approve the Consent Calendar, including the Desk Item for item four. The motion was adopted by the following roll call vote:

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

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

10. **Continued Public Hearing to Consider a Resolution, as Directed by the City Council, Approving an Appeal and Overturning the Planning Commission's Approval of a Variance to Allow Construction of a Single-Family Dwelling with an Attached Accessory Dwelling Unit with Substandard Front- and Street-Yard Setbacks. File No.: PLN-2022-101. (Resolution/Roll Call Vote)**

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

This is the time and place for a public hearing to consider a resolution, as directed by the City Council, approving an appeal and overturning the Planning Commission's approval of a Variance to allow construction of a Single-Family Dwelling with an attached Accessory Dwelling Unit with substandard front- and street-yard setbacks.

Senior Planner Fama presented a staff report dated September 19, 2023. He noted the property owner's legal representative had submitted a letter for continuance to the next Council meeting.

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

Representative for the applicants requested this hearing be continued to the following Council meeting of October 3, 2023 so that he could have additional time to review the file

Adrian Sarmiento, Campbell resident requested this item not be continued and that the City Council approve the appeal.

Leanne Hamakin, Campbell resident requested this item not be continued and that the City Council approve the appeal.

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

Councilmember Furtado stated it would be appropriate to grant the continuance.

Other Councilmembers were not supportive of the continuance. They noted the applicants have had ample opportunities to address the Council's concerns and this item has had two prior continuances.

After discussion, **M/S: Landry/Lopez - That the City Council adopt resolution 13051 approving an appeal and overturning the Planning Commission's approval of a Variance. The motion was adopted by the following roll call vote:**

RESULT:	ADOPTED [4 TO 1]
MOVER:	Landry
SECONDER:	Lopez
AYES:	Bybee, Landry, Lopez, Scozzola
NAYS:	Furtado

11. **Public Hearing to Consider a City-Initiated Text Amendment to the Campbell Municipal Code by Adding Chapter 11.13 for Wireless Communication Facilities in the Public Right-Of-Way (Other Than Small Cell Wireless Facilities); Amending Chapter 11.14 of the Campbell Municipal Code for Small Cell Wireless Facilities in the Public Right-Of-**

Way; and Adopting Resolutions to Adopt the Wireless Facility Permitting Guidelines and a Wireless Facility Fee Schedule (Ordinances/Resolution/Roll Call Vote)

Recommended Action: That the City Council: (1) introduce for first reading ordinances adding Chapter 11.13 to the Campbell Municipal Code for Wireless Communication Facilities in the Public Right-of-Way (Other Than Small Cell Wireless Facilities); and amend Chapter 11.14 of the Campbell Municipal Code for Small Cell Wireless Facilities in the Public Right-of-Way; (2) adopt a resolution: (a) approving the Wireless Facility Permitting Guidelines and (b) authorizing the City Engineer to update the Wireless Facility Permitting Guidelines at any time; and (3) adopt the attached resolution adopting a Fee Schedule for the City’s costs related to wireless communication facilities in the public right-of-way.

This is the time and place for a public hearing to consider a City-Initiated Text Amendment and Adopting Resolutions to Adopt the Wireless Facility Permitting Guidelines and a Wireless Facility Fee Schedule

City Attorney Seligmann introduced the item and his firm’s Associate Stephanie Hall.

Attorney Stephanie Hall presented a staff report dated September 19, 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.

After discussion, **M/S: Lopez/Landry - That the City Council introduce for first reading Ordinance 2297 adding Chapter 11.13 to the Campbell Municipal Code for Wireless Communication Facilities in the Public Right-of-Way (Other Than Small Cell Wireless Facilities); and Ordinance 2298 amending Chapter 11.14 of the Campbell Municipal Code for Small Cell Wireless Facilities in the Public Right-of-Way; adopt Resolution 13052 (a) approving the Wireless Facility Permitting Guidelines and (b) authorizing the City Engineer to update the Wireless Facility Permitting Guidelines at any time; and adopt Resolution 13053 adopting a Fee Schedule for the City’s costs related to wireless communication facilities in the public right-of-way. The motion was adopted by the following roll call vote:**

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

City Clerk Sanders read the full titles of Ordinance 2297 and 2298.

M/S: Furtado/Lopez – That the City Council waive further reading of Ordinance 2297 and Ordinance 2297. The motion was adopted by the following roll call vote:

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

NEW BUSINESS

12. Approval of Downtown Campbell Business Association Special Event Permits (Resolution/Roll Call Vote)

Recommended Action: That the City Council adopt a resolution approving the issuance of a Special Event Permit to the Downtown Campbell Business Association for the Creepy Crawly Halloween event, the Carol of Lights event, and the Bunnies and Bonnets Parade, as described; waiving all fees associated with the three events; and authorizing a five-year term for each permit, subject to the findings and conditions of approval, as described.

Police Captain White presented a staff report dated September 19, 2023.

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

Councilmembers expressed their support for these events, and noted the benefit that they provide to the community.

M/S: Scozzola/Furtado – That the City Council adopt Resolution 13054 approving the issuance of a Special Event Permit to the Downtown Campbell Business Association for the Creepy Crawly Halloween event, the Carol of Lights event, and the Bunnies and Bonnets Parade, as described; waiving all fees associated with the three events; and authorizing a five-year term for each permit, subject to the findings and conditions of approval, as described. The motion was adopted by the following roll call vote:

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

13. Accepting a Priority Development Area (PDA) Grant from the Metropolitan Transportation Commission (MTC) to Fund the Development of the Hamilton Avenue Precise Plan, Approving a Master Funding Agreement, Authorizing the City Manager to Execute the Agreement and Related Supplements, Approving the Release of a Request for Proposals (RFP) for

Related Consultant Services (PLN-2023-138), and Authorizing the Finance Director to Prepare Related Budget Adjustments

Recommended Action: That the City Council adopt a Resolution accepting a Priority Development Area (PDA) grant from the Metropolitan Transportation Commission (MTC) to fund the development of the Hamilton Avenue Precise Plan, approving a Master Funding Agreement, authorizing the City Manager to execute the agreement and related supplements, approving the release of a Request for Proposals (RFP) for related consultant services, and authorizing the Finance Director to approve related budget adjustments.

Senior Planner Rose presented a staff report dated September 19, 2023.

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

Rigo Gallardo, Union Carpenter of Local 405 advocated for the implementation of area labor standards that encompass access to healthcare, accredited apprenticeship programs, a livable wage and commitment to hiring local labor.

The City Council discussed the makeup of Ad-Hoc Advisory Group to include not only current commissioners but adding in resident members.

After discussion, **M/S: Furtado/Scozzola - That the City Council adopt Resolution 13055 accepting a Priority Development Area (PDA) grant from the Metropolitan Transportation Commission (MTC) to fund the development of the Hamilton Avenue Precise Plan, approving a Master Funding Agreement, authorizing the City Manager to execute the agreement and related supplements, approving the release of a Request for Proposals (RFP) for related consultant services, and authorizing the Finance Director to approve related budget adjustments. The motion was adopted by the following roll call vote:**

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

14. **Approval of All Star Talent Agreement and Dispensing of Bidding Requirements as Specified in Campbell Municipal Code Section 3.20.030(7) (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution approving a one-year contract with All Star Talent and authorizing the City Manager to enter into a Professional Services Agreement and sign the one-year contract with All Star Talent, for the management of the Police Department's online recruitment and marketing campaign, and dispensing with bidding requirements as specified in Campbell Municipal Code Section 3.20.030(4).

Police Captain White presented a staff report dated September 19, 2023.

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

After discussion, **M/S: Landry/Lopez - That the City Council adopt Resolution 13056 approving a one-year contract with All Star Talent and authorizing the City Manager to enter into a Professional Services Agreement and sign the one-year contract with All Star Talent, for the management of the Police Department's online recruitment and marketing campaign, and dispensing with bidding requirements as specified in Campbell Municipal Code Section 3.20.030(4). The motion was adopted by the following roll call vote:**

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

UNFINISHED BUSINESS

- 15. Award and Approve a Construction Contract with Lathrop Construction Associates, Inc. for the Measure O – Campbell Library Renovations Project (No. 23-SS) (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution to: 1) award the construction contract for the Measure O - Campbell Library Renovations Project (No. 23-SS) to the lowest responsible bidder, Lathrop Construction Associates, Inc.; 2) approve the construction contract in the amount of \$18,189,000, plus a 10% construction contingency of \$1,818,900; 3) authorize the City Manager to execute said agreement as specified in Campbell Municipal Code Section 3.20.100; and 4) authorize the City Engineer to negotiate and execute contract change orders up to and within the allocated construction contingency.

Public Works Director Capurso presented a staff report dated September 19, 2023.

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

Santa Clara County Librarian Jennifer Weeks expressed her appreciation to staff and the City Council and stated how excited she was that the project construction would begin soon.

The City Council expressed their appreciation to Staff and voiced their support of the project.

Vice Mayor Landry thanked the Friends of the Library for their support.

After discussion, **M/S: Landry/Scozzola – That the City Council adopt Resolution 13057 to award the construction contract for the Measure O - Campbell Library Renovations Project (No. 23-SS) to the lowest responsible bidder, Lathrop Construction Associates, Inc.; approve the construction contract in the amount of \$18,189,000, plus a 10% construction contingency of \$1,818,900; authorize the City Manager to execute said agreement as specified in Campbell Municipal Code Section 3.20.100; and authorize the City Engineer to negotiate and execute contract change orders up to and within the allocated construction contingency. The motion was adopted by the following roll call vote:**

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

COUNCIL COMMITTEE REPORTS

16. **Council Committee Reports**

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

Councilmember Furtado attended the Emergency Operational Area Council meeting; attended the West Valley Clean Water JPA; attended the Campbell Police Department (CPD) Open House event with Vice Mayor Landry; attended the CPD event at Edith Morley Park.

Vice Mayor Landry took a tour of the Santa Clara Valley Water District County Water Commission Water Purification facility through; attended the Economic Development Subcommittee meeting with Councilmember Lopez; attended the 9/11 Day of Remembrance event hosted by Senator Dave Cortese; spoke at the State of the City; attended the City of Campbell Health Fair; attended the Campbell Police Department Open House event with Councilmember Furtado; and will be attending Senator Becker’s District Office Open House event on Friday September 22.

Councilmember Lopez attended the Bay Area Quality Management Dirst Board of Directors meeting; attended the Santa Clara Valley Transportation Authority Board of Directors meeting; and attended a meeting of the Campbell Ministerial group and noted their upcoming multi-cultural Thanksgiving service tentatively scheduled for November 19, 2023.

Councilmember Scozzola attended a meeting of Silicon Valley Clean Energy; attended the Santa Clara Valley Transportation Authority Policy Advisory Board meeting; and attended the Campbell Historical Museum and Ainsley House Foundation meeting.

ADJOURN

Mayor Bybee adjourned the meeting at 9:29 p.m.

APPROVED:

ATTEST:

Anne Bybee, Mayor

Andrea Sanders, City Clerk