

# CITY COUNCIL MINUTES

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



## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, October 3, 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.

### ROLLCALL

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

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Shirley Loffer in recognition of her service as the City of Campbell Sourcewise Advisory Council representative.

Mayor Bybee presented Ms. Loffer with a Certificate of Appreciation for leading the Pledge of Allegiance.

### SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. **Proclamation Declaring the Month of October as “National Breast Cancer Awareness Month” in the City of Campbell**

Recommended Action: It is recommended that the City Council proclaim the month of October as “National Breast Cancer Awareness Month” in the City of Campbell.

Mayor Bybee issued the American Cancer Society a Proclamation and proclaimed the month of October as “National Breast Cancer Awareness Month” in the City of Campbell.

2. **Recognize Shirley Loffer for Serving Two Terms (Six Years) as the Sourcewise Advisory Council Representative for the City of Campbell**

Recommended Action: That the City Council recognize Shirley Loffer for serving two terms (six years) as the Sourcewise Advisory Council Representative for the City of Campbell.

Senior Services Supervisor Tina Wong-Erling introduced Sourcewise Advisory Council representative and thanked her for your service.

The City Council thanked Ms. Loffer for her leadership and contribution to the community.

Mayor Bybee presented Shirley Loffer a Certificate of Appreciation for serving two terms (six years) as the Sourcewise Advisory Council Representative for the City of Campbell.

Ms. Loffer thanked the City Council, Civic Improvement Commission and staff, stating how it has been an honor to serve the community and a wonderful experience.

3. **2023-2024 Campbell Youth Commission Introduction**

Recommended Action: Receive the Campbell Youth Commission presentation.

Recreation Coordinator and Youth Commission staff liaison, Gracey Ferrel introduced the item.

Youth Commission Chair, Chloe Oliveira introduced the 2023-2024 Campbell Youth Commissioners.

Youth Commissioners Vineet Rao and Ayaan Raza presented the Commission's workplan items. They noted that the Commission would return at mid-year to provide updates on their items.

Councilmembers thanked the Commission for taking the time to develop these important goals and workplans.

Councilmember Lopez requested that staff look at future opportunities for the Youth Commission to collaborate with the Council.

4. **SVCE Electric Showcase Award Presentation**

Recommended Action: Accept Presentation from Silicon Valley Clean Energy Awarding Judy Wang, A Campbell Resident, the 2023 Electric Showcase Award for Her Efforts to Reduce Greenhouse Gas Emissions.

Mayor Bybee opened the item and asked Councilmember Scozzola and Silicon Valley Clean Energy Board of Directors member to introduce the item.

Councilmember Scozzola introduced Pamela Leonard of Silicon Valley Clean Energy (SVCE) to speak about the SVCE Electric Showcase Award presentation.

Pamela Leonard, SVCE Deputy Director of Marketing and Communications spoke of the Electric Showcase Awards to recognize people in the community who are leading the way in electrifying their buildings. Of the 16 winners was Judy Wang, a Campbell resident who upgraded to a heat pump water heater, an electric vehicle and has rooftop solar.

The City Council congratulated Judy Wang on the recognition and thanked SVCE for their presentation.

## **COMMUNICATIONS AND PETITIONS**

There are no communications and petitions.

## **ORAL REQUESTS**

Rich Culbertson spoke in favor of the Measure O Police and Library projects and was looking forward to when the full service Campbell library will be available again. He requested the City website be updated with new information pertaining to Measure O.

## **COUNCIL ANNOUNCEMENTS**

October is National Domestic Violence Awareness Month. October was first declared as National Domestic Violence Awareness Month in 1989. Since then, October has been a time to acknowledge domestic violence survivors and raise awareness. Domestic violence is prevalent in every community and affects all people. If you, or a loved one, are experiencing domestic violence and need assistance, call Safe Chat Silicon Valley at (408) 279-2962.

Portions of Santa Clara County have been placed under quarantine for the Oriental Fruit Fly following the detection of multiple flies in Santa Clara and surrounding counties. Detections in the cities of Santa Clara County have resulted in a quarantine zone covering 112 square miles which include some areas in Campbell. To find out more about this pest, and quarantine boundaries, please visit [cdfa.ca.gov](http://cdfa.ca.gov).

The City Clerk's office is accepting applications for two positions in 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](http://campbellca.gov).

The Heritage Theatre will kick off their first show this season with Queen of the Night: Remembering Whitney. A tribute to Whitney Houston starring Trina Johnson Finn. The concert will be on Saturday, October 7 at 8:00 pm in the Heritage Theatre. Tickets can be purchased at [heritagetheatre.org](http://heritagetheatre.org).

Assemblymember Marc Berman is hosting a virtual Youth Town Hall event on Saturday, October 14 from 12:00 to 1:30pm. This event is open to all teens and young adults who want to engage with their elected official. To find out more, call (650)324-0224.

The City of Campbell will host its Annual Citywide Garage Sale on Saturday, October 14 from 8:00am to 4:00pm. For sale and map locations, please visit the city's website at [cambellca.gov](http://cambellca.gov).

Come out with your family and friends for the 28<sup>th</sup> annual Oktoberfest on Saturday, October 21 and Sunday, October 22 from 10:00am to 6:00pm. There will be a Beer Garden filled with top notch German beers, mouthwatering authentic German food and music, and 100+ arts and craft booths in the downtown area.

There is still time to participate in the 16<sup>th</sup> annual Oktoberfest 5K and 10K Fun Run at Campbell Park on Saturday, October 21 at 9:00am. For more information, please visit [campbellca.gov](http://campbellca.gov).

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

5. **Minutes of City Council Regular Meeting of September 19, 2023**

Recommended Action: Approve the regular meeting minutes of September 19, 2023.

This action approves the regular meeting minutes of September 19, 2023.

6. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$1,091,152.85.

This action approves the bills and claims in the amount of \$1,091,152.85, as follows: bills and claims checks dated September 4, 2023, in the amount of \$845,499.77; bills and claims checks dated September 11, 2023, in the amount of \$212,189.82; and payroll checks dated September 14, 2023, in the amount of 33,463.26.

7. **Monthly Investment Transactions Report (August 2023)**

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

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

8. **Monthly Treasurer's Report (August 2023)**

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

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

9. **Second Reading of Ordinance 2297 to Approve 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); and Second Reading of Ordinance 2298 Amending Chapter 11.14 of the Campbell Municipal Code for Small Cell Wireless Facilities in the Public Right-Of-Way (Ordinances/Roll Call Vote)**

Recommended Action: That the City Council approve the second readings and adopt 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 adopt Ordinance 2298 amending Chapter 11.14 of the Campbell Municipal Code for Small Cell Wireless Facilities in the Public Right-of-Way.

Ordinance 2297 adds Chapter 11.13 to the Campbell Municipal Code for Wireless Communication Facilities in the Public Right-of-Way. (Other Than Small Cell Wireless Facilities)

Ordinance 2298 amends Chapter 11.14 of the Campbell Municipal Code for Small Cell Wireless Facilities in the Public Right-of-Way.

10. **Resolution Accepting Updates on the Remaining Emergency Gas Line Repairs at the Campbell Community Center and Authorizing Subsequent Repairs Per the Executed Contract Services Agreement with Burr Plumbing and in Accordance with California State Public Contracts Code (PCC) Sections 20168 and 22050 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution: 1) accepting updates on the progress of remaining emergency gas line repairs at the Campbell Community Center; and 2) authorizing subsequent repairs per the executed contract services agreement with Burr Plumbing and in accordance with California State Public Contracts Code (PCC) Sections 20168 and 22050 which allow for the dispensation of formal bidding procedures when public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property in the event of an emergency, and require the governing body to review the associated emergency action at every regularly scheduled meeting thereafter, until the action is terminated, to determine, by a 4/5 vote, that there is a need to continue the action.

Resolution 13058 accepts updates on the progress of remaining emergency gas line repairs at the Campbell Community Center; and authorizes subsequent repairs per the executed contract services agreement with Burr Plumbing and in accordance with California State Public Contracts Code (PCC) Sections 20168 and 22050.

11. **Accept Improvements for the Campbell Park Improvements Project No. 17-DD and File Notice of Completion**

Recommended Action: That the City Council adopt a resolution accepting the improvements for the Campbell Park Improvements Project No. 17-DD; directing the City Engineer to file the Notice of Completion; and authorizing the Finance Director to perform a budget adjustment.

Resolution 13059 accepts the improvements for the Campbell Park Improvements Project No. 17-DD; directs the City Engineer to file the Notice of Completion; and authorizes the Finance Director to perform a budget adjustment.

**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 if anyone had any disclosures to make in regard to the Public Hearing Items.

Vice Mayor Landry disclosed that she had met with the project site representatives. Councilmember Lopez disclosed that he had met with the design team.

- 12. Public Hearing to Consider an Appeal of the Planning Commission’s Denial of a Conditional Use Permit with Site and Architectural Review to Allow Reconstruction of a Shell Gasoline Service Station with an Expanded Convenience Store Including Off-Site Alcohol Beverage Sales, a Drive-Through Carwash, and 24-Hour Operational Hours; and a Tree Removal Permit Removal of All On-Site Trees, for Property Located at 570 E. Hamilton Avenue. File No.: PLN-2022-44 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council consider the request for continuance of the public hearing to a date certain of November 7, 2023.

This is the time and place for a public hearing to consider an appeal of the Planning Commission’s denial of a Conditional Use Permit with Site and Architectural Review to allow reconstruction of a Shell Gasoline Service Station with an expanded convenience store including off-site alcohol beverage sales, a drive-through carwash, and 24-hour operational hours; and a Tree Removal Permit Removal of all on-site trees, for property located at 570 E. Hamilton Avenue.

Community Development Director Eastwood noted that a request for continuance until November 7, 2023, was received by the applicant.

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

There were no public speakers.

The Council discussed continuing the item or hearing the appeal.

After discussion, **M/S: Furtado/Landry - That the City Council approve the request for continuance of the public hearing to a date certain of November 7, 2023. The motion was adopted by the following roll call vote:**

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

### **NEW BUSINESS**

13. **2023 Oktoberfest Special Event Permit and Fee Waiver Request (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution approving the Campbell Chamber of Commerce’s application for a Downtown Special Event Permit for their 2023 Oktoberfest event; and, consider a resolution approving the Campbell Chamber of Commerce’s request to approve a fee waiver with a not to exceed permit fee of \$35,000.

Assistant City Manager Gaeta presented a staff report dated October 3, 2023.

Following Council questions, Mayor Bybee asked if anyone wished to speak on this item.

Terry Hines, Campbell resident and business owner, spoke in support of the Campbell Chamber of and asked the Council to approve their fee waiver request of a not exceed permit fee of \$35,000.

Ken Johnson, Executive Director of the Campbell Chamber of Commerce, stated that in recent years the Chambers’ event permit fees have nearly tripled. He noted that these events bring a lot of people to the downtown area and asked the City Council to approve the fee waiver request of a not exceed permit fee of \$35,000 for the 2023 Oktoberfest event.

A majority of the Council stated support for the Chamber’s fee waiver request. Councilmembers discussed having a future item to review the Special Events Policy and future Chamber special events.

After discussion, **M/S: Lopez/Scozzola – That the City Council adopt Resolution 13060 approving the Campbell Chamber of Commerce’s application for a Downtown Special Event Permit for their 2023 Oktoberfest event. The motion was adopted by the following roll call vote:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Lopez

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

**M/S: Lopez/Scozzola – That the City Council adopt Resolution 13061 approving the Campbell Chamber of Commerce’s request to approve a fee waiver with a not to exceed permit fee of \$35,000. The motion was adopted by the following roll call vote:**

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

14. **Water Tower Lighting Policy Updates (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution updating the Water Tower Lighting Policy to add Indigenous Peoples' Day to the same day the City lights the Water Tower to recognize the Columbus Day Holiday; and, provide direction to staff regarding the color theme in observance of both.

Assistant City Manager Gaeta presented a staff report dated October 3, 2023.

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

Councilmember Scozzola stated support for adding Indigenous Peoples’ Day and removing the Columbus Day Holiday.

Councilmember Furtado suggested recognizing both holidays. He also suggested lighting the Water Tower brown to represent Earth, and blue to represent the sky for Indigenous Peoples’ Day.

Vice Mayor Landry suggested recognizing both Columbus Day and Indigenous Peoples’ Day on separate dates. In addition to brown and blue, Vice Mayor Landry suggested adding green to represent nature as one of the colors to light the Water Tower in recognition of Indigenous Peoples’ Day.

Councilmember Lopez stated support for adding Indigenous Peoples’ Day. While he recognized the symbolism of the holiday, he recommended removing the Columbus Day Holiday from the Water Tower Lighting schedule.

Mayor Bybee stated support for recognizing both Columbus Day and Indigenous Peoples’ Day since they are both recognized at a Federal level.

The Council discussed an appropriate date to the light the Water Tower in recognition of Indigenous Peoples’ Day.



After discussion, **Councilmember Scozzola** made a motion to update the **Water Tower Lighting Policy** to remove **Columbus Day**, recognize **Indigenous Peoples' Day** and light the Water Tower in brown, blue and green, representing Earth, sky and nature.

**Councilmember Lopez** made a friendly amendment, to light the Water Tower on a date specified by the State of California's guidelines.

**Councilmember Scozzola** accepted the friendly amendment.

The motion was as follows: **M/S: Scozzola/Lopez** - That the City Council adopt **Resolution 13062** updating the **Water Tower Lighting Policy** to remove **Columbus Day**, recognize **Indigenous Peoples' Day** on a date specified by the State of California's guidelines and light the Water Tower in brown, blue and green, representing Earth, sky and nature. The motion was adopted by the following roll call vote:

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

## **UNFINISHED BUSINESS**

### **15. Legislative Advocacy Principles Update**

Recommended Action: Approval of Updates to the Legislative Advocacy Principles Policy as recommended by the Legislative Subcommittee.

Assistant City Manager Gaeta presented a staff report dated October 3, 2023.

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

Legislative Subcommittee members, Mayor Bybee and Councilmember Lopez stated support for the updates noting that the basis of the current changes were to allow for more flexibility and incorporate feedback from not only the Subcommittee but prior and current Councilmembers.

After discussion, **M/S: Lopez/Landry** – That the City Council approve the updates to the **Legislative Advocacy Principles Policy** as recommended by the **Legislative Subcommittee**. 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
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## **COUNCIL COMMITTEE REPORTS**

### 16. **Council Committee Reports**

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

Councilmember Furtado attended the League of California Cities 2023 Annual Conference in Sacramento; and attended a workshop sponsored by the Silicon Valley Regional Interoperability Authority's Board of Directors and Working Committee Workshop.

Councilmember Lopez attended the Silicon Valley Clean Energy Finance and Audit Committee meeting; the Bay Area Quality Management District, Board of Directors meeting, the Santa Clara Valley Transportation Authority Safety Security and Transit Operations Committee meeting; the Open House and Ribbon Cutting Ceremony for Senator Jose Becker with Mayor Bybee; and the League of California Cities meeting where he was sworn in as Treasurer of the League of CA Cities Peninsula Division; and spoke of their upcoming luncheon event on October 6, 11:00 am to 1:00 p.m. in Mountain View to discuss the topic of mental health.

Mayor Bybee attended the Silicon Valley Animal Control Authority meeting, the West Valley Mayors and Managers meeting with City Manager Loventhal; the Community Health Fair hosted by Assemblymember Marc Berman at Castlemont School.

## **ADJOURN**

Mayor Bybee adjourned the meeting at 9:11 PM

APPROVED:

ATTEST:

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Anne Bybee, Mayor

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Andrea Sanders, City Clerk