

# CITY COUNCIL MINUTES

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



## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, March 21, 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. Councilmember Furtado participated virtually from 405 W. Latimer Avenue, Campbell, CA 95008.

Pursuant to Government Code § 54953 (f)(2) Mayor Bybee stated that Councilmember Lopez had requested to participate remotely as the result of a contagious illness.

Councilmember Lopez disclosed publicly that there were no individuals 18 years or older present in the room.

### ROLL CALL

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

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Dr. Liz Dietz of the American Red Cross in recognition of American Red Cross Month.

Mayor Bybee thanked Dr. Dietz for leading the Pledge and noted that as she was participating virtually, a Certificate of Appreciation would be mailed to her.

### SPECIAL PRESENTATIONS AND PROCLAMATIONS

- Proclamation Declaring the Month of March 2023 as “American Red Cross Month” in the City of Campbell**  
Recommended Action: That the City Council proclaim the month of March 2023 as “American Red Cross Month” in the City of Campbell.

Mayor Bybee highlighted key points within the Proclamation for Red Cross Month, noted the proclamation would be mailed out, and invited Dr. Dietz to speak.

Dr. Dietz recognized Councilmember Furtado for his service as a U.S. Veteran. She stated the Red Cross has been helping others with disaster relief, providing blood products, training, and basic life supports since 1891. In addition, the American Red Cross provides services and works closely with the armed forces. She spoke of the current disaster relief services that are being provided to the citizens of Pajaro and surrounding Monterey and Santa Cruz Counties. Dr. Dietz thanked the Mayor and City Council for the recognition and encouraged all who are interested to volunteer with the American Red Cross.

Councilmembers expressed their appreciation to Dr. Dietz and the American Red Cross for all their extraordinary efforts.

## **COMMUNICATIONS AND PETITIONS**

Mayor Bybee noted that one email communication was received by Jeff Cristina.

## **ORAL REQUESTS**

Veronica River Lee Harris, Campbell resident and Cloud City Representative, spoke in support of marijuana-based products and services and requested the City Council create a democratic committee on cannabis in Campbell.

## **COUNCIL ANNOUNCEMENTS**

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

Nominations are opened for Bike Champion of the Year for each of the Bay Area's nine counties. Silicon Valley Bicycle Coalition is looking for those special individuals who inspire bicycling in Santa Clara County. To nominate a bicycle champion in our community, go to [bikesiliconvalley.org/](https://bikesiliconvalley.org/). The deadline is March 31.

Mark your calendars: The Campbell Police Foundation is hosting a fundraising breakfast on Saturday, March 25 from 9 to 10:30 a.m. at the Home Church on Winchester Boulevard in Campbell. Tickets are \$25 per person and can be purchased at [campbellpolicefoundation.org](https://campbellpolicefoundation.org).

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

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

The Civic Improvement Commission awards grants up to \$500 per neighborhood for activities and projects that address the quality of life, safety, cleanliness, and engagement throughout neighborhoods. The 2023 Neighborhood Association Assistance Grant application period is now open and will close at 5:00 p.m. on Friday, March 31. To find out more about this grant opportunity, or to apply, please visit [campbellca.gov](http://campbellca.gov).

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

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

## **CONSENT CALENDAR**

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

In regards to item 8, Vice Mayor Landry thanked Director Capurso and the Public Works staff and stated that the Safe Routes to School project will also be discussed at the upcoming Education Subcommittee meeting on April 4.

In regards to item 7, Councilmember Lopez expressed his appreciation that the Climate Adaptation Plan is moving forward.

The Consent Calendar was considered as follows:

2. **Minutes of City Council Executive Session Meeting of March 7, 2023**  
Recommended Action: Approve the executive session meeting minutes of March 7, 2023.  
This action approves the executive session meeting minutes of March 7, 2023.
3. **Minutes of City Council Regular Meeting of March 7, 2023**  
Recommended Action: Approve the regular meeting minutes of March 7, 2023.  
This action approves the regular meeting minutes of March 7, 2023.
4. **Approving Bills and Claims**  
Recommended Action: Approve the bills and claims in the amount of \$1,556,489.07.

This action approves the bills and claims in the amount of \$1,556,489.07 as follows: bills and claims checks dated February 20, 2023, in the amount of \$452,689.39; and bills and claims checks dated February 27, 2023, in the amount of \$1,103,799.68.

5. **Agreement with the Santa Clara County for the Senior Nutrition Program Home and Community Based Services Infrastructure Funding for Fiscal Year 2022-2023 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution authorizing the City Manager to execute the FY 2022-23 Senior Nutrition Program Congregate Meals- HCBS Infrastructure Funding Agreement with the County in the amount of \$44,322 and approve a budget adjustment to the Senior Nutrition Program budget (101.525) to recognize and appropriate grant funds.

Resolution 12950 authorizes the City Manager to execute the FY 2022-23 Senior Nutrition Program Congregate Meals - HCBS Infrastructure Funding Agreement with the County in the amount of \$44,322 and approve a budget adjustment to the Senior Nutrition Program budget (101.525) to recognize and appropriate grant funds.

6. **Approval of a Used Car Dealer Permit for Silicon Valley Enthusiast LLC (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopts a Resolution approving the issuance of a Used Car Dealer Permit to sell used cars at 3293 S. Winchester Boulevard.

Resolution 12951 approves the issuance of a Used Car Dealer Permit to sell used cars at 3293 S. Winchester Boulevard.

7. **Authorization to Submit a Climate Adaptation Planning Grant Application (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution authorizing the Community Development Director to apply for a Climate Adaptation Planning Grant for a Climate Action Plan.

Resolution 12952 authorizes the Community Development Director to apply for a Climate Adaptation Planning Grant for a Climate Action Plan.

8. **Authorization to Award Contract and Execute Agreement for Campbell Safe Routes to School Maps Project (CIP No. 22-OO) (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution authorizing the City Manager to award the contract to and execute the consultant services agreement with Alta Planning + Design, Inc. for the Campbell Safe Routes to School Maps Project.

Resolution 12953 authorizes the City Manager to award the contract to and execute the consultant services agreement with Alta Planning + Design, Inc. for the Campbell Safe Routes to School Maps Project.

**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**

9. **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. (Resolution/Roll Call Vote)**  
Recommended Action: That the City Council adopt a resolution denying the appeal and upholding the Planning Commission's approval of a Variance.

Senior Planner Fama presented a staff report dated March 21, 2023. He spoke of the property site, the approved project, and the basis for the Planning Commission’s decision and the appellant’s appeal.

Following Council questions, Mayor Bybee opened the public hearing and asked if the appellants Brittany and Shaun Sozua would like to speak.

Brittany Sozua, Campbell resident, on behalf of her neighborhood requested an appeal of the Planning Commission Variance approval at 68 Page Street. She stated concerns with the 3-foot setback along Maple Avenue, the nine exterior doors, the six bedrooms, and the three kitchens noted in the proposed project. Ms. Sozua disputed the setback requirements as they are unprecedented and inconsistent with City requirements. She requested the City Council consider a 6-foot variance on the north side of Maple Avenue.

Mayor Bybee asked if anyone from the public wished to speak.

Pat Clark, Campbell resident, stated safety concerns for his children with the 3-foot setback and with having the property doors open directly onto the street.

Adrian Sarmiento, Campbell resident, stated concerns with the proposed project noting the small site should not have a single-family home, an ADU and a JADU all at that location.

Ed Barrera, Campbell resident, for the purpose of safety, requested the corner of Maple Avenue and Page Street have a yellow stripe to not allow parking in front of the house, to ensure that those needing to walk in the small walkway have room in the event of an emergency. Additionally, to accommodate residential

parking during construction, he requested parking permits for individual residents.

Patrick Gasaway, Campbell resident, stated concerns with the 3-foot setback and felt approving the setback would set a poor precedent in Campbell.

Russ Biswell, Campbell resident, stated concerns with Variance 3-foot setback and requested the City Council decline the Variance and require a 6-foot setback.

Rich Chuang, Campbell resident, stated concerns with the design and layout of the house with its six bedrooms, six bathrooms, three kitchens, and the exterior doors to all bedrooms. He stated concerns that the property would be used as a short-term rental property.

Jon Dixon, Campbell resident, stated concerns that the design resembles individual studio apartments and felt that was not appropriate for his community.

Teresa Sudo, Campbell resident, stated safety concerns with the exterior doors opening right onto the sidewalk, and the potential of the house being used for short-term rentals.

Following public comment, Mayor Bybee invited the property owner to speak.

Julia Lu, representative for property owner Yanjun Wang, stated she understood the neighborhood concerns, did not violate any of the laws, and requested the City Council approve their request.

Mayor Bybee invited the appellants to provide closing comments.

Shaun Souza, Campbell resident, reiterated neighborhood concerns, requested the approval of a larger setback, and requested a deeper review be conducted by City staff into the true intended use of the property.

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

Councilmembers expressed concerns with the 3-foot setback and the site plan and asked if there were any requirements prohibiting them from regulating the design.

Senior Planner Fama responded that this housing development project falls under the Housing Accountability Act, and the law does limit the City's ability to regulate this project pursuant to objective development standards. Currently, the City has no objective development standards that pertain to the number or placement of exterior doors. In order to compel changes, those changes would need to be rooted in the need to establish findings for approval of the variance.

Mayor Bybee acknowledged that although the Council was not supportive of the site plan, they could not legally deny the variance without demonstrating in the findings that it is detrimental to the neighborhood.

Council discussed what the requirements were if they approved the appeal.

Senior Planner Fama stated they would need a motion to continue the public hearing to a date certain for staff to return with a resolution to overturn the Planning Commission's decision.

Mayor Bybee asked staff if it was possible to take no action and refer this back to the applicant so they can address the setback and site plans concerns.

City Attorney Seligmann stated yes, they could also continue it to another Council meeting with a request that the applicant consider the Council input.

Council had a general consensus for the City Attorney recommendation to continue the item and refer it back to the applicant for consideration.

Councilmember Furtado expressed concerns and disappointment that the property owner of the building was not present to make some remarks nor did the owner submit a written statement as to the nature of his projects, leaving some questions unanswered.

Councilmember Lopez encouraged the applicant to hear the feedback and discussion, especially with regards to the setback.

Mayor Bybee reopened the public hearing.

**M/S: Landry/Scozzola – That the City Council continue this item until the May 2, 2023 City Council meeting and ask staff to evaluate the comments made by Council and the community and work with the applicant. The motion was adopted by the following roll call vote:**

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

- 10. Public Hearing to Consider an Ordinance to Extend Interim Ordinance No. 2291 that Adopted Urgency Revisions to Title 21 Related to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) to Conform with Recent State Legislation (AB-2221 and SB-897). (Ordinance//Roll Call Vote)**

Recommended Action: It is recommended that City Council adopt an ordinance to extend Interim Ordinance No. 2291 to June 30, 2023.

Senior Planner Fama presented a staff report dated March 21, 2023.

Following Council questions, Mayor Bybee opened the public hearing. Seeing no one wishing to speak, Mayor Bybee closed the public hearing.

After discussion, **M/S: Landry/Lopez – That the City Council adopt Ordinance 2291 to extend Interim Ordinance No. 2291 to June 30, 2023. 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 2292.

**M/S: Landry/Scozzola – That the City Council waive further reading of Ordinance 2292. The motion was adopted by the following roll call vote:**

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

11. **Authorization of the Semi-Permanent Parklet Grant Program Per Section 53083 (A)(6)(B) of the Government Code (AB 562 ) (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution determining findings for the City’s Semi-Permanent Parklet Grant Program are consistent with Section 53083 (a)(6)(b) of the Government Code (AB 562).

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

Economic Development Manager Parks presented a staff report dated March 21, 2023.

Following Council questions, Mayor Bybee opened the public hearing. Seeing no one wishing to speak, Mayor Bybee closed the public hearing.

Councilmembers expressed their appreciation to Economic Development Manager Parks and staff for their efforts and work on the City’s Parklet program.

After discussion, **M/S: Scozzola/Landry – That the City Council adopt Resolution 12954 determining findings for the City’s Semi-Permanent Parklet Grant Program are consistent with Section 53083 (a)(6)(b) of the**



**Government Code (AB 562). The motion was adopted by the following roll call vote:**

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

**NEW BUSINESS**

12. **Review of Campbell Statement of Values**

Recommended Action: That the City Council review Campbell’s Statement of Values and reaffirm it with any desired adjustments.

City Clerk Sanders presented a staff report dated March 21, 2023.

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

Councilmember Lopez suggested adding language that although the City is in Districts, Councilmembers are elected to serve the City as a whole; and wished to memorialize that in the Statement of Values.

Councilmember Furtado agreed that language stating that although Councilmembers are elected by district, they share the responsibility for the City as a whole and shared values extend throughout the entire City.

Councilmembers expressed support for the additional language and discussed where to appropriately include the new language into the Statement of Values.

Vice Mayor Landry suggested adding the language under the Community section of the Statement of Values and beginning with “I will...”

Mayor Bybee recommended that staff take Council’s direction to complete the statement and return with for approval as a Consent Calendar item at a future meeting.

After discussion, **M/S: Scozzola/Lopez – That the City Council review Campbell’s Statement of Values and reaffirm it with Council working for Campbell as a whole even though elected by district; and that staff may finalize language as appropriate. 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. **Code of Conduct Policy for Boards and Commissions**

Recommended Action: Consider adoption of a Code of Conduct Policy for City Boards and Commissions.

Assistant City Manager Gaeta presented a staff report dated March 21, 2023.

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

Vice Mayor Landry suggested adding language to the policy addressing when Councilmembers or Commissioner write articles, to note that they do not represent the Council or Commission they serve on.

Councilmembers expressed concerns with FAQ #8, in that stating no at the beginning of the response may be too definitive. They requested it be revised for clarity. In order to protect freedom of speech, Councilmember Lopez expressed concerns with the restrictive language pertaining to “special interest groups.”

Councilmember Lopez also suggested adding language at the beginning of the policy stating “The intent of this policy is not to infringe on free speech rights.”

Assistant City Manager Gaeta responded that language could be added to the beginning of the policy that indicates nothing shall be construed to infringe on either the right of Association or the First Amendment right of freedom of speech.

**M/S: Lopez/Landry – That staff accept direction on the points raised by Council and bring the final policy back for future consideration as a Consent Calendar item on a future agenda. 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**

14. **Adoption of Fiscal Year 2024 City Council Priorities**

Recommended Action: That the City Council adopt the proposed Fiscal Year 2024 City Council Priorities.

City Manager Loventhal presented a staff report dated March 21, 2023.

Councilmembers stated general support for the Council Priorities that were presented.

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

Councilmember Scozzola suggested adding information to the City website related to tenant rights.

Vice Mayor Landry discussed including short-term rental policies, adding in additional language other than accessibility to promote City inclusivity and documenting the preservation and maintenance of the City's tree canopy.

Councilmembers discussed the potential of adding revenue measures to the ballot as well as impact fees and a vacant parcel tax.

Staff responded that due to the lengthy process associated with adding a measure to the ballot, as well as staff capacity, it may be difficult to achieve adding those additional revenue measures as part of these Priorities.

Following Council discussion, City Manager Loventhal commented that the Council's items of interest from the FY 2024 City Council Priorities will be incorporated into future workplan discussions to be heard on April 25.

Councilmember Lopez requested further discussions on a marijuana ordinance.

**M/S: Landry/Lopez – That the City Council adopt the proposed Fiscal Year 2024 City Council Priorities with the additions of evaluating a cannabis program, modify Inclusivity to include more inclusive terms, and add short-term rentals, tree canopy, revenue sources, vacant parcel tax and tenant rights.**

Councilmember Lopez seconded with the friendly amendment that staff will reflect what their capacity and ongoing workload is when considering the added priorities.

Vice Mayor Landry accepted the friendly amendment.

Councilmember Furtado was not supportive of adding the topic of marijuana to the Council priorities.

Following discussion, **the motion was adopted by the following roll call vote:**

<b>RESULT:</b>	<b>ADOPTED [3 TO 2]</b>
<b>MOVER:</b>	Landry
<b>SECONDER:</b>	Scozzola
<b>AYES:</b>	Landry, Lopez, Scozzola
<b>NAYS:</b>	Bybee, Furtado

## **COUNCIL COMMITTEE REPORTS**

### **15. Council Committee Reports**

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

Councilmember Scozzola attended the Silicon Valley Clean Energy meeting and the Santa Clara Valley Transportation Authority Policy Advisory Board meeting.

Vice Mayor Landry attended the Campbell Chamber of Commerce Celebrate Campbell event.

Councilmember Lopez attended the Santa Clara Valley Transportation Authority Board of Directors meetings and workshops; and the Bay Area Quality Management District Board of Directors meetings.

Mayor Bybee attended the Campbell Chamber of Commerce Celebrate Campbell event, and the Campbell Little League Opening Day Ceremony with the City Manager and Public Safety Personnel.

Mayor Bybee acknowledged and thanked staff, first responders, and the Public Works Maintenance Crew for keeping everyone safe, and mitigating damages during the challenging weather conditions over the last few weeks.

**ADJOURN**

Mayor Bybee adjourned the meeting at 10:14 p.m.

APPROVED:

ATTEST:

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

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