

# CITY COUNCIL MINUTES

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



## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, April 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.cityofcampbell.com/agendacenter](http://www.cityofcampbell.com/agendacenter).

### CALL TO ORDER

The City Council of the City of Campbell convened this day in the regular meeting place, the City Hall Council Chamber, 70 N. First St., Campbell, California.

### ROLL CALL

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

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Parks Supervisor, Bob Siudzinski in recognition of “Arbor Day” in the City of Campbell. Mayor Bybee presented Mr. Siudzinski a Certificate of Appreciation for leading the Pledge of Allegiance.

### SPECIAL PRESENTATIONS AND PROCLAMATIONS

- Proclamation Declaring April 28, 2023, as "Arbor Day" in the City of Campbell**  
Recommended Action: It is recommended that the City Council proclaim April 28, 2023, as “Arbor Day” in the City of Campbell.

Mayor Bybee spoke of the significance of “Arbor Day” and presented Parks Supervisor Bob Siudzinski a Proclamation declaring April 28, 2023 as “Arbor Day” in the City of Campbell.

Parks Supervisor Siudzinski thanked the City Council for the recognition and spoke of the importance of Arbor Day.

Councilmembers thanked Mr. Siudzinski and the Parks Division for their efforts and service to the City of Campbell. They noted that the City's Arbor Day Tree Planting event will be held on April 28 at 10:00a.m. at John D. Morgan Park.

## **COMMUNICATIONS AND PETITIONS**

There were no communications and petitions.

## **ORAL REQUESTS**

Amy Taylor, Downtown Campbell Business Association (DCBA) President, spoke of their upcoming Car Show event and their efforts to obtain final approval so they can begin promoting the event.

## **COUNCIL ANNOUNCEMENTS**

April is National Volunteer Month. Volunteers are one of the City's greatest resources. Many city programs and services are enhanced by community members who volunteer their time and talents on a wide variety of interesting projects throughout city departments including the Museum, Theatre and Public Works.

Come enjoy a crisp evening and discover the latest crop of wines from California's wine growing regions. Campbell's Spring Wine Walk is scheduled for tomorrow, Wednesday, April 19, from 6:00p.m. to 9:00p.m. Event and ticket information is available at [downtowncampbell.com](http://downtowncampbell.com). Campbell's wine walks benefit the Downtown Campbell Business Association to raise money to fund year-round events and activities for the whole community.

Saturday, April 22 is Earth Day. This annual event began on April 22, 1970 to demonstrate support for environmental protection. The official theme for 2023 is "Invest in our Planet." Consistent with Council policy, the water tower will be lit in green and blue on April 22 to recognize this event.

Please join the City Council and staff from 9:00a.m. to noon on Tuesday, April 25 for a Budget Study Session in the City Council Chambers to discuss the Operating Budget and Capital Improvement Projects.

For the fortieth consecutive year, the National Arbor Day Foundation has proclaimed the City of Campbell "Tree City USA." In celebration of this award, the community is invited to participate in an Arbor Day celebration at 10:00a.m. on Friday, April 28 on the Rincon Avenue side of John D. Morgan Park.

Connecting businesses and job seekers. The Campbell Works Job Fair is scheduled for Thursday, May 4 from 10:00a.m. to 2:00p.m. at the Orchard City Banquet Hall located at One W. Campbell Avenue. Visit [CampbellChamber.net](http://CampbellChamber.net) for more information.

Campbell's Farmers Market is open on most Sunday's from 9:00a.m. to 1:00p.m. Enjoy a large selection of locally grown fresh produce, as well as, craft vendors, live music, and food booths. The Mercury News has named the Campbell's Farmers' Market, the "Best Farmers' Market in Silicon Valley." Come and enjoy the festive and vibrant community atmosphere that attracts fans from all around.

The City of Campbell offers a wide range of youth, adult and 50+ classes. Art Classes including clay time, art journaling, adult pottery wheel; dance, music; special interest, including Play-Well LEGO camps; adult and youth sports fitness and more. Visit the City's website at [campbellca.gov](http://campbellca.gov) to find out more about these classes and camps.

## **CONSENT CALENDAR**

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

Councilmember Scozzola commented on Item 8, stating he was excited the City is moving forward with Battery Backup Systems.

Vice Mayor Landry commented on Item 9 and expressed her appreciation to the Joan Evans Bohnett Living Trust for their donation.

Item 10 was pulled from the Consent Calendar by a member of the public.

The Consent Calendar was considered as follows:

2. **Minutes of City Council Special Meeting of March 31, 2023**  
Recommended Action: Approve the special meeting minutes of March 31, 2023.  
This action approves the special meeting minutes of March 31, 2023.
3. **Minutes of City Council Executive Session Meeting of April 4, 2023**  
Recommended Action: Approve the executive session meeting minutes of April 4, 2023.  
This action approved the executive session meeting minutes of April 4, 2023.
4. **Minutes of City Council Study Session Meeting of April 4, 2023**  
Recommended Action: Approve the study session meeting minutes of April 4, 2023.  
This action approves the study session meeting minutes of April 4, 2023.
5. **Minutes of City Council Regular Meeting of April 4, 2023**  
Recommended Action: Approve the regular meeting minutes of April 4, 2023.  
This action approves the regular meeting minutes of April 4, 2023.
6. **Approving Bills and Claims**  
Recommended Action: Approve the bills and claims in the amount of \$3,169,364.57.

This action approves the bills and claims in the amount of \$3,169,364.57 as follows: payroll checks dated March 16, 2023, in the amount of \$32,503.30; bills

and claims checks dated March 20, 2023, in the amount of \$1,331,412.11; bills and claims checks dated March 27, 2023, in the amount of \$1,734,721.76; and payroll checks dated March 30, 2023, in the amount of \$70,727.40.

7. **Authorization to Submit a Transportation Fund for Clean Air (TFCA) Program Grant Application for the Hamilton Avenue Resurfacing Project (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution authorizing the Public Works Director to submit a Transportation Fund for Clean Air (TFCA) Program Grant Application to Santa Clara Valley Transportation Authority (VTA) for the Hamilton Avenue Resurfacing Project.

Resolution 12967 authorizes the Public Works Director to submit a Transportation Fund for Clean Air (TFCA) Program Grant Application to Santa Clara Valley Transportation Authority (VTA) for the Hamilton Avenue Resurfacing Project.

8. **Authorization to Purchase Twelve (12) Tesco Model 2000VA Battery Backup Systems from Tesco Controls, in an Amount Not to Exceed \$90,000, for Installation at Twelve Signalized Intersection Locations Throughout the City; and Dispensing of Bidding Requirements as Specified in Campbell Municipal Code Sections 3.20.030 (7) (8) (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution authorizing the City Manager to: (1) execute a purchase agreement with Tesco Controls, for twelve (12) Tesco Model 2000VA Battery Backup Systems, in the not-to-exceed amount of \$90,000, for installation at twelve signalized intersection locations throughout the City; and (2) dispense with bidding requirements as authorized in Campbell Municipal Code Sections 3.20.030 (7) (8).

Resolution 12968 authorizes the City Manager to: (1) execute a purchase agreement with Tesco Controls, for twelve (12) Tesco Model 2000VA Battery Backup Systems, in the not-to-exceed amount of \$90,000, for installation at twelve signalized intersection locations throughout the City; and (2) dispense with bidding requirements as authorized in Campbell Municipal Code Sections 3.20.030 (7) (8).

9. **Accept Donation from Joan Evans Bohnett Living Trust (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution accepting the donation of \$55,000 from the Joan Evans Bohnett Trust and approve a budget adjustment to recognize the donation in Fiscal Year 2023.

Resolution 12969 accepts the donation of \$55,000 from the Joan Evans Bohnett Trust and approves a budget adjustment to recognize the donation in Fiscal Year 2023.

\*11. ***Item moved to Public Hearings and Introduction of Ordinances - Live Entertainment Permit - Khartoum 300 Orchard City Drive Suite 101, Campbell, California***

12. **Approval of Plans and Specifications, Authorization for Advertisement of Bids, Contract Award, Necessary Budget Adjustments, and Other Associated Actions for the Camden Avenue Resurfacing, Project 21-SS (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution approving the plans and specifications; authorizing the Public Works Director to advertise for bids and award the project; authorizing the City Manager to enter into a construction contract with the lowest responsive and responsible bidder in an amount not to exceed \$1,218,500 and encumber a 10% construction contingency for a total construction contract amount of \$1,340,350; authorizing the City Engineer to negotiate and execute contract change orders up to and within the allocated construction contingency; authorizing the Public Works Director to reject bids and rebid the project, should bids received have unamenable irregularities; and authorizing the Finance Director to perform associated budget adjustments.

Resolution 12970 approves the plans and specifications; authorizes the Public Works Director to advertise for bids and award the project; authorizes the City Manager to enter into a construction contract with the lowest responsive and responsible bidder in an amount not to exceed \$1,218,500 and encumber a 10% construction contingency for a total construction contract amount of \$1,340,350; authorizes the City Engineer to negotiate and execute contract change orders up to and within the allocated construction contingency; authorizes the Public Works Director to reject bids and rebid the project, should bids received have unamenable irregularities; and authorizing the Finance Director to perform associated budget adjustments.

**M/S: Landry/Furtado - That the City Council approve the consent calendar with the exception of Item 10. 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

**ITEMS CONSIDERED SEPARATE FROM CONSENT**

10. **Approve a Consultant Services Agreement with Maze & Associates for Interim Finance Manager Services, Dispense with Bidding Requirements Under Section 3.20.030(4) of the Campbell Municipal Code (CMC), and Approve a Corresponding Budget Adjustment (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution authorizing the City Manager to approve and execute a Consultant Services Agreement with Maze & Associates for interim Finance Manager services, dispense with bidding requirements under Section 3.20.030(4) of the Campbell Municipal Code (CMC), and authorize a corresponding budget adjustment.

Steve Saunders, Campbell resident, commented on the upcoming City budget process and noted the importance of having a strong Finance department. He appreciated Director Fuentes and his teams' efforts, especially in regard to the Measure O Bond process.

Councilmembers thanked Finance Manager Vong for his service and wished him well in his new position.

**M/S: Landry/Lopez – That the City Council adopt Resolution 12971 authorizing the City Manager to approve and execute a Consultant Services Agreement with Maze & Associates for interim Finance Manager services, dispense with bidding requirements under Section 3.20.030(4) of the Campbell Municipal Code (CMC), and authorize a corresponding budget adjustment. 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**

**NOTE:** Members of the public may be allotted up to two (2) minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of five (5) minutes for opening statements and up to a total of three (3) minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.

**\*11. *Item moved from the Consent Calendar - Live Entertainment Permit - Khartoum 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 Live Entertainment Permit at Khartoum located 300 Orchard City Drive suite 101, Campbell, California.

This is the time and place for a public hearing to consider issuance of a Live Entertainment Permit at Khartoum located 300 Orchard City Drive suite 101, Campbell, California.

Police Chief Berg presented a staff report dated April 18, 2023.

Following Council questions Mayor Bybee opened the public hearing.

Applicant Brandon Brigham was not in attendance. Seeing no one wishing to speak, Mayor Bybee closed the public hearing.

After discussion, **M/S: Furtado/Lopez – That the City Council adopt Resolution 12972 approving the issuance of a Live Entertainment Permit at Khartoum located 300 Orchard City Drive suite 101, Campbell, California,**

including the desk item. The motion was adopted by the following roll call vote:

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

13. **Adoption of New Application Fees Related to the Processing of Housing Development Projects, to be Included in the City’s Fiscal Year 2022-2023 Schedule of Fees and Charges. Project File No. PLN-2023-62 (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a Resolution establishing new application fees related to the processing of Housing Development Projects, to be included in the City’s Fiscal Year 2022 - 2023 Schedule of Fees and Charges.

This is the time and place for a public hearing to consider adoption of new application fees related to the processing of Housing Development Projects, to be Included in the City’s Fiscal Year 2022-2023 Schedule of Fees and Charges.

Senior Planner Rose presented a staff report dated April 18, 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 Resolution 12973 establishing new application fees related to the processing of Housing Development Projects, to be included in the City’s Fiscal Year 2022 - 2023 Schedule of Fees and Charges. 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

**NEW BUSINESS**

15. **Acceptance of Fiscal Year 21/22 Annual Comprehensive Financial Report and Auditor’s Written Communication on Internal Controls**

Recommended Action: That the City Council accept the Fiscal Year 21/22 Annual Comprehensive Financial Report and Auditor’s written communication on internal control structure and the audit process as submitted with this report.

Finance Manager Vong presented a staff report dated April 18, 2023.

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

Councilmembers acknowledged the auditing firm Eide Bailly and the Finance department for their excellent work.

After discussion, **M/S: Lopez/Furtado – That the City Council accept the Fiscal Year 21/22 Annual Comprehensive Financial Report and Auditor’s written communication on internal control structure and the audit process as submitted with the staff report. The motion was adopted by the following roll call vote:**

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

**UNFINISHED BUSINESS**

There was no unfinished business.

**COUNCIL COMMITTEE REPORTS**

16. **Council Committee Reports**

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

Vice Mayor Landry attended Santa Clara County Supervisor Ellenberg’s event on Birthing Justice.

Councilmember Lopez attended the Bay Area Quality Management District meetings and Santa Clara Valley Transportation Authority meeting.

Mayor Bybee attended the Friends of the Heritage Theatre meeting.

**ADJOURN**

Mayor Bybee adjourned the meeting at 8:12p.m.

APPROVED:

ATTEST:

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

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