NOTE: To protect our constituents, City officials, and City staff, the City requests all members of the public follow the guidance of the California Department of Health Services', and the County of Santa Clara Health Officer Order, to help control the spread of COVID-19. Additional information regarding COVID-19 is available on the City's website at www.campbellca.gov.

This City Council Regular meeting will be conducted in person as well as telecommunication and is compliant with provisions of the Brown Act and Assembly Bill 361 allowing a virtual meeting process for local jurisdictions under a declared state of emergency.

The following Councilmembers of the Campbell City Council are listed to permit them to appear electronically or telephonically at the City Council meeting on October 19, 2021. Councilmember Anne Bybee, Councilwoman Susan M. Landry, Councilmember Sergio Lopez, Vice Mayor Paul Resnikoff and Mayor Elizabeth "Liz" Gibbons. Councilmembers may also appear in person at the stated meeting location.

Members of the public may attend the meeting in person at Campbell City Hall - Council Chambers. If attending in person, face coverings and physical distancing will be required until further notice. The City Council meeting will be live-streamed on Channel 26, the City’s website and on YouTube https://www.youtube.com/user/CityofCampbell.

Those members of the public wishing to participate virtually are asked to register in advance at: www.campbellca.gov/signup. After registering, you will receive a confirmation email containing information about joining the meeting.

Public comment will be accepted for those in person and those attending virtually. Public comment will also be accepted via email at ClerksOffice@campbellca.gov prior to the start of the meeting. Written comments will be posted on the website and distributed to the Council. If you choose to email your comments, please indicate in the subject line “FOR PUBLIC COMMENT” and indicate the item number.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL
Tuesday, October 19, 2021 7:30 p.m.
City Hall Council Chamber – 70 N. First Street

CALL TO ORDER

ROLL CALL

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.

COMMUNICATIONS AND PETITIONS

ORAL REQUESTS

**NOTE:** This portion of the meeting is reserved for persons wishing to address the City Council on any matter not on the agenda. Persons wishing to address the Council are requested, but not required to complete a Speaker’s Card. Speakers are limited to two (2) minutes. The law generally prohibits the Council from discussion or taking action on such items. However, the Council may instruct staff accordingly regarding Oral Requests.

COUNCIL ANNOUNCEMENTS

CONSENT CALENDAR

**NOTE:** All matters listed under consent calendar are considered by the City Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a request is made by a member of City Council, City staff, or a member of the public. Any person wishing to speak on any item on the consent calendar should ask to have the item removed from the consent calendar prior to the time the Council votes to approve. If removed, the item will be discussed in the order in which it appears.

2. **Minutes of City Council Executive Session Meeting of September 29, 2021**
   
   **Recommended Action:** Approve the Executive Session Meeting minutes of September 29, 2021

3. **Minutes of City Council Executive Session Meeting of October 5, 2021**
   
   **Recommended Action:** Approve the Executive Session Meeting minutes of October 5, 2021

4. **Minutes of City Council Regular Meeting of October 5, 2021**
   
   **Recommended Action:** Approve the Regular Meeting minutes of October 5, 2021

5. ** Approving Bills and Claims**
   
   **Recommended Action:** Approve the bills and claims in the amount of $1,855,722.37.

6. **Monthly Investment Transactions Report**
   
   **Recommended Action:** It is recommended that the City Council review and accept the Monthly Investment Transactions Report for the period of July 1, 2021 to September 30, 2021.

7. **Commending Mario Ramos Upon His Retirement After 20 Years of Service with the City of Campbell (Resolution/Roll Call Vote)**
   
   **Recommended Action:** It is recommended that the City Council adopt a Resolution commending Mario Ramos for twenty years of outstanding service to the City of Campbell.
8. Commending Sheila Broderick Upon Her Retirement After 35 Years of Service with the City of Campbell (Resolution/Roll Call Vote)
Recommended Action: It is recommended that the City Council adopt a Resolution commending Sheila Broderick upon her retirement after 35 years of outstanding service with the City of Campbell.

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.

9. Introduction of Ordinance Amending Section 6.10.020 and Replacing Chapter 6.04 of the City of Campbell Municipal Code to Implement Senate Bill (SB) 1383 Discarded Materials and Excluded Waste Management Requirements (Ordinance/Roll Call Vote)
Recommended Action: It is recommended that the City Council amend Section 6.10.020 and replace Chapter 6.04 of the City’s Municipal Code implementing new State legislative requirements for discarded materials and excluded waste.

NEW BUSINESS

10. Request for City Council Consensus to Allow Preparation of Urgency Ordinance Amendments to the Campbell Municipal Code to Implement Senate Bill 9, Concerning Two Unit Developments and Lot Splits in Single Family Residential Zones
Recommended Action: It is recommended that City Council direct staff to prepare an urgency ordinance adopting interim text amendments to the Campbell Municipal Code (Zoning and Subdivision) and regular ordinance adopting long-term amendments to the Campbell Municipal Code (Zoning and Subdivision), to implement Senate Bill (SB) 9.

UNFINISHED BUSINESS

11. Authorization to Amend the Consultant Services Agreement with LPA, Inc., Increasing the Contract Amount by $1,399,985 (Resolution/Roll Call Vote)
Recommended Action: It is recommended that the City Council adopt a Resolution authorizing the City Manager to amend the Consultant Services Agreement with LPA, Inc., increasing the contract amount by $1,399,985 for the preparation of design documents and associated services relating to the construction of a new Police Operations Building.

12. Extension of Declaration of Local Emergency and Authorizing Remote Meetings (Resolution/Roll Call Vote)
Recommended Action: It is recommended that the City Council adopt a Resolution extending the September 21, 2021 City Council proclamation declaring the existence of a local emergency resulting from community spread of COVID-19 and authorizing remote teleconference meetings of the legislative bodies of the City of Campbell until November 18, 2021.
COUNCIL COMMITTEE REPORTS

13. Council Committee Reports
   Recommended Action: Report on committee assignments and general comments.

ADJOURN

IMPORTANT NOTICE: Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection with the agenda packet in the lobby of City Clerk’s Office, 70 N. First Street, Campbell, CA 95008, during normal business hours. These materials will also be available on the City website at https://www.ci.campbell.ca.us/agendacenter with the agenda packet following the last item of the agenda, subject to staff’s ability to post the documents prior to the meeting. All documents not posted prior to the meeting will be posted the next business day.

In compliance with the Americans with Disabilities Act, listening assistive devices are available for all meetings held in the City Council Chambers. If you require accommodation, please contact the City Clerk’s Office, (408) 866-2117, at least one week in advance of the meeting.
TITLE: 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.

BACKGROUND

National Breast Cancer Awareness Month is an annual campaign to increase awareness, encourage early detection and honor those who have battled this disease. Breast cancer is the second most common cancer in women and an estimated 1 in 8 women will develop breast cancer at some point in their lifetime.

Early detection is the most important strategy for treating breast cancer successfully and this year marks the 30th anniversary of the National Breast and Cervical Cancer Early Detection Program. This program provides free breast and cervical cancer screenings to low-income or uninsured women in every State.

To find out how to get screened through this program, visit: cdc.gov/cancer/nbccedp/screenings.htm.

In addition to the Early Detection Program, the Affordable Care Act (ACA) provided millions of woman access to preventative services, such as screening tests and mammograms with no out-of-pocket costs.

Additional information on breast cancer prevention, screenings, statistics, research, and clinical trials can be found at the National Cancer Institute or by calling 1-800-422-6237.

FISCAL IMPACT

There is no fiscal impact associated with this action.
Prepared by: Andrea Sanders, Deputy City Clerk

Reviewed by: Dusty Christopherson, City Clerk

Approved by: Brian Loventhal, City Manager

Attachment:
   a. Proclamation- National Breast Cancer Awareness Month 2021
PROCLAMATION OF THE
MAYOR OF THE CITY OF CAMPBELL

WHEREAS, National Breast Cancer Awareness Month is an annual campaign to increase awareness and public knowledge about breast cancer, as well as an opportunity to raise funds for research; and

WHEREAS, each year in the United States, over 281,550 women will be diagnosed with breast cancer; and

WHEREAS, this year marks the 30th Anniversary of the National Breast and Cervical Cancer Early Detection Program, which provides free screenings to low-income and uninsured woman in every State; and

WHEREAS, early detection and regular screenings are the most reliable way to detect breast cancer early and treat this disease; and

WHEREAS, we stand with the courageous woman and men who have been diagnosed with breast cancer and applaud the advocates, medical professionals, and caregivers who dedicate their lives to making progress toward cures for this disease.

NOW, THEREFORE, I, Elizabeth “Liz” Gibbons, Mayor of the City of Campbell, do hereby proclaim the month of October 2021, as National Breast Cancer Awareness Month, in the City of Campbell.

WITNESS MY HAND AND SEAL OF THE CITY OF CAMPBELL this 19th day of October 2021.

____________________________
Elizabeth “Liz” Gibbons, Mayor
City of Campbell, California
This Executive Session was conducted pursuant to the Governor’s Executive Order N-29-20.

CALL TO ORDER

The City Council of the City of Campbell convened on the special day of September 29, 2021, via telecommunication.

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<th>Attendee Name</th>
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<tbody>
<tr>
<td>Elizabeth 'Liz' Gibbons</td>
<td>Mayor</td>
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PUBLIC COMMENT

There were no public comments.

A. Personnel

B. Litigation

C. Real Property

D. Labor Negotiations - Pursuant to G.C. Section 54957.6: Conference with Labor Negotiator - Agency Designated Representatives: City Council, City Manager Brian Loventhal

Employee Organizations: Campbell Municipal Employees Association (CMEA); Campbell Police Civilian Employees Association (CPCEA); Campbell Peace Officers’ Association (CPOA); Carpenters; Management Employees; and Confidential Employees

The City Council met in Executive Session to discuss Item D. City Manager Brian Loventhal, City Attorney Bill Seligmann, Acting Human Resources Manager Salina Flores, Finance Director Will Fuentes and attorney Lisa Charbonneau of Liebert Cassidy Whitmore were in attendance.
RECONVEn INTO OPEN SESSION

A. Reportable Actions

There were no reportable actions.

ADJOURNMENT

Council adjourned at approximately 5:51 p.m.

APPROVED:

ATTEST:

_________________________
Elizabeth “Liz” Gibbons, Mayor

_________________________
Dusty Christopherson, City Clerk
This City Council meeting was conducted pursuant to provisions of the Brown Act and Assembly Bill 361.

CALL TO ORDER

The City Council of the City of Campbell convened on the special day of October 5, 2021, via telecommunication.

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PUBLIC COMMENT

There were no public comments.

A. Personnel

B. Litigation – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Paragraph (1) of Subdivision (d) of California Government Code section 54956.9
Name of case: RODONI, NICHOLAS, et al. v. COUNTY OF SANTA CLARA, et al.
U.S. District Court, Northern District of CA
Case No. 5:18-cv-04324-BLF

C. Real Property

D. Labor Negotiations - Pursuant to G.C. Section 54957.6: Conference with Labor Negotiator - Agency Designated Representatives: City Council, City Manager Brian Loventhal
Employee Organizations: Campbell Municipal Employees Association (CMEA); Campbell Police Civilian Employees Association (CPCEA); Campbell Peace Officers’ Association (CPOA); Carpenters; Management Employees; and Confidential Employees
The City Council met in Executive Session to discuss Items B and D. City Manager Brian Loventhal, City Attorney Bill Seligmann, and Finance Director Will Fuentes were in attendance. Police Chief Gary Berg, and attorney Jeffrey Vucinich of Clapp Moroney were in attendance on Item B. Acting Human Resources Manager Salina Flores and attorney Rick Bolanos of Liebert Cassidy Whitmore were in attendance on Item D.

RECONVENE INTO OPEN SESSION

A. Reportable Actions –

There were no reportable actions.

ADJOURNMENT

Council adjourned at approximately 7:13 p.m.

APPROVED:

ATTEST:

__________________________
Elizabeth “Liz” Gibbons, Mayor

__________________________
Dusty Christopherson, City Clerk
This City Council meeting was conducted pursuant to provisions of the Brown Act and Assembly Bill 361.

This meeting was recorded and can be viewed in its entirety at: https://campbellca.gov/agendacenter and https://www.youtube.com/user/CityofCampbell.

CALL TO ORDER

The City Council of the City of Campbell convened on the regularly scheduled day of October 5, 2021, via telecommunication.

Mayor Gibbons stated that this City Council meeting was conducted pursuant to provisions of the Brown Act and Assembly Bill 361 allowing a virtual meeting process for local jurisdictions under a declared state of emergency.

ROLL CALL

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PLEDGE OF ALLEGIANCE

Mariana Faerron, Chief Executive Officer of Tico Coffee Roasters in Campbell lead the Pledge of Allegiance on behalf of the Latin Community in recognition of Hispanic Heritage Month.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. **Proclaiming Hispanic Heritage Month in the City of Campbell**

   Recommended Action: That the City Council proclaim September 15 through October 15, 2021, as “Hispanic Heritage Month” in the City of Campbell.

   Mayor Gibbons acknowledged the month of October 2021 as Hispanic Heritage Month in the City of Campbell, recognizing and celebrating the histories, cultures
and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean and Central and South America.

Ms. Faerron expressed appreciation to Council for the invitation to recite the Pledge of Allegiance and stated she is happy to be part of the Campbell business community which is diverse, respectful and beautiful, and she is looking forward to further contributing to the community.

Councilmembers expressed appreciation to Ms. Faerron for representing Campbell’s Hispanic Heritage and business community.

2. **Presentation by the Youth Commission Relating to their 2021-2022 Work Plan Goals**

   **Recommended Action:** That the City Council receive a presentation from the Youth Commission on their 2021-2022 work plan being implemented in the upcoming year and provide feedback.

   Recreation Specialist Julie Pieracci, introduced Youth Commission Co-Chair’s Amelie Arango and Emily Tovar to present their 2021-2022 Work Plan Goals.

   Ms. Arango and Ms. Tovar reviewed the Youth Commission’s 2021-2022 Work Plan Goals including activities that will support community building and wellness, support health and wellness programs for teens, support academic, college, and career aspirations, raise awareness of social justice issues, and promote local community and city government involvement for teens.

   Councilmembers thanked the Youth Commission for the presentation and are excited about the events and volunteer work the Commission has planned for the upcoming year. Councilmembers congratulated the Youth Commission on their recent Helen Putnam Award for their Pizza & Politics political forum for teens event held in 2020, which was a collaboration with the Cities of Cupertino and Saratoga.

**COMMUNICATIONS AND PETITIONS**

There were no communications and petitions.

**ORAL REQUESTS**

Tommy Miller, City of Campbell Employee, spoke of his concerns relating to the current year salary and benefit negotiations with the Northern California Carpenters Regional Council and does not feel that the offers made thus far have been fair and equitable stating that employees have given many years of service and for the first time, do not feel the City is recognizing their service.

Cathy Faulkner, Campbell Resident, urged the City to not remove the redwood tree on Harriet Avenue for the sidewalk improvement project noting the tree is close to 150
years old, robust and healthy looking, adds a calming affect for residents, cleans the air, and is host to many animals.

Mayor Gibbons requested City Staff to respond to Ms. Faulkner's concerns.

COUNCIL ANNOUNCEMENTS

COVID-19 Pfizer Booster shots are now available for eligible individuals in Santa Clara County for those who received initial Pfizer vaccination shots at least six months ago. While appointments are required for San Jose and surrounding locations, drop-in appointments are available at the DePaul Health Center in Morgan Hill. In addition, many doctors’ offices and pharmacies are now offering COVID-19 boosters. For location information or to schedule an appointment, please visit www.sccfreevax.org.

California COVID-19 rent relief applications are still available. Apply today to reduce your risk of eviction. The California COVID-19 rent relief program helps income eligible households with rent and utilities. There are also resources for landlords and homeowners. To find out more about this program, please visit https://housing.ca.gov.

October 10 is World Mental Health Day. In any given year, one in five people in the US will experience a mental health issue. If you are feeling anxious or depressed, reach out for help. You can find resources at www.mentalhealth.gov and www.nami.org. Consider setting up the NotOK app for help now, or if you feel you’re in crisis, call the National Suicide Prevention Lifeline at 800-273-8255.

The City Clerk’s Office is accepting applications for the Historic Preservation Board and the Rental Increase Fact Finding Committee. To find out more about these Boards and Committees, and when the applications are due, please contact the City Clerk’s Office at 408-866-2117, or visit the city’s website at www.campbellca.gov/boardsandcommissions.

Fall Garden Concert Series starts on Sunday, October 17, 2021 at 2:00 PM with Gypsy Swing and Jazz. Tickets are available at www.campbellmuseums.com.

The Campbell Historical Museum & Ainsley House offers many opportunities for volunteers and interns. Individuals interested in history, decorative arts, historic gardens, or historic preservation will find volunteering an exciting way to help the Museum and meet new people. For more information, please visit www.campbellmuseums.com.

All Santa Clara County Library locations will be closed Monday, October 11, 2021, for Indigenous Peoples’ Day. Book drops will be available for returns.

There are two new Storywalks (“I Spy Treasure Hunts” and “From Head to Toe”). One is located near the pool and the other near the athletic field at the Campbell Community Center. Children follow and read the pages from these books as they are guided to the library entrance. There are also new colorful flags around the Community Center and at the Winchester Blvd. entrance to highlight the library’s location. For more information about the library, please visit www.Sccl.org.
CONSENT CALENDAR

Mayor Gibbons asked if there was anyone who wished to pull an item off the Consent Calendar.

The Consent Calendar was considered as follows:

3. Minutes of City Council Executive Session Meeting of September 20, 2021
   Recommended Action: Approve the Executive Session meeting minutes of September 20, 2021.
   This action approves the City Council Executive Session meeting minutes of September 20, 2021.

4. Minutes of City Council Study Session Meeting of September 21, 2021
   Recommended Action: Approve the Study Session meeting minutes of September 21, 2021.
   This action approves the Study Session meeting minutes of September 21, 2021.

5. Minutes of City Council Regular Meeting of September 21, 2021
   Recommended Action: Approve the Regular Meeting minutes of September 21, 2021.
   This action approves the Regular Meeting minutes of September 21, 2021.

6. Approving Bills and Claims.
   Recommended Action: Approve the bills and claims in the amount of $3,246,007.46.
   This action approves the bills and claims in the amount of $3,246,007.46 as follows: payroll checks dated September 2, 2021, in the amount of $42,119.95; bills and claims checks dated September 6, 2021, in the amount of $3,038,985.09; and bills and claims checks dated September 13, 2021, in the amount of $164,902.42.

7. Adopt a Resolution to Approve the Side Letter to Memorandum of Understanding with the Campbell Police Officers Association (CPOA) (Resolution/Roll Call Vote)
   Recommended Action: It is recommended that the City Council adopt a Resolution approving the side letter to the Memorandum of Understanding (MOU) with the Campbell Police Officers Association (CPOA).
   Resolution 12768 approves the Side Letter to Memorandum of Understanding (MOU) with the Campbell Police Officers Association (CPCEA).

8. Adopt a Resolution to Approve the Side Letter to Memorandum of Understanding with the Campbell Municipal Employees Association (CMEA) (Resolution/Roll Call Vote)
Recommended Action: It is recommended that the City Council adopt a Resolution approving the side letter to the Memorandum of Understanding (MOU) with the Campbell Municipal Employees Association (CMEA). Resolution 12769 approves the Side Letter to Memorandum of Understanding (MOU) with the Campbell Municipal Employees Association (CMEA).

M/S: Landry/Bybee – That the City Council approve the Consent Calendar. The motion was adopted by the following roll call vote:

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<tr>
<td>SECONDER:</td>
<td>Bybee</td>
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<tr>
<td>AYES:</td>
<td>Bybee, Gibbons, Landry, Lopez, Resnikoff</td>
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City Council took a short recess at 7:54 PM and resumed the meeting at 8:00 PM with all members present.

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

9. Receive Input from the Community on Redistricting of City Council District Boundaries. (Time Certain 8:00 PM)

Recommended Action: Receive input from the Community on the Redistricting of City Council district boundaries and provide any necessary feedback and direction to Staff.

This is the time and place for a public hearing to receive input from the Community on the redistricting of City Council district boundaries.

City Clerk Christopherson reviewed the Staff Report dated October 5, 2021 and provided a brief background on the redistricting process noting that this meeting represents the second public hearing in the redistricting process and its purpose is to update the community and to receive feedback about what neighborhoods and/or communities of interest should be taken into consideration while creating district boundaries.

City Clerk Christopherson noted that formal public hearing notices were published and circulated in English and Spanish and social media posts were made using fun colorful graphics. The City Clerk’s Office hosted an informational table at the Farmer’s Market on Sunday, September 26th and answered questions from the community. City Clerk Christopherson noted the desk item issued prior to the meeting which included all written public comments received through the use of the Community of Interest Worksheet.

Dr. Jeff Tilton, Senior Consultant, National Demographics Corporation (NDC) noted that the State has finalized its population data after necessary adjustments for prison populations and NDC is working to review that data and import it into the online mapping tool for the City’s use. This effort is estimated to take 2 – 3 weeks. Following this process, the data will be available for map drawing by the
Community. The first time City Council will review submitted maps is at their February 1, 2022 City Council meeting. Dr. Tilton reviewed the federal and state rules and goals for drawing draft district maps noting that each district must be nearly equal in population (+/- 10%), geographically contiguous, have easily identifiable boundaries and be compact.

In response to inquiries, Dr. Tilton stated that a preliminary review of the data shows a population increase in the City of Campbell of approximately 4%. Going from 39,349 in 2010 to 44,427 in 2020. If the final population changes do not push any one district out of a 10% difference from another, then no boundary changes will be required by law.

Mayor Gibbons opened the public hearing, there being no speakers, the public hearing was closed.

Following discussions relating to the desire to maintain district boundary lines whenever possible, to not disenfranchise voters, Council confirmed consensus and directed Staff to return with complete population counts for further analysis of district boundary lines and for a review of the outreach plan.

**NEW BUSINESS**

10. Approval of Resolutions Amending Compensation and Benefits for the Confidential, Management, and Unclassified Employee Groups (Resolution/Roll Call Vote)

**Recommended Action:** That the City Council adopt Resolutions amending compensation and benefits for Confidential, Management, and Unclassified employees.

City Manager Brian Loventhal introduced the item and noted that these resolutions are the same as what was adopted under the Consent Calendar for the other employee groups in the City, however in compliance with State Law, any items addressing department head salaries must be done in an open public meeting and not under consent. The Unclassified Employee Group includes department head level employees.

Mayor Gibbons opened the public comment period and asked if anyone wished to speak, there being no speakers, the public comment period was closed.

**M/S: Landry/Lopez** – That the City Council adopt Resolution 12770 amending compensation and benefits for Management employees, Resolution 12771 amending compensation and benefits for Confidential employees and Resolution 12772 amending compensation and benefits for Unclassified employees, including the Desk Item. The motion was adopted by the following roll call vote:

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<td>MOVER:</td>
<td>Landry</td>
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11. **Authorization to Resubmit One Bay Area Grant (OBAG) Application**

   **Recommended Action:** That the City Council adopt a Resolution authorizing the Public Works Director to resubmit the One Bay Area Grant (OBAG) Program Application for Congestion Mitigation and Air Quality Improvement (CMAQ) funds for the Campbell Priority Development Area (PDA) Enhancements Project.

   Public Works Director Todd Capurso introduced Traffic Engineer Matthew Jue.

   Traffic Engineer Jue reviewed the Staff Report dated October 5, 2021 stating that the City initially applied for the One Bay Area Grant (OBAG) in 2016 and was not awarded funds, and since that time Valley Transportation Authority (VTA) staff reached out to the City notifying us that there were remaining funds available for the grant opportunity and asked if the City would be interested in reapplying. VTA has added some additional constraints to the grant funds notably the deadline and funds must be assigned by January 31, 2022.

   Traffic Engineer Jue explained that both City Staff and VTA Staff have reviewed the original project plans and are recommending modifications to better fit the City’s current needs and grant opportunity requirements. With modifications to the project requests, the City is better positioned to reapply for grant funds for the design phase only of the needed street repair work which is mainly focused on Civic Center Drive, First Street, Second Street, and Third Street. There is a 12% local match requirement, which would be approximately $100,000. Staff is recommending using the City’s Vehicle Impact Fees for these matching funds. Staff feels this new project scope and updated design work, places the City in a better position when the next round of VTA funding is available. At which time the City can apply for additional construction funds for the identified projects.

   Public Works Director Capurso noted the traffic, safety, and Americans with Disability Act (ADA) concerns of the new project focus area and feels this design work will also help to address the concerns expressed about this section of roadway during the Library building discussions.

   Public Works Director Capurso acknowledged Traffic Engineer Jue for his collaborative work with VTA on this project and thanked him for his dedication and professionalism.

   In response to an inquiry relating to bike lanes, Public Works Director Capurso stated that Civic Center Drive does not currently have the width necessary to accommodate the addition of bike lanes, without doing a lane reduction, removing parking or the bulb outs, which is not currently in the design plans. Mayor Gibbons opened the public comment period and asked if anyone wished to speak, there being no speakers, the public comment period was closed.
Councilwoman Landry expressed disappointment with not bringing the consideration of bike lanes to Council for further discussion and modification as necessary.

In response to inquiries, Director Capurso stated that receipt of this grant funding will help to expedite this project by about 5 years, and obtaining this grant funding now for the design work will place the City in a better position to be awarded the construction funds in the next grant funding cycle.

Councilmember Lopez expressed support for this project stating that although the design work does seem a bit expensive, Staff was creative in their problem solving efforts and collaboration with VTA. Councilmember Lopez stated that in the future, when looking at Capital Improvement Projects, he would like to see equal priority given across the City and not just in the Downtown area.

M/S: Bybee/Landry – That the City Council adopt Resolution 12773 authorizing the Public Works Director to resubmit the One Bay Area Grant (OBAG) Program Application for Congestion Mitigation and Air Quality Improvement (CMAQ) funds for the Campbell Priority Development Area (PDA) Enhancements Project. The motion was adopted by the following roll call vote:

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</tr>
<tr>
<td>SECONDER:</td>
<td>Landry</td>
</tr>
<tr>
<td>AYES:</td>
<td>Bybee, Gibbons, Landry, Lopez, Resnikoff</td>
</tr>
</tbody>
</table>

UNFINISHED BUSINESS
There was no unfinished business.

COUNCIL COMMITTEE REPORTS

14. Council Committee Reports

Recommended Action: Report on committee assignments and general comments.

Councilmember Bybee had no report.

Councilwoman Landry reported that the Recycle and Waste Reduction Committee received an update from the League of California Cities on Senate Bill 1383.

Councilmember Lopez reported on his attendance at the League of California Cities Annual Conference held in late September and noted that there were two proposals submitted for consideration and both passed, although he voted in opposition. The proposals were changed fairly significantly and may come back for further consideration in the future. The conference also included a segment on the 2020 Federal Census and noted that although California did lose a
congressional seat, the outreach efforts undertaken were successful and the turnout is proving better than anticipated.

Vice Mayor Resnikoff reported on his attendance at the Silicon Valley Animal Control Authority Board noting the successes of the organization of a 98% return rate and are a no kill shelter.

Mayor Gibbons reported that she will be attending the Association of Bay Area Governments meeting on October 21 where they will vote on the Plan 2050. She attended the Campbell Historical and Ainsley Board meeting and noted the need for volunteers to help decorate for the holidays. She attended the West Valley Mayor and Managers meeting and learned about a license plate reading program in the Town of Los Gatos, met with Supervisor Ellenberg relating to Measure A and Project Housekeys funding; attended the Los Altos Community Center Grand Opening which is a 100% electric building which is the first for a public building in our County.

ADJOURN

Mayor Gibbons adjourned the meeting at 9:08 p.m.

APPROVED:

ATTEST:

Elizabeth 'Liz' Gibbons, Mayor

Dusty Christopherson, City Clerk
TITLE: Approving Bills and Claims

RECOMMENDED ACTION

Approve the bills and claims in the amount of $1,855,722.37.

DISCUSSION

The bills and claims that have been audited and approved by staff for payments made as noted below:

<table>
<thead>
<tr>
<th>Type</th>
<th>Check Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payroll</td>
<td>September 16, 2021</td>
<td>$70,885.59</td>
</tr>
<tr>
<td>Bills &amp; Claims</td>
<td>September 20, 2021</td>
<td>$1,237,081.06</td>
</tr>
<tr>
<td>Bills &amp; Claims</td>
<td>September 27, 2021</td>
<td>$547,755.72</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$1,855,722.37</strong></td>
</tr>
</tbody>
</table>

FISCAL IMPACT

Requested action does not require a budget adjustment. Adequate funding was available to cover all expenses as listed.

Prepared by:  
Roberto Garcia-Acosta, Accounting Clerk II

Reviewed by:  
Norite Vong, Finance Manager
Approved by: Brian Loventhal, City Manager
TITLE: Monthly Investment Transactions Report

RECOMMENDED ACTION

It is recommended that the City Council review and accept the Monthly Investment Transactions Report for the Period of July 1, 2021 to September 30, 2021.

BACKGROUND

On August 17, 2021, the City Council approved the Fiscal Year (FY) 2021-22 City of Campbell Investment Policy Update. Included as part of the updated policy was the addition of Monthly Investment Transaction Reports. As required by California Government Code (GC) Section 53607, staff will begin to submit to Council Monthly Investment Transaction Reports within 45 days of the prior month end that show a listing of investments purchased, sold, called, or that have reached maturity, along with any Local Agency Investment Fund (LAIF) transfers. This will be in addition to the Quarterly Investment Report, which shows a number of other items listed under Section VII.A of the City’s Investment Policy and has been historically prepared by staff and submitted to Council within 30 days from the end of the prior quarter.

DISCUSSION

This is the first Monthly Investment Transaction Report submitted by staff to adhere to the new Investment Policy requirement shown under Section VII.B (Monitoring and Reporting). It covers the three-month period of July 1 to September 30, 2021 so as to catch up for the fiscal year. The next Monthly Investment Transaction Report for October 2021 will be submitted to Council at the December 7 regular meeting (within 45 days of the prior month end at the first available Council meeting). Additionally, the Quarterly Investment Report for the period ending September 30, 2021 will be submitted to Council at the November 2 regular meeting (within 30 days from the end of the prior quarter at the first available Council meeting).

As shown in Attachment A, staff withdrew various amounts from the City’s Local Agency Investment Fund (LAIF) account from July 1 to September 30, 2021 to support ongoing operating expenses as well as scheduled debt service payments and investment purchases. Withdrawals totaling $15.30 million were offset by deposits and interest earnings of $4.24 million; thereby resulting in a net reduction to the City’s LAIF account balance of $11.06 million. Such a large reduction to the City’s primary liquidity
account during this time period is a normal occurrence every year since Property Taxes and other large seasonal revenue sources aren’t received by the City until later in the fiscal year. Staff expects that the drawdown during this period will be largely offset by deposits into LAIF over the next several months as taxes and other revenue sources are received.

In addition to LAIF transactions, Attachment A also shows the purchase of three (3) Federal Home Loan Bank (FHLB) Agency Notes with varying maturity terms and rates of return. Since the start of the COVID-19 pandemic, staff has largely held off on purchasing new long-term investments so as to maintain sufficient liquidity necessary to support ongoing City operations during a time of economic uncertainty. However, consistent with the recommended FY 2021-22 Investment Strategy accepted by Council on August 17, 2021, staff has revised this approach in the current fiscal year and started to look for longer-term investment opportunities outside of LAIF; thereby providing a higher, yet still safe return consistent with the City’s Investment Policy. With the pandemic being brought under better control and the current LAIF investment rate being quite low at 0.221%, staff believes that this is a fiscally prudent approach and will continue to look for attractive and appropriate longer-term investment opportunities throughout FY 2021-22; contingent on a continued positive economic trend and stabilization of the pandemic’s negative impacts. Please note that all three (3) investment purchases made since July 1, 2021 adhere to the City’s Investment Policy.

FISCAL IMPACT

There is no fiscal impact associated with reviewing and accepting the Monthly Investment Transactions Report.

Prepared by:  
Will Fuentes, Finance Director

Approved by:  
Brian Loventhal, City Manager

Attachment:
## CITY OF CAMPBELL
### Monthly Investment Transactions Report
#### July 1 to September 30, 2021

<table>
<thead>
<tr>
<th>Account</th>
<th>Trans. Date</th>
<th>Jul 2021</th>
<th>Aug 2021</th>
<th>Sep 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAIF - ******137</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Average Monthly Yield</strong></td>
<td></td>
<td>0.221%</td>
<td>0.221%</td>
<td>0.206%</td>
</tr>
<tr>
<td><strong>Beginning Balance</strong></td>
<td></td>
<td>$52,923,423</td>
<td>$49,363,905</td>
<td>$47,463,905</td>
</tr>
</tbody>
</table>

**Transactions**

- Withdrawal 07/06/2021 (200,000)
- Withdrawal 07/07/2021 (700,000)
- Withdrawal 07/09/2021 (800,000)
- Deposit 07/14/2021 2,100,000
- Interest Earnings 07/15/2021 40,482
- Deposit 07/15/2021 2,100,000
- Withdrawal 07/20/2021 (1,500,000)
- Withdrawal 07/28/2021 (4,600,000)
- Withdrawal 08/12/2021 (900,000)
- Withdrawal 08/17/2021 (1,000,000)
- Withdrawal 09/03/2021 (1,300,000)
- Withdrawal 09/14/2021 (3,300,000)
- Withdrawal 09/23/2021 (1,000,000)
- **Monthly Total** (3,559,518) (1,900,000) (5,600,000)

| Ending Balance               | $49,363,905 | $47,463,905 | $41,863,905 |

<table>
<thead>
<tr>
<th>Account</th>
<th>Trans. Date</th>
<th>Jul 2021</th>
<th>Aug 2021</th>
<th>Sep 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank of New York (BNY) - ******818</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Beginning Balance</strong></td>
<td></td>
<td>$4,000,000</td>
<td>$5,000,000</td>
<td>$5,000,000</td>
</tr>
</tbody>
</table>

**Transactions**

- Invest. Purchase - FHLB (0.70% Yield; 3.50 Yrs) 07/22/2021 1,000,000
- Invest. Purchase - FHLB (0.80% Yield; 4.00 Yrs) 09/17/2021 1,000,000
- Invest. Purchase - FHLB (0.65% Yield; 3.50 Yrs) 09/21/2021 1,000,000
- **Monthly Total** 1,000,000 - 2,000,000

| Ending Balance               | $5,000,000 | $5,000,000 | $7,000,000 |
TITLE: Commending Mario Ramos Upon His Retirement After 20 Years of Service with the City of Campbell

RECOMMENDED ACTION

It is recommended that the City Council adopt a Resolution commending Mario Ramos for twenty years of outstanding service to the City of Campbell.

DISCUSSION

Mario Ramos began his career with the City of Campbell as a Mechanic I in the Public Works Department on October 22, 2001. In 2007 he was promoted to Mechanic II, and in 2009, Mario became Supervisor of the City’s Fleet Maintenance Section.

Throughout his career, Mario not only managed the day-to-day maintenance activities of the City’s fleet and equipment operations, but he also assisted in researching and acquiring new technologies and software to better manage and monitor vehicle usage and costs. Ultimately, these updates and improvements better served staff and the City in a variety of ways that contributed towards reduced costs and efficient operations.

Mario has been responsible for ensuring vehicle safety and compliance with air quality standards and regulations. His involvement with construction projects resulted in improvements to the City’s Service Center infrastructure, including the installation of new gas pumps at both the Service Center and the Police Department vehicle lots.

Over the years, Mario has demonstrated a high regard for the service and safety of Campbell staff and has been a valued and contributing member of the Department’s leadership team, representing the Maintenance Division.

Mario Ramos retires from the City of Campbell on October 14, 2021. It is now appropriate for the City to recognize Mario for his twenty years of dedicated, professional, and valuable service to the Campbell community and for the City Council to adopt a resolution commending Mario for his service to the City.
Commending Mario Ramos for 20 Years of Service with the City of Campbell Upon His Retirement

Prepared by:  
Alex Mordwinow, Public Works  
Superintendent

Reviewed by:  
Todd Capurso, Director of Public Works

Approved by:  
Brian Loventhal, City Manager

Attachment:  
a. Resolution
RESOLUTION NO. ________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
COMMENDING MARIO RAMOS UPON HIS RETIREMENT AFTER 20 YEARS OF
SERVICE TO THE CITY OF CAMPBELL

WHEREAS, Mario Ramos began his career with the City of Campbell on October 22, 2001 as a Mechanic I in the Public Works Department, he was then promoted to Equipment Maintenance Supervisor in 2009; and

WHEREAS, Mario has been a Supervisor for the Fleet Maintenance Section of the Public Works Department and has brought a unique set of experience and perspective to his position; and

WHEREAS, Mario has been a valuable and contributing member of the Public Works Leadership team and has provided expertise in the management of Vehicles and Equipment; and

WHEREAS, Mario has implemented new technologies and software in an effort to better manage and monitor vehicle usage and costs; and

WHEREAS, Mario has ensured that the City’s fleet operates in a safe manner and meets all air quality standards and regulations; and

WHEREAS, Mario has continuously provided excellent customer service to City staff; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Campbell does hereby express its appreciation to Mario Ramos for twenty years of dedicated, professional, and valuable service and best wishes for a fulfilling retirement.

PASSED AND ADOPTED this _____ day of _____________ 2021, by the following roll call vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

APPROVED:

ATTEST: Elizabeth “Liz” Gibbons, Mayor

Dusty Christopherson, City Clerk
TITLE: Commending Sheila Broderick Upon Her Retirement After 35 Years of Service with the City of Campbell (Resolution/Roll Call Vote)

RECOMMENDED ACTION

It is recommended that the City Council adopt a Resolution commending Sheila Broderick upon her retirement after 35 years of outstanding service with the City of Campbell.

BACKGROUND

Communications Dispatcher Sheila Broderick retired from the City of Campbell Police Department on September 23, 2021. She started her career in August of 1986 as a police and fire dispatcher for the City. Sheila is the last dispatcher who worked in the center when they were still responsible for fire dispatching duties.

During Sheila’s time with the department, she served as a tactical dispatcher, communications training office, and was also an active member of the Peer Support Team. Sheila was Dispatcher of the Year several times and she authored and kept up to date our internal training materials.

Sheila was a dedicated employee who always went above and beyond in her duties to ensure the safety of the officers and citizens. She was excellent at anticipating the needs of field units and at being the calm voice at the other end of the phone for reporting parties.

DISCUSSION

Given the contributions she has made over the years, it would be appropriate for the City Council to adopt a Resolution commending Sheila for her outstanding service to the Campbell Police Department.

FISCAL IMPACT

There is no fiscal impact associated with this action.
Prepared by: Andrea Atkinson, Support Services Manager

Reviewed by: Gary Berg, Police Chief

Approved by: Brian Loventhal, City Manager

Attachment:
   a. Broderick Resolution
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
COMMENDING SHEILA BRODERICK UPON HER RETIREMENT AFTER 35 YEARS OF
SERVICE TO THE CITY OF CAMPBELL

WHEREAS, Communications Dispatcher Sheila Broderick started her career with the Campbell Police Department in 1986; and

WHEREAS, Communications Dispatcher Sheila Broderick served as a tactical dispatcher, communications training officer, and peer support team member; and

WHEREAS, Communications Dispatcher Sheila Broderick authored the current communications training manual; and

WHEREAS, Communications Dispatcher Sheila Broderick always went above and beyond to ensure the safety of the officers and citizens of Campbell.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Campbell does hereby recognize and commend Communications Dispatcher Sheila Broderick upon her retirement from the City of Campbell after more than 35 years of service.

PASSED AND ADOPTED this _____ day of _____________ 2021 by the following roll call vote:

AYES: Councilmembers
NOES: Councilmembers
ABSENT: Councilmembers

APPROVED:

________________________
Elizabeth “Liz” Gibbons, Mayor

ATTEST:

____________________
Dusty Christopherson, City Clerk
TITLE: Introduction of Ordinance Amending Section 6.10.020 and Replacing Chapter 6.04 of the City of Campbell Municipal Code to Implement Senate Bill (SB) 1383 Discarded Materials and Excluded Waste Management Requirements (Ordinance/Roll Call Vote)

RECOMMENDED ACTION

It is recommended that the City Council amend Section 6.10.020 and replace Chapter 6.04 of the City’s Municipal Code implementing new State legislative requirements for discarded materials and excluded waste.

BACKGROUND

On November 20, 2016, Governor Jerry Brown signed Senate Bill (SB) 1383, with regulations being finalized in November 2020. SB 1383 refers to regulations specific to California with the goal of reducing methane emissions. To reach this goal, the California Department of Resources Recycling and Recovery (CalRecycle) implemented initiatives to reduce the amount of solid waste sent to landfills and promote recycling in California, including organic waste recycling. The focus of the new law is on residential and commercial trash generators, with both performance targets and penalties levied against the jurisdiction for non-compliance.

For the City, trash collections and recycling are managed by the West Valley Solid Waste Management Authority (WVSWMA) where Vice Mayor Resnikoff has represented the City since 2015. SB 1383 has been discussed by the Authority (and participating agencies) for several years in the context of ongoing and future operations. On March 16, 2021, the Authority Executive Director, Marva Sheehan, provided Council with a SB 1383 implementation update.

DISCUSSION

City staff are working closely with the Authority and Authority Board on SB 1383 progress and program implementation. SB 1383 requires the implementation of discarded material requirements and the ability to enforce such requirements through implemented ordinances and policies no later than January 1, 2022.
Section 6.10.020 of the City’s municipal code defines and provides examples of nuisance conditions applicable for administrative citations and penalties. The amendment to section 6.10.020 of the municipal code adds several sections from chapter 6.04 to the list of applicable sections for administering citations and penalties.

The Ordinance replacement of chapter 6.04 includes SB 1383 single-family, commercial, and multi-family requirements, waiver requirements, edible food generator and edible food recovery requirements, hauler and facility operator requirements, and inspections and enforcement requirements. Below are summaries of chapter 6.04 sections with the incorporated SB 1383 regulations.

**Single-family, commercial, and multi-family requirements drafted in sections 6.04.200 and 6.04.210:**

- Generators of discarded materials shall participate in the franchised haulers collection services;

- Containers for discarded waste must adequately provide collection for separation of discarded materials through size, service rate, and designated container colors (e.g., solid waste containers must have a black body or lid, recycling containers must have a blue body or lid, and organic containers must have a green body or lid);

- Generators shall not place prohibited container contaminants in collection containers. For example, generators shall not place materials designated for the solid waste container into either the recyclable or organic materials container;

- Commercial businesses and multi-family residential dwellings shall provide educational information to occupants regarding the new regulations; and

- Commercial businesses shall provide containers for the collection of recyclable and organic materials in all indoor and outdoor areas that solid waste is collected.

**Waiver requirements drafted in section 6.04.220:**

- The City or Authority may waive a commercial business’ or multi-family residential dwellings’ obligations to the Ordinance if the generator generates below a certain amount of discarded materials, or the premises lacks adequate space for the collection containers required for compliance.

**Edible food generator and food recovery requirements drafted in sections 6.04.230 and 6.04.240:**

All Santa Clara County jurisdictions have worked cohesively to create uniform edible food generator sections in the Ordinance. It is beneficial to maintain the uniform Ordinance sections due to the countywide operating nature of food generators and food recovery organizations and services.
• Recover edible food that would otherwise be disposed;
• Arrange agreement with a food recovery organization or food recovery services to collect and accept edible food;
• Keep records of the recovery organization and services that are used, and the quantity of edible food saved from the landfill; and
• Submit food recovery reports to the designated enforcement entity.

**Hauler and facility operator requirements drafted in section 6.04.250:**

SB 1383 hauler requirements have been incorporated in the current franchise agreement between West Valley Collection & Recycling and the Authority.

• Hauler shall transport recyclable, organic, and solid waste materials to facilities approved by the Authority through the franchise agreement; and
• Hauler shall comply with education, equipment, signage, container labeling and color, contamination monitoring, reporting, and other requirements contained within its franchise agreement.

**Inspection and enforcement requirements drafted in sections 6.04.270 and 6.04.280:**

Due to the nature of franchise agreements and countywide programs, the act of inspections and enforcement within the Ordinance vary by enforcement entity (City, Authority, exclusive haulers, and the administrators of the countywide edible food generator and recovery program).

• To confirm compliance and enforcement of the regulations, the enforcement entity is authorized to conduct inspection and investigations of any collection of discarded materials collected from entities regulated by the applicable laws;
• Regulated entities shall provide or arrange for access during inspections and route reviews. This section does not allow the enforcement entity to enter the interior of a private residential property for inspection;
• Violation of the Ordinance shall constitute grounds for issuance of a notice of violation and assessment of a fine; and
• Penalty amounts and appeals process carried out by the City will follow municipal code chapter 6.10.

**FISCAL IMPACT**

The introduction and adoption of this Ordinance will have no direct fiscal impact on the City. The overall implementation of SB 1383 will cause increased costs for the waste
hauler, the West Valley Solid Waste Management Authority, and the City. Solid Waste collection rate increases have occurred and are expected to increase over a period of several years. Cost impacts will be discussed during the quarterly Authority Board Meetings. If necessary, additional rate increases will be considered by the Authority Board in May 2022.

Prepared by:  
Peri Newby, Environmental Program Specialist

Reviewed by:  
Todd Capurso, Director of Public Works

Approved by:  
Brian Loventhal, City Manager

Attachment:
  a. Section 6.10.020 and Chapter 6.04 SB 1383 Clean Ordinance
  b. Section 6.10.020 and Chapter 6.04 SB 1383 Ordinance Mark-up
  c. Proof of Publication
ORDINANCE NO. _________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL AMENDING SECTION 6.10.020 AND REPLACING CHAPTER 6.04 OF THE CITY OF CAMPBELL MUNICIPAL CODE TO IMPLEMENT SB 1383 DISCARDED MATERIALS AND EXCLUDED WASTE MANAGEMENT REQUIREMENTS

THE CITY COUNCIL OF THE CITY OF CAMPBELL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE: Section 6.10.020 of the Campbell Municipal Code is hereby amended to read as follow:

6.10.020 Nuisance conditions

(a) It is declared a public nuisance for any premises in the city to be maintained in such manner so as to be injurious to the health, or to be indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or for anyone to cause, or engage in any conduct that is injurious to the health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. Such public nuisances shall include, but are not limited to:

(1) Overgrown, dead, decayed or diseased trees, weeds and other vegetation that:

   (A) Is likely to harbor rats, vermin, and other similar nuisances,
   (B) Constitutes a fire hazard or a condition dangerous to the public health, safety and general welfare, or
   (C) Constitutes an unsightly appearance or otherwise detracts from the aesthetic or property values of the neighboring properties;

(2) The presence or accumulation on a premises of any of the following for a period exceeding two weeks, except when the premises have been approved for such storage use under the laws and regulations of the city:

   (A) Debris, rubbish, scrap materials and trash,
   (B) Broken or discarded household furnishings, appliances, boxes and cartons and similar materials,
   (C) An area exceeding one hundred square feet containing lumber and building materials not being used for construction on the premises,
   (D) Vehicle parts and tires, or
   (E) Construction equipment and machinery except when in use for construction on the premises;
(3) Objects including, but not limited to, unprotected and/or hazardous pools, ponds, ice boxes, refrigerators, or excavations that tend to attract children or other curious individuals, and which present a threat to the health, safety or welfare of such individuals;

(4) Structures or buildings, both permanent and temporary, or other lot improvements, which are subject to any of the following conditions:

(A) Are structurally unsafe, either entirely or in part,
(B) Constitute a fire hazard,
(C) A building or structure which is not completed within a reasonable time or for which the permit for such construction has expired,
(D) Unoccupied buildings which have been left unlocked or otherwise open or unsecured from intrusion by persons, animals or the elements,
(E) A building that has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated that it is structurally unsafe or otherwise unfit for human habitation,
(F) Have faulty weather protection including, but not limited to, crumbling, cracked, missing, broken, or loose exterior plaster or other siding, roofs, foundations or floors (including lack of paint or other protective finish), missing windows or doors,
(G) Fences and walls which are in a hazardous condition, or
(H) Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief;

(5) Maintenance of premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use, or property values of such adjacent properties, as determined by an enforcement officer;

(6) Nuisance activity, or real property that has been the situs for nuisance activity including, but not limited to:

(A) Disturbing the peace,
(B) Illegal drug activity,
(C) Public drunkenness,
(D) Drinking alcoholic beverages in public,
(E) Harassment of passersby,
(F) Illegal gambling,
(G) Prostitution,
(H) The sale of stolen goods,
(I) Acts of violence,
(J) Public urination or defecation,
(K) Acts of vandalism,
(L) Acts of lewd conduct,
(M) Unreasonably loud noise,
(N) Loitering,
(O) Excessive littering,
(Q) A violation of any of the provisions of Campbell Municipal Code Chapters 5.24, 5.28, 5.29, 5.30, 5.36, 5.48, 5.58, 6.11, 6.20, 6.30, 6.40, 8.34, 8.38, 8.40, 8.42, 11.04, 11.08, 11.12, 11.16, 11.32, 13.04, or 14.02,
(R) A violation of any of the provisions of Campbell Municipal Code Titles 7, 14, 17 or 18,
(S) A violation of any of the provisions of Campbell Municipal Code Title 21, or any use of real property for a purpose or in a manner other than approved under the provisions of Title 21,
(T) The use or maintenance of property in a manner contrary to a court order or judgment in an action in which the City is a party, regarding the use or maintenance of the property,
(U) Any condition that would constitute a nuisance pursuant to Chapter 10.44 of the Campbell Municipal Code.

(7) Placing any encroachment upon or obstruction in or to any sidewalks, street, alley, lane, court, park, or other public place without the approval of the city;
(8) Obstructing the free passage or use, in the customary manner, of any sidewalk, public park, square, street, or highway; or
(9) The maintenance or use of property in the city in a manner that violates, or real property that has been the situs of a violation of, any provision of any state or federal law or regulation.

(b) Nothing contained in this chapter shall prohibit persons from participating in any activity which the city is precluded from proscribing under the United States Constitution or the California Constitution.

SECTION TWO: Chapter 6.04 of the Campbell Municipal Code is hereby replaced to read as follow:

Chapter 6.04 – DISCARDED MATERIALS AND EXCLUDED WASTE MANAGEMENT*

*For statutory provisions authorizing cities to contract for discarded materials disposal and/or processing and to prescribe terms and conditions by ordinance for such service, see Public Resources Code § 49300.

6.04.010 - Definitions.
Words used in this chapter are defined as hereinafter provided, as follows:

(a) "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this chapter are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

(b) "CalRecycle" means California’s Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on cities, counties, special districts, and other regulated entities.

(c) "City" means the City of Campbell, California, a political subdivision of the State of California, and its duly authorized representatives.

(d) "City enforcement official" means the city code enforcement officer, city manager, or other executive in charge or their authorized designee(s) who is/are partially or whole responsible for enforcing the chapter.

(e) "Commercial business" or "commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multi-family residential dwelling with five or more units, or as otherwise defined in 14 CCR Section 18982(a)(6); with the exception that multi-family is excluded from this definition. A multi-family residential dwelling that consists of fewer than five (5) units is not a commercial business for purposes of implementing this chapter.

(f) "Commercial edible food generator" includes a tier one or a tier two commercial edible food generator as defined in of this chapter or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, food recovery organizations and food recovery services are not commercial edible food generators pursuant to 14 CCR Section 18982(a)(7).

(g) "Community composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

(h) "Compliance review" means a review of records by the city to determine compliance with this chapter.

(i) "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this chapter, that "compost" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.

(j) "Compostable plastics" or "compostable plastic" means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
(k) “Container contamination” or “contaminated container” means a container, regardless of color, that contains prohibited container contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

(l) “County” means the County of Santa Clara, California.

(m) “County agency enforcement official” means an authorized designee of the County of Santa Clara in the Public Health Department or other departments who is/are partially or whole responsible for enforcing the chapter.

(n) “Customer” means the person who receives the exclusive hauler’s services and to whom the exclusive hauler submits its billing invoice to and collects payment from for collection services provided to a premises. The customer may be either the occupant, owner, or property manager of the premises, as allowed under the city code.

(o) “C&D” means construction and demolition debris.

(p) "Dead animals" means those animals that die naturally, from disease, or are accidentally killed, but shall not mean condemned animals or parts of animals from slaughterhouses or similar places.

(q) “Designee” means an entity that the city contracts with or otherwise arranges to carry out any of the city’s responsibilities of this chapter as authorized in 14 CCR Section 18981.2. A designee may be a government entity, a hauler, a private entity, or a combination of those entities.

(r) “Discarded materials” means recyclable materials, organic materials, and solid waste discarded by a generator for the purposes of collection and/or Self-Hauling, excluding excluded waste.

(s) “Disposal” or “dispose” (or any variation thereof) means the final disposition of solid waste, or processing residue at a disposal facility.

(t) “Edible food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this chapter or as otherwise defined in 14 CCR Section 18982(a)(18), “edible food” is not solid waste if it is recovered and not discarded. Nothing in this chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.

(u) “Enforcement action” means an action of the city or regional agency to address non-compliance with this chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

(v) “Enforcement entity” means an appointed designee for the enforcement of this chapter. A designee may be the city enforcement official, regional agency’s enforcement official, county enforcement official, or other designee.

(w) “Excluded waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its generators, reasonably believe(s) would,
as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in city’s, its designee’s, or regional agency’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the city, its designee, or regional agency’s to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in single-family or multi-family solid waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded waste does not include used motor oil and filters, and household batteries when such materials are defined as allowable materials for collection through the city’s collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by city, regional agency, or exclusive hauler for collection services.

(x) “Exclusive hauler” means the collection contractor that has been granted the exclusive rights to collect recyclable materials, organic materials, solid waste, and C&D in the city through the agreement entered into by the collection contractor and the regional agency.

(y) “Food distributor” means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

(z) “Food facility” has the same meaning as in Section 113789 of the Health and Safety Code.

(aa) “Food recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

(bb) “Food recovery organization” means an entity that engages in the collection or receipt of edible food from commercial edible food generators and distributes that edible food to the public for food recovery either directly or through other entities. “Food recovery organization” includes, but is not limited to:

(1) A food bank as defined in Section 113783 of the Health and Safety Code;
(2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
(3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A food recovery organization is not a commercial edible food generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
If the definition in 14 CCR Section 18982(a)(25) for food recovery organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this chapter.

(cc) “Food recovery service” means a person or entity that collects and transports edible food from a commercial edible food generator to a food recovery organization or other entities for food recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A food recovery service is not a commercial edible food generator.

(dd) “Food scraps” means those discarded materials that will decompose and/or putrefy including: (i) all kitchen and table food waste; (ii) animal or vegetable waste that is generated during or results from the storage, preparation, cooking or handling of food stuffs; (iii) discarded paper (including paper containers and cartons) that is contaminated with food scraps and compostables; (iv) fruit waste, grain waste, dairy waste, meat, and fish waste; and, (v) vegetable trimmings, houseplant trimmings and other compostable organic waste common to the occupancy of Residential dwellings. Food scraps are a subset of organic waste. Food scraps excludes fats, oils, and grease when such materials are source separated from other food scraps.

(ee) “Food service provider” means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

(ff) “Food-soiled paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

(gg) “Food waste” includes food scraps and food-soiled paper, and includes compostable plastics, unless city, its designee, regional agency, or exclusive hauler excludes compostable plastics in the organic materials containers.

(hh) “Generator” means any person whose act first causes discarded materials to become subject to regulation under this chapter of the city code or under federal, State, or local laws or regulations.

(ii) "Green waste" means tree trimmings, grass cuttings, dead plants, leaves, branches and dead trees (not more than three (3) inches in diameter), garden and tree fruits and vegetables, and similar materials generated and Source Separated from other materials at the Premises.

(jj) “Grocery store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

(kk) “Hauler route” means the designated itinerary or sequence of stops for each segment of the city’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
“Health Facility” has the same meaning as in Section 1250 of the Health and Safety Code.

“High diversion organic waste processing facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average mixed waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for organic waste received from the “mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

“Hotel” has the same meaning as in Section 17210 of the Business and Professions Code.

“Inspection” means a site visit where a city, its designee, or regional agency reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of organic waste or edible food handling to determine if the entity is complying with requirements set forth in this chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).

“Large event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this chapter.

“Large venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. A venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. A site under common ownership or control that includes more than one Large Venue that is contiguous with other large venues in the site, is a single large venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this chapter.

“Local education agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to solid waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

“Multi-family residential dwelling” or “multi-family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-family premises do not include hotels, motels, or other transient occupancy facilities, which are
considered commercial businesses. Residential premises with fewer than five (5) dwelling units shall be considered single-family.

(tt) "Non-compostable paper" includes, but is not limited to, paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

(uu) "Notice of violation (NOV)" means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

(vv) "Organic materials" means green waste, food waste, lumber, and wood waste.

(ww) "Organic materials container" has the same meaning as in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of source separated organic materials.

(xx) "Organic waste" means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, green waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

(yy) "Organic waste generator" means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

(zz) "Paper products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).

(aaa) "Printing and writing papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).

(bbb) "Process" or "processing" (or any variation thereof) means the controlled separation, recovery, volume reduction, conversion, or recycling of source separated recyclable materials or source separated organic materials including, but not limited to, organized, manual, automated, or mechanical sorting, the use of vehicles for spreading of waste for the purpose of recovery, and/or includes the use of conveyor belts, sorting lines, or volume reduction equipment, or as otherwise defined in 14 CCR Section 17402(a)(20).

(ccc) "Prohibited container contaminants" means the following: (i) discarded materials placed in the recyclable materials container that are not identified as acceptable source separated recyclable materials for the city's recyclable materials...
container; (ii) discarded materials placed in the organic materials container that are not identified as acceptable source separated organic materials for the city’s organic materials container; (iii) discarded materials placed in the solid waste container that are acceptable source separated recyclable materials and/or source separated organic materials to be placed in city’s organic materials container and/or recyclable materials container; and, (iv) excluded waste placed in any container.

(ddd) “Recovered organic waste products” means products made from California, landfill-diverted recovered organic waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).

(eee) “Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

(fff) “Recyclable materials” means materials authorized by exclusive hauler as recyclable.

(ggg) “Recyclable materials container” has the same meaning as in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of source separated recyclable materials.

(hhh) “Recycled-content paper” means paper products and printing and writing paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

(iii) “Regional agency” means the West Valley Solid Waste Management Authority.

(jjj) “Regional agency enforcement official” means a designated enforcement official from the regional agency or other regional or county agency, designated by the city with responsibility for enforcing the chapter in conjunction or consultation with city enforcement official.

(kkk) “Remote monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of recyclable materials containers, organic materials containers, and solid waste materials containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of prohibited container contaminants.

(lll) “Renewable gas” means gas derived from organic waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle organic waste, or as otherwise defined in 14 CCR Section 18982(a)(62).

(mmm) “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

(nnn) “Route review” means a visual inspection of containers along a hauler route for the purpose of determining container contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).
“SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.

“SB 1383 regulations” or “SB 1383 regulatory” means or refers to, for the purposes of this chapter, the short-lived climate pollutants: organic waste reduction regulations developed by CalRecycle that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

“Self-hauler” means a person, who hauls solid waste, organic waste or recyclable material they have generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting organic waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A). Self-hauler also includes a landscaper.

“Share table” has the same meaning as in Section 114079 of the Health and Safety Code.

“Single-family” means of, from, or pertaining to any residential premises with fewer than five (5) units.

“Solid waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines solid waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that solid waste does not include any of the following wastes:

1. Hazardous waste, as defined in the State Public Resources Code Section 40141.
2. Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
3. Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a solid waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be solid waste shall be regulated pursuant to Division 30 of the State Public Resources Code.
“Solid waste materials container” has the same meaning as in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of solid waste.

“Source separated” means materials, including commingled recyclable materials, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the chapter, source separated shall include separation of materials by the generator, property owner, property owner’s employee, property manager, or property manager’s employee into different containers for the purpose of collection such that source separated materials are separated from solid waste for the purposes of collection and processing.

“Source separated organic materials” means source separated organic materials that can be placed in an organic materials container that is specifically intended for the separate collection of organic waste.

“Source separated recyclable materials” means source separated recyclables materials that can be placed in a recyclable materials containers that is specifically intended for the separate collection of recyclable materials. Source separated recyclable materials.

“State” means the State of California.

“Supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars ($2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

“Tier one commercial edible food generator” means a commercial edible food generator that is one of the following, as defined in this chapter:

1. Supermarket.
2. Grocery store with a total facility size equal to or greater than 10,000 square feet.
3. Food service provider.
4. Food distributor.
5. Wholesale food vendor.

If the definition in 14 CCR Section 18982(a)(73) of tier one commercial edible food generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this chapter.

“Tier two commercial edible food generator” means the following:
(1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.

(2) Hotel with an on-site food facility and 200 or more rooms.

(3) Health facility with an on-site food facility and 100 or more beds.

(4) Large venue.

(5) Large event.

(6) State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.

(7) A local education agency facility with an on-site food facility.

If the definition in 14 CCR Section 18982(a)(74) of tier two commercial edible food generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this chapter.

(cccc) “West Valley Clean Water Authority” means the stormwater pollution prevention authority for the cities of Campbell, Monte Sereno, Saratoga, and the town of Los Gatos.

(dddd) “Wholesale food vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

6.04.020 - Regulations for accumulation.

(a) It is unlawful for any person to deposit, keep, accumulate, or permit or cause any discarded materials and/or excluded waste to be deposited, kept, or accumulated upon any lot or parcel of land, streets, and alleys or drives, unless the same is kept, deposited, or allowed to accumulate in galvanized metal receptacles provided with handles, or acceptable plastic container. Storage within buildings, or outside and within five feet of a combustible surface, must be within a metal receptacle. Storage of combustibles within a building in individual containers of one and one-half cubic yards or greater shall be provided with a one-hour occupancy separation from the remaining area of the building or protected by an automatic fire sprinkler head(s). Outside storage within five feet of combustible surfaces may be allowed when protected by an automatic fire sprinkler head. Receptacles shall have a capacity of not less than twenty gallons, nor more than six yards, unless an approved container of larger size is provided by the exclusive hauler, and the receptacles shall be provided with close-fitting lids or covers which shall be kept closed at all times except when necessarily opened to permit deposit or removal of discarded materials. Container shall be kept in sanitary condition by owners and free of holes that might cause leakage or the emission of any offensive vapors, gases or odors. No container, when filled, shall weigh more than seventy pounds. No container shall be placed in any manner such that the container impedes normal vehicular traffic, public transportation or pedestrian or wheelchair access to public rights-of-way. No discarded material containers shall be placed at curbside or other location visible to
the public more than twenty-four hours preceding the day of scheduled collection by the exclusive hauler and shall be removed from the curbside or any other location visible to the public within twenty-four hours the day immediately following the scheduled collection by the contractor.

6.04.030 - Burying and burning of discarded materials and excluded waste.
(a) No person shall place any discarded materials or excluded waste upon or beneath the surface of any premises. No person shall burn any discarded materials and/or excluded waste.

6.04.040 - Unauthorized use and handling of receptacles.
(a) It is unlawful for any person to deposit, keep, accumulate or permit or cause any discarded materials to be deposited, kept or accumulated in any discarded materials container owned or rented by any owner, resident or tenant, except that prior permission be obtained from the owner or renter of the discarded materials container.
(b) No person other than the owner, his agents or employees or the exclusive hauler shall handle any discarded materials containers or remove the contents thereof from the location where the same has been placed by such owner or his agent.

6.04.050 - Period of accumulation limited.
(a) Every person occupying or who owns property occupied by others where there is any accumulation of discarded materials shall dispose of the discarded materials in some lawful manner at least once each calendar week. In cases of premises containing more than one dwelling unit, pick-up must be at least once per week per unit with the container equal to at least one twenty gallon container per unit.

6.04.060 - Minimum service—Containers.
(a) Commercial, business, apartments, multi-family, and industrial manufacturing occupancy must have the minimum of once-a-week discarded materials service. Each separate occupancy shall have its own containers, or access to a container large enough to discard of all material generated by all occupancies using the container.
(b) Each commercial, business, industrial, apartment, multi-family, or manufacturing occupancy shall maintain its discarded material container(s) in an area(s) approved by the community development director or duly appointed assistant, hereafter known as "agent of the city" or "agent" in accordance with the following criteria: containers shall be within an enclosure(s) constructed and consisting of a concrete floor or asphalt no less than six inches in depth, surrounded by a minimum five-foot sight-obscuring wall or fence and having a gate (unless otherwise determined to be unnecessary for proper access), and of a size approved by the "agent" as safe and adequate for the intended use. The fence, gate and surface inside the enclosure must be kept in sound repair.
(c) Commercial, business, apartments, multi-family, and industrial manufacturing shall provide adequate, accessible, and convenient areas for collecting and loading discarded materials.
6.04.070 – Discarded materials transportation.
(a) No discarded materials shall be removed and carried on and along a public right-of-way of the city except that same be carried, conveyed or hauled in conveyances so constructed as to be dustproof, and so arranged as not to permit dust or other matter to sift through or fall upon a public right-of-way. The contents of such conveyances must be completely covered and enclosed so as to prevent the contents from being blown upon the public right-of-way and adjacent lands.

6.04.080 - Trucks.
(a) Every truck used by the exclusive hauler in the collection or removal of discarded materials shall be kept well-painted, clean inside and out, and in a prominent place on each truck display the name of the exclusive hauler’s firm and the truck number.

6.04.090 - Contract.
(a) For the collection, disposal, and processing of discarded materials, a contract for a period not to exceed twenty years may be entered into by the city or regional agency in accordance with the terms and conditions of this chapter.

6.04.100 - Liability of all occupants for fees.
(a) All occupied premises in the city shall have discarded materials collection for the collection, removal, processing, and disposal of discarded materials produced upon premises for which a service charge shall be collected. Charges for such service shall be based upon the rates submitted annually by the exclusive hauler and ratified by the regional agency.

6.04.110 - Billing owner.
(a) In the case of premises containing more than one dwelling unit or place of business or both, such fees may be charged to the owner of such premises who shall collect such fees levied against the occupants of the dwelling units or places of business located on such premises, and shall transmit the amount so collected to the exclusive hauler. In the event the owner fails to collect such fees from any such occupant and remit same to exclusive hauler, the owner shall be liable to exclusive hauler for the payment of such fees.

6.04.120 - Discontinuance or suspension of service.
(a) Rates shall only be applicable during the time that a premise is occupied and utilities are connected for a portion of a billing period. No charge shall be made for a billing period during which utilities are disconnected for the full period.

6.04.130 - Collection.
(a) It is unlawful for any person other than the city or exclusive hauler to engage in the business of collection, disposing of, transporting, carrying or conveying through the public right-of-way of the city any matter offensive to the sight, provided, however, that discarded materials collection or disposal contractors when serving the municipalities county discarded materials collection district, state or federal institutions or any person in the employ of such governmental agencies may haul...
such materials and provided no loss occurs from such vehicles upon the public right-of-way. Nothing shall prevent a producer from hauling his own discarded materials to a designated disposal or processing site.

(b) Exclusive hauler shall have the sole and exclusive right for discarded materials collection services provided for in this code as it relates to all residential areas, to each single-family dwelling, to all multi-family dwelling units, to all commercial, business, industrial, and manufacturing establishments, located within the city boundaries of this city, with the following exceptions:

(1) That whenever a commercial, business, industrial or manufacturing establishment produces discarded material or debris that has resaleable value, it may negotiate with a scavenger company other than the exclusive hauler, for the opportunity of selling these specific items, only if compensated by the scavenger company. The scavenger company providing this service must receive a permit issued by the fire chief or delegated representative and obtain a business license pursuant to Title 5 of this Code.

(2) In those cases where a commercial, business, industrial or manufacturing establishment can show to the satisfaction of the fire chief or delegated representative that the exclusive hauler under contract with the city cannot provide the necessary service required by said establishment, the fire chief may grant a permit for a scavenger company other than the exclusive hauler to provide service to the establishment. Scavenger company requesting this permit must also obtain a business license pursuant to Title 5 of this Code.

6.04.140 - Placing for collection.

(a) The exclusive hauler shall collect and remove, from all places and premises in the city, all discarded materials which is contained in a receptacle of the type or kind prescribed by this chapter, located no more than five feet from face of curb or curb line of a public right-of-way or private alley accessible to the exclusive hauler for residential generators.

6.04.150 - Emergency removal.

(a) Nothing in this chapter shall be deemed to prohibit the removal and hauling by any unlicensed person of discarded materials considered by the health officer or fire chief to constitute a health menace of such nature as necessary to be ordered by any of said officers to be promptly removed.

6.04.160 - Establishment of transfer site.

(a) The council is authorized to acquire and/or establish a transfer site and to establish by resolution, rules and regulations for operation and a schedule of charges for the use of the transfer site. The council may contract for the operation of a transfer site for any terms considered beneficial to the city.

6.04.170 - Use of transfer site.

(a) No person other than the contractor, a self-hauler, or employees of the city, acting within the scope of their employment or as provided in this chapter, shall carry, transport, deliver, or deposit any discarded materials in any transfer site which the
city may establish. All discarding of material shall be in accordance with the instructions of the person supervising such a transfer site.

6.04.180 - Responsible officer.
(a) The fire chief shall be responsible for the supervision of the transfer site and shall see that all provisions of any contract are complied with.

6.04.190 - Recyclable materials-donation or sale.
(a) Nothing in this chapter shall limit the right of any person to donate or sell of his/her recyclable materials.

(a) Owner, occupant, or property manager of single-family premises, except those that meet the self-hauler requirements in this chapter shall subscribe to the regional agency’s discarded materials collection services for all recyclable materials, organic materials, and solid waste generated as described below in Section 6.04.200(b). City, its designee, or regional agency shall have the right to review the number and size of a recyclable materials containers, organic materials containers, and solid waste containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of discarded materials and containment of materials; and, owner, occupant, or property manager of single-family premises shall adjust its service level for its collection services as requested by the city, its designee, or regional agency. Owner, occupant, or property manager may additionally manage their discarded materials by preventing or reducing their discarded materials, by managing organic waste on site, and/or using a community composting site pursuant to 14 CCR Section 18984.9(c).

(b) Generators shall participate in the regional agency’s discarded materials collection service(s) by placing designated materials in designated containers as described below, and shall not place prohibited container contaminants in collection containers.

(c) Generators shall place source separated organic materials, including food waste, in the organic materials container; source separated recyclable materials in the recyclable materials container; and solid waste in the solid waste container. Generators shall not place materials designated for the solid waste container into the recyclable materials container or organic materials container.

6.04.210 – Commercial and multi-family requirements.
(a) Commercial businesses and multi-family residential dwellings shall comply with the following requirements:

(1) Subscribe to regional agency’s discarded materials collection services and comply with requirements of those services as described in this chapter, except commercial businesses and multi-family residential dwellings that meet the self-hauler requirements in this chapter. City, its designee, or regional agency shall have the right to review the number and size of a commercial business’s or multi-family residential dwellings’ discarded materials containers and frequency of collection to evaluate adequacy of capacity provided for each type of
collection service for proper separation of discarded materials and containment of materials; and, owner, occupant, or property manager of commercial businesses and multi-family residential dwellings shall adjust their service level for their collection services as requested by the city, its designee, or regional agency.

(2) Except commercial businesses and multi-family residential dwellings that meet the self-hauler requirements in this chapter, participate in the regional agency’s discarded materials collection service(s) by placing designated materials in designated containers. Commercial and multi-family generators shall place source separated organic materials, including food waste, in the organic materials container; source separated recyclable materials in the recyclable materials container; and solid waste in the solid waste containers. Generators shall not place materials designated for the solid waste container into the organic materials container or recyclable materials container.

(3) Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors (conforming with Sections 6.04.210b(1)(i) and b(1)(iii)) for employees, exclusive haulers, tenants, and customers, consistent with regional agency’s discarded materials collection service or, if self-hauling, in a manner to support its compliance with its self-haul program, in accordance with this chapter.

(4) Annually provide information to employees, exclusive haulers, tenants, and customers about organic waste recovery requirements and proper sorting of source separated materials.

(5) Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep source separated materials and separate from solid waste and the location of containers and the rules governing their use at each property.

(6) Provide or arrange access for city, its designee, or regional agency to their properties during all Inspections conducted in accordance with this chapter to confirm compliance with the requirements of this chapter.

(7) Accommodate and cooperate with city’s, its designee’s, or regional agency’s remote monitoring program for Inspection of the contents of containers for prohibited container contaminants, which may be implemented at a later date, to evaluate generator’s compliance with this chapter. The remote monitoring program shall involve installation of remote monitoring equipment on or in the discarded materials containers.

(8) At commercial business’s or multi-family residential dwelling’s option and subject to any approval required from the city, its designee, or regional agency, implement a remote monitoring program for Inspection of the contents of its discarded materials containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify prohibited container contaminants. Generators may install remote monitoring devices on
or in the discarded materials containers subject to written notification to or approval by the city, its designee, or regional agency.

(9) If a commercial business or multi-family residential dwelling wants to self-haul, meet the self-hauler requirements in this chapter.

(b) Commercial businesses shall also comply with the following requirements:

(1) Provide containers for the collection of source separated materials in all indoor and outdoor areas where containers for solid waste are provided for customers, for materials generated by that commercial business. Such containers do not need to be provided in restrooms. If a commercial business does not generate any of the materials that would be collected in one type of container, then the commercial business does not have to provide that particular container in all areas where solid waste containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the commercial business shall have either:

(i) A body or lid that conforms with the container colors provided through the collection service provided by regional agency, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A commercial business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

(ii) Existing containers shall be clearly marked with educational signage indicating the appropriate discarded material types to be placed in each container in accordance with requirements of the regional agency’s collection program. Commencing January 1, 2022, new containers shall have container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container pursuant 14 CCR Sections 18984.8 and 18984.9.

(2) To the extent practical through education, training, Inspection, and/or other measures, shall prohibit employees from placing discarded materials in a container not designated for those materials per the regional agency’s separated source and solid waste collection service or, if self-hauling, in a manner to support its compliance with its self-haul program, in accordance with this chapter.

(3) Periodically inspect separated source and solid waste containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
(4) For commercial businesses that are tier one or tier two commercial edible food generators, comply with food recovery requirements in this chapter.

c(F) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing organic waste on site, or using a community composting site pursuant to 14 CCR Section 18984.9(c).

6.04.220 – Waivers for residential and commercial generators.

(a) De minimis waivers. The city or regional agency may waive a commercial business’ or multi-family residential dwellings’ obligation to comply with some or all of the source separated material requirements of this chapter if the commercial business or multi-family residential dwellings provides documentation that it generates below a certain amount of recyclable materials and organic materials as described below. Commercial businesses or multi-family residential dwellings requesting a de minimis waiver shall:

(1) Submit an application to the city or regional agency specifying the services that they are requesting a waiver from and provide documentation as noted below.

(2) Provide documentation that either:

(A) The commercial business’ or multi-family residential dwellings’ total solid waste collection service is two cubic yards or more per week and organic waste subject to collection in a recyclable materials container and/or organic materials container comprises less than 20 gallons per week per applicable container of the commercial business’s or multi-family residential dwellings’ total waste; or,

(B) The commercial business’ or multi-family residential dwellings’ total solid waste collection service is less than two cubic yards per week and organic waste subject to collection in a recyclable materials container and/or organic materials comprises less than 10 gallons per week per applicable container of the commercial business’s or multi-family residential dwellings’ total waste.

(3) Notify city or regional agency if circumstances change such that commercial business’s or multi-family residential dwelling’s organic waste exceeds threshold required for waiver, in which case waiver will be rescinded.

(4) Provide written verification of eligibility for de minimis waiver every 5 years, if city or regional agency has approved de minimis waiver.

(b) Physical space waivers. The city or regional agency may waive a commercial business’s or multi-family residential dwelling’s or property owner’s obligations to comply with some or all of the recyclable materials and/or organic waste collection service requirements if the city has evidence from its own staff, the regional agency’s exclusive hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the organic waste collection requirements of this chapter.

A commercial business or multi-family residential dwelling owner or property owner may request a physical space waiver through the following process:
(1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.

(2) Provide documentation that the premises lacks adequate space for recyclable materials containers and/or organic materials containers including documentation from its exclusive hauler, licensed architect, or licensed engineer.

(3) Provide written verification to city or regional agency that it is still eligible for physical space waiver every five years, if city has approved application for a physical space waiver.

(c) The city and regional agency shall be responsible for review and determination of any waiver submitted for approval.

6.04.230 – Commercial edible food generators requirements.

(a) Tier one commercial edible food generators must comply with the requirements of this Section 6.04.230 commencing January 1, 2022, and tier two commercial edible food generators must comply commencing January 1, 2024 pursuant to 14 CCR Section 18991.3.

(b) Large venue or large event operators not providing food services, but allowing for food to be provided by others, shall require food facilities operating at the large venue or large event to comply with the requirements of this Section, commencing January 1, 2024.

(c) Commercial edible food generators shall comply with the following requirements:

(1) Arrange to recover the maximum amount of edible food that would otherwise be disposed.

(2) Contract with, or enter into a written agreement with food recovery organizations or food recovery services for: (i) the collection of edible food for food recovery; or, (ii) acceptance of the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.

(3) Shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or a food recovery service.

(4) Allow the enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.

(5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

   (A) A list of each food recovery service or organization that collects or receives its edible food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

   (B) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).

   (C) A record of the following information for each of those food recovery services or food recovery organizations:
(i) The name, address and contact information of the food recovery service or food recovery organization.

(ii) The types of food that will be collected by or self-hauled to the food recovery service or food recovery organization.

(iii) The established frequency that food will be collected or self-hauled.

(iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a food recovery service or food recovery organization.

(d) Tier one commercial edible food generators shall submit food recovery reports, as defined below, to the enforcement entity according to the following schedule:

1. On or before August 1, 2022, tier one commercial edible food generators shall submit a food recovery report for the period of January 1, 2022 through June 30, 2022.

2. On or before May 1, 2023, and on or before May 1st each year thereafter, tier one commercial edible food generators shall submit a food recovery report for the period covering the entire previous calendar year.

(e) Tier two commercial edible food generators shall submit food recovery reports, as defined below, to the enforcement entity according to the following schedule:

1. On or before May 1, 2025, and on or before May 1st each year thereafter, tier two commercial edible food generators shall submit a food recovery report for the period covering the entire previous calendar year.

(f) Food recovery reports submitted by tier one and tier two commercial edible food generators shall include the following information:

1. The name and address of the commercial edible food generator;

2. The name of the person responsible for the commercial edible food generator’s edible food recovery program;

3. A list of all contracted food recovery services or food recovery organizations that collect edible food from the commercial edible food generator;

4. The total number of pounds of edible food, per year, donated through a contracted food recovery organization or food recovery service.

(d) Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

6.04.240 – Requirements for food recovery organizations and services.
(a) Food recovery services collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

1. The name, address, and contact information for each commercial edible food generator from which the service collects edible food.
2. The quantity in pounds of edible food collected from each commercial edible food generator per month.
3. The quantity in pounds of edible food transported to each food recovery organization per month.
4. The name, address, and contact information for each food recovery organization that the food recovery service transports edible food to for food recovery.

(b) Food recovery organizations collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

1. The name, address, and contact information for each commercial edible food generator from which the organization receives edible food.
2. The quantity in pounds of edible food received from each commercial edible food generator per month.
3. The name, address, and contact information for each food recovery service that the organization receives edible food from for food recovery.

(c) Food recovery organizations and food recovery services that have their primary address physically located in the city and contract with or have written agreements with one or more tier one or tier two commercial edible food generators pursuant to 14 CCR Section 18991.3(b) shall submit food recovery reports, as defined below, to the enforcement entity according to the following schedule:

1. On or before August 1, 2022, food recovery organizations and food recovery services shall submit a food recovery report for the period of January 1, 2022 through June 30, 2022;
2. On or before May 1, 2023, and on or before May 1st each year thereafter, food recovery organizations and food recovery services shall submit a food recovery report for the period covering the entire previous calendar year.

(d) Food recovery reports submitted by food recovery services or organizations shall include the following information:

1. Total pounds of edible food recovered in the previous calendar year from tier one and tier two edible food generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b).
(2) Total pounds of edible food recovered in the previous calendar year from the tier one and tier two commercial edible food generators they have established a contract or written agreement with within Santa Clara County.

(e) In order to support edible food recovery capacity planning assessments or other studies conducted by the county, city, its designee, or regional agency, food recovery services and food recovery organizations operating in the city shall provide information and consultation to the city or regional agency, upon request, regarding existing, or proposed new or expanded food recovery capacity that could be accessed by the city and its commercial edible food generators. A food recovery service or food recovery organization contacted by the enforcement entity shall respond to such request for information within 60 days, unless another timeframe is otherwise specified by the city or regional agency.

6.04.250 – Hauler and facility operator requirements.

(a) Requirements for haulers

(1) The exclusive hauler providing single-family, multi-family residential dwellings, and commercial recyclable materials, organic waste, C&D, and solid waste collection services to generators within the city’s boundaries shall meet the following requirements and standards:

(A) Transport:(i) source separated recyclable materials to a facility that recovers recyclable materials; (ii) transport source separated organic materials to a facility, operation, activity, or property that recovers organic waste as defined in 14 CCR, Division 7, Chapter 12, Article 2; and (iii) solid waste to a disposal facility; and all facilities shall be approved by the regional agency through the exclusive hauler’s collection agreement with the regional agency.

(2) The exclusive hauler authorized to collect source separated materials and solid waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement entered into by the exclusive hauler and the regional agency.

(b) Requirements for facility operators and community composting operations.

Owners of facilities, operations, and activities that recover organic waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon city or regional agency request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the city or regional agency shall respond within 60 days.

6.04.260 – Self-hauler requirements.

(a) Self-haulers shall source separate all materials in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul organic waste that is mixed with solid
waste to a high diversion organic waste processing facility as specified in 14 CCR Section 18984.3.

(b) Self-haulers shall haul their source separated materials to facilities that recover those materials. Alternatively, self-haulers may haul organic waste that is mixed with solid waste to a high diversion organic waste processing facility.

(c) Self-haulers that are owners or property managers of commercial businesses and multi-family residential dwellings shall keep a record of the amount of recyclable materials and organic waste delivered to each solid waste facility, operation, activity, or property that processes or recovers recyclable materials and/or organic waste. This record shall be subject to Inspection by the city, its designee, or regional agency. The records shall include the following information:

(1) Delivery receipts and weight tickets from the entity accepting the recyclable materials, organic waste, or solid waste.

(2) The amount of discarded material in cubic yards or tons transported by the generator to each entity.

(3) If the discarded material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the self-hauler's vehicle in a manner that allows it to determine the weight of materials received, the self-hauler is not required to record the weight of material but shall keep a record of the entities that received the recyclable materials, organic waste, or solid waste.

(d) Self-haulers that are owners or property managers of commercial businesses and multi-family self-haulers shall provide information collected in 6.04.260(c) to city, its designee, or regional agency, if requested.

(e) A single-family generator that self-hauls recyclable materials, organic waste, or solid waste is not required to record or report information in 6.04.260(c) and (d).

6.04.270 – Inspections and investigations by city.

(a) The enforcement entity is authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for discarded materials collected from generators, or source separated materials to confirm compliance with this chapter by single-family generators, commercial businesses, multi-family residential dwellings, property owners, commercial edible food generators, haulers, self-haulers, food recovery services, and food recovery organizations, and other entities regulated hereunder subject to applicable laws. This section does not allow the enforcement entity to enter the interior of a private residential property for Inspection. For the purposes of inspecting commercial business and multi-family residential dwellings containers for compliance of this chapter, city may conduct container inspections for prohibited container contaminants using remote monitoring, and commercial businesses and multi-family residential dwellings shall accommodate and cooperate, if applicable, with the remote monitoring pursuant to this chapter.
Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the enforcement entity’s employee during such Inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, edible food recovery activities, records, or any other requirement of this chapter described herein. Failure to provide or arrange for: (i) access to an entity’s premises; (ii) installation and operation of remote monitoring equipment; or (iii) access to records for any Inspection or investigation is a violation of this chapter and may result in penalties described.

Any records obtained during Inspections, remote monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

The enforcement entity shall receive written complaints from persons regarding an entity that may be potentially non-compliant with this chapter, including receipt of anonymous complaints.

Violation of any provision of this chapter shall constitute grounds for issuance of a notice of violation and assessment of a fine. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. The responsible entity for enforcement may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The enforcement entity may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of entity’s resources.

Enforcement pursuant to this chapter may be undertaken by the city enforcement official, regional agency enforcement official, county agency enforcement official, designee, or combination thereof, as defined in this chapter.

The enforcement entity will interpret this chapter; determine the applicability of waivers, if violation(s) have occurred; implement enforcement actions; and, determine if compliance standards are met.

The enforcement entity’s procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the administrative citations issued to enforce this chapter and any rule or regulation adopted pursuant to this chapter, except as otherwise indicated in this chapter.

Process for enforcement

The enforcement entity and exclusive hauler will monitor compliance with the chapter randomly and through compliance reviews, route reviews, investigation of complaints, and an inspection program (that may include remote monitoring). This chapter establishes city’s right to conduct inspections and investigations.
(2) The enforcement entity may issue an official notification to notify regulated entities of its obligations under this chapter.

(3) For incidences of prohibited container contaminants found in containers, the enforcement entity will issue a notice of violation to any generator found to have prohibited container contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the prohibited container. If the enforcement entity or exclusive hauler observes prohibited container contaminants in a generator’s containers on more than three (3) consecutive occasion(s), the enforcement entity or exclusive hauler may assess contamination processing fees or contamination penalties on the generator.

(4) With the exception of violations of generator contamination of container contents addressed under 6.04.290(c)(3), the enforcement entity shall issue a notice of violation requiring compliance within 60 days of issuance of the notice.

(5) Absent compliance by the respondent within the deadline set forth in the notice of violation, the enforcement entity shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the city’s municipal code, chapter 6.10.180 administrative penalties and procedures. Notices shall be sent to “owner” at the official address of the owner maintained by the tax collector for the city or if no such address is available, to the owner at the address of the dwelling or commercial property or to the party responsible for paying for the collection services, depending upon available information.

(d) Penalty amounts for types of violation. The penalty levels follow city municipal code, chapter administrative penalties and procedures.

(e) Compliance deadline extension considerations. The enforcement entity may extend the compliance deadlines set forth in a notice of violation if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
2. Delays in obtaining discretionary permits or other government agency approvals; or,
3. Deficiencies in organic waste recycling infrastructure or edible food recovery capacity and the city is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

(f) Appeals process. Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is consistent with city’s procedures in the city municipal code, chapter 6.10.

(g) Education period for non-compliance. Beginning January 1, 2022 and through December 31, 2023, the enforcement entity will conduct inspections, remote monitoring, route reviews or waste evaluations, and compliance reviews, depending
upon the type of regulated entity, to determine compliance, and if the enforcement entity determines that an organic waste generator, self-hauler, hauler, tier one commercial edible food generator, food recovery organization, food recovery service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this chapter and a notice that compliance is required by January 1, 2022 and that violations may be subject to administrative civil penalties starting on January 1, 2024.

(h) **Civil penalties for non-compliance.** Beginning January 1, 2024, if the enforcement entity determines that an organic waste generator, self-hauler, hauler, tier one or tier two commercial edible food generator, food recovery organization, food recovery service, or other entity is not in compliance with this chapter, it shall document the noncompliance or violation, issue a notice of violation, and take enforcement action pursuant to this chapter, as needed.

6.04.290 – Effective date.
This chapter shall be effective commencing on January 1, 2022.

**THEREFORE, BE IT RESOLVED** that the City Council adopt an Ordinance amending section 6.10.020 and replacing chapter 6.04 of the City of Campbell Municipal Code to implement SB 1383 discarded materials and excluded waste management requirements.

**PASSED AND ADOPTED** this ___ day of __________, 2021, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSTAINED: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

APPROVED:

____________________________________
Elizabeth "Liz" Gibbons, Mayor

ATTEST:

____________________________________
Dusty Christopherson, City Clerk
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL AMENDING SECTION 6.10.020 AND REPLACING CHAPTER 6.04 OF THE CITY OF CAMPBELL MUNICIPAL CODE TO IMPLEMENT SB 1383 DISCARDED MATERIALS AND EXCLUDED WASTE MANAGEMENT REQUIREMENTS

THE CITY COUNCIL OF THE CITY OF CAMPBELL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE: Section 6.10.020 of the Campbell Municipal Code is hereby amended to read as follows:

6.10.020 Nuisance conditions

(a) It is declared a public nuisance for any premises in the city to be maintained in such manner so as to be injurious to the health, or to be indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or for anyone to cause, or engage in any conduct that is injurious to the health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. Such public nuisances shall include, but are not limited to:

(1) Overgrown, dead, decayed or diseased trees, weeds and other vegetation that:

   (A) Is likely to harbor rats, vermin, and other similar nuisances,
   (B) Constitutes a fire hazard or a condition dangerous to the public health, safety and general welfare, or
   (C) Constitutes an unsightly appearance or otherwise detracts from the aesthetic or property values of the neighboring properties;

(2) The presence or accumulation on a premises of any of the following for a period exceeding two weeks, except when the premises have been approved for such storage use under the laws and regulations of the city:

   (A) Debris, rubbish, scrap materials and trash,
   (B) Broken or discarded household furnishings, appliances, boxes and cartons and similar materials,
   (C) An area exceeding one hundred square feet containing lumber and building materials not being used for construction on the premises,
   (D) Vehicle parts and tires, or
   (E) Construction equipment and machinery except when in use for construction on the premises;
(3) Objects including, but not limited to, unprotected and/or hazardous pools, ponds, ice boxes, refrigerators, or excavations that tend to attract children or other curious individuals, and which present a threat to the health, safety or welfare of such individuals;

(4) Structures or buildings, both permanent and temporary, or other lot improvements, which are subject to any of the following conditions:

(A) Are structurally unsafe, either entirely or in part,
(B) Constitute a fire hazard,
(C) A building or structure which is not completed within a reasonable time or for which the permit for such construction has expired,
(D) Unoccupied buildings which have been left unlocked or otherwise open or unsecured from intrusion by persons, animals or the elements,
(E) A building that has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated that it is structurally unsafe or otherwise unfit for human habitation,
(F) Have faulty weather protection including, but not limited to, crumbling, cracked, missing, broken, or loose exterior plaster or other siding, roofs, foundations or floors (including lack of paint or other protective finish), missing windows or doors,
(G) Fences and walls which are in a hazardous condition, or
(H) Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief;

(5) Maintenance of premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use, or property values of such adjacent properties, as determined by an enforcement officer;

(6) Nuisance activity, or real property that has been the situs for nuisance activity including, but not limited to:

(A) Disturbing the peace,
(B) Illegal drug activity,
(C) Public drunkenness,
(D) Drinking alcoholic beverages in public,
(E) Harassment of passersby,
(F) Illegal gambling,
(G) Prostitution,
(H) The sale of stolen goods,
(I) Acts of violence,
(J) Public urination or defecation,
(K) Acts of vandalism,
(L) Acts of lewd conduct,
(M) Unreasonably loud noise,
(N) Loitering,
(O) Excessive littering,
(Q) A violation of any of the provisions of Campbell Municipal Code Chapters 5.24, 5.28, 5.30, 5.36, 5.48, 5.58, 6.11, 6.20, 6.30, 6.40, 8.34, 8.38, 8.40, 8.42, 11.04, 11.08, 11.12, 11.16, 11.32, 13.04, or 14.02,
(R) A violation of any of the provisions of Campbell Municipal Code Titles 7, 14, 17 or 18,
(S) A violation of any of the provisions of Campbell Municipal Code Title 21, or any use of real property for a purpose or in a manner other than approved under the provisions of Title 21,
(T) The use or maintenance of property in a manner contrary to a court order or judgment in an action in which the City is a party, regarding the use or maintenance of the property,
(U) Any condition that would constitute a nuisance pursuant to Chapter 10.44 of the Campbell Municipal Code.

(7) Placing any encroachment upon or obstruction in or to any sidewalks, street, alley, lane, court, park, or other public place without the approval of the city;
(8) Obstructing the free passage or use, in the customary manner, of any sidewalk, public park, square, street, or highway; or
(9) The maintenance or use of property in the city in a manner that violates, or real property that has been the situs of a violation of, any provision of any state or federal law or regulation.

(b) Nothing contained in this chapter shall prohibit persons from participating in any activity which the city is precluded from proscribing under the United States Constitution or the California Constitution.

SECTION TWO: Chapter 6.04 of the Campbell Municipal Code is hereby replaced to read as follow:

Chapter 6.04 -- DISCARDED MATERIALS AND EXCLUDED WASTE MANAGEMENT GARBAGE AND RUBBISH DISPOSAL*

*For statutory provisions authorizing cities to contract for discarded materials garbage and refuse disposal and/or processing and to prescribe terms and conditions by ordinance for such service, see Health and Safety Public Resources Code § 493004250.

6.04.010 - Definitions.
Words used in this chapter are defined as hereinafter provided, as follows:

"Contractor" includes and means any person with whom the city has duly contracted under the terms hereinafter set out in this chapter, to collect, transport through the streets, alleys or public ways of the city, and dispose of refuse, garbage, wet garbage and rubbish produced within the limits of the city;

(a) “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this chapter are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).

(b) “CalRecycle” means California’s Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on cities, counties, special districts, and other regulated entities.

(c) “City” means the City of Campbell, California, a political subdivision of the State of California, and its duly authorized representatives.

(d) “City enforcement official” means the city code enforcement officer, city manager, or other executive in charge or their authorized designee(s) who is/are partially or whole responsible for enforcing the chapter.

(e) “Commercial business” or “commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multi-family residential dwelling with five or more units, or as otherwise defined in 14 CCR Section 18982(a)(6); with the exception that multi-family is excluded from this definition. A multi-family residential dwelling that consists of fewer than five (5) units is not a commercial business for purposes of implementing this chapter.

(f) “Commercial edible food generator” includes a tier one or a tier two commercial edible food generator as defined in of this chapter or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, food recovery organizations and food recovery services are not commercial edible food generators pursuant to 14 CCR Section 18982(a)(7).

(g) “Community composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

(h) “Compliance review” means a review of records by the city to determine compliance with this chapter.

(i) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this chapter, that “compost” means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.
(j) “Compostable plastics” or “compostable plastic” means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

(k) “Container contamination” or “contaminated container” means a container, regardless of color, that contains prohibited container contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

(l) “County” means the County of Santa Clara, California.

(m) “County agency enforcement official” means an authorized designee of the County of Santa Clara in the Public Health Department or other departments who is/are partially or whole responsible for enforcing the chapter.

(n) “Customer” means the person who receives the exclusive hauler’s services and to whom the exclusive hauler submits its billing invoice to and collects payment from for collection services provided to a premises. The customer may be either the occupant, owner, or property manager of the premises, as allowed under the city code.

(o) “C&D” means construction and demolition debris.

(p) “Dead animals” means those animals that die naturally, from disease, or are accidentally killed, but shall not mean condemned animals or parts of animals from slaughterhouses or similar places.

(q) “Designee” means an entity that the city contracts with or otherwise arranges to carry out any of the city’s responsibilities of this chapter as authorized in 14 CCR Section 18981.2. A designee may be a government entity, a hauler, a private entity, or a combination of those entities.

(r) “Discarded materials” means recyclable materials, organic materials, and solid waste discarded by a generator for the purposes of collection and/or Self-Hauling, excluding excluded waste.

(s) “Disposal” or “dispose” (or any variation thereof) means the final disposition of solid waste, or processing residue at a disposal facility.

(t) “Edible food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this chapter or as otherwise defined in 14 CCR Section 18982(a)(18), “edible food” is not solid waste if it is recovered and not discarded. Nothing in this chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.

(u) “Enforcement action” means an action of the city or regional agency to address non-compliance with this chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

(v) “Enforcement entity” means an appointed designee for the enforcement of this chapter. A designee may be the city enforcement official, regional agency’s enforcement official, county enforcement official, or other designee.
“Excluded waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in city’s, its designee’s, or regional agency’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the city, its designee, or regional agency’s to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in single-family or multi-family solid waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded waste does not include used motor oil and filters, and household batteries when such materials are defined as allowable materials for collection through the city’s collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by city, regional agency, or exclusive hauler for collection services.

“Exclusive hauler” means the collection contractor that has been granted the exclusive rights to collect recyclable materials, organic materials, solid waste, and C&D in the city through the agreement entered into by the collection contractor and the regional agency.

“Food distributor” means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

“Food facility” has the same meaning as in Section 113789 of the Health and Safety Code.

“Food recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

“Food recovery organization” means an entity that engages in the collection or receipt of edible food from commercial edible food generators and distributes that edible food to the public for food recovery either directly or through other entities. “Food recovery organization” includes, but is not limited to:

1. A food bank as defined in Section 113783 of the Health and Safety Code;
2. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
A food recovery organization is not a commercial edible food generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for food recovery organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this chapter.

(cc) "Food recovery service" means a person or entity that collects and transports edible food from a commercial edible food generator to a food recovery organization or other entities for food recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A food recovery service is not a commercial edible food generator.

(dd) "Food scraps" means those discarded materials that will decompose and/or putrefy including: (i) all kitchen and table food waste; (ii) animal or vegetable waste that is generated during or results from the storage, preparation, cooking or handling of food stuffs; (iii) discarded paper (including paper containers and cartons) that is contaminated with food scraps and compostables; (iv) fruit waste, grain waste, dairy waste, meat, and fish waste; and, (v) vegetable trimmings, houseplant trimmings and other compostable organic waste common to the occupancy of Residential dwellings. Food scraps are a subset of organic waste. Food scraps excludes fats, oils, and grease when such materials are source separated from other food scraps.

(ee) "Food service provider" means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

(ff) "Food-soiled paper" is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

(gg) "Food waste" includes food scraps and food-soiled paper, and includes compostable plastics, unless city, its designee, regional agency, or exclusive hauler excludes compostable plastics in the organic materials containers.

(hh) "Generator" means any person whose act first causes discarded materials to become subject to regulation under this chapter of the city code or under federal, State, or local laws or regulations.

(ii) "Green waste" means tree trimmings, grass cuttings, dead plants, leaves, branches and dead trees (not more than three (3) inches in diameter), garden and tree fruits and vegetables, and similar materials generated and Source Separated from other materials at the Premises.

(jj) "Grocery store" means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
(kk) “Hauler route” means the designated itinerary or sequence of stops for each segment of the city’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

(ll) “Health Facility” has the same meaning as in Section 1250 of the Health and Safety Code.

(mm) “High diversion organic waste processing facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average mixed waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for organic waste received from the “mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

(nn) “Hotel” has the same meaning as in Section 17210 of the Business and Professions Code.

(oo) “Inspection” means a site visit where a city, its designee, or regional agency reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of organic waste or edible food handling to determine if the entity is complying with requirements set forth in this chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).

(pp) “Large event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this chapter.

(qq) “Large venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. A venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. A site under common ownership or control that includes more than one Large Venue that is contiguous with other large venues in the site, is a single large venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this chapter.

(rr) “Local education agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to solid waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
“Multi-family residential dwelling” or “multi-family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-family premises do not include hotels, motels, or other transient occupancy facilities, which are considered commercial businesses. Residential premises with fewer than five (5) dwelling units shall be considered single-family.

“Non-compostable paper” includes, but is not limited to, paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

“Notice of violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

“Organic materials” means green waste, food waste, lumber, and wood waste.

“Organic materials container” has the same meaning as in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of source separated organic materials.

“Organic waste” means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, green waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

“Organic waste generator” means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

“Paper products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).

“Printing and writing papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).

“Process” or “processing” (or any variation thereof) means the controlled separation, recovery, volume reduction, conversion, or recycling of source separated recyclable materials or source separated organic materials including, but not limited to, organized, manual, automated, or mechanical sorting, the use of vehicles for spreading of waste for the purpose of recovery, and/or includes the use of conveyor belts, sorting lines, or volume reduction equipment, or as otherwise defined in 14 CCR Section 17402(a)(20).
(ccc) “Prohibited container contaminants” means the following: (i) discarded materials placed in the recyclable materials container that are not identified as acceptable source separated recyclable materials for the city’s recyclable materials container; (ii) discarded materials placed in the organic materials container that are not identified as acceptable source separated organic materials for the city’s organic materials container; (iii) discarded materials placed in the solid waste container that are acceptable source separated recyclable materials and/or source separated organic materials to be placed in city’s organic materials container and/or recyclable materials container; and, (iv) excluded waste placed in any container.

(ddd) “Recovered organic waste products” means products made from California, landfill-diverted recovered organic waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).

(eee) “Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

(fff) “Recyclable materials” means materials authorized by exclusive hauler as recyclable.

(ggg) “Recyclable materials container” has the same meaning as in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of source separated recyclable materials.

(hhh) “Recycled-content paper” means paper products and printing and writing paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

(iii) “Regional agency” means the West Valley Solid Waste Management Authority.

(jjj) “Regional agency enforcement official” means a designated enforcement official from the regional agency or other regional or county agency, designated by the city with responsibility for enforcing the chapter in conjunction or consultation with city enforcement official.

(kkk) “Remote monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of recyclable materials containers, organic materials containers, and solid waste materials containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of prohibited container contaminants.

(lll) “Renewable gas” means gas derived from organic waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle organic waste, or as otherwise defined in 14 CCR Section 18982(a)(62).

mmm) “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

(nnn) “Route review” means a visual inspection of containers along a hauler route for the purpose of determining container contamination, and may include mechanical
Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

(ooo) “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.

(ppp) “SB 1383 regulations” or “SB 1383 regulatory” means or refers to, for the purposes of this chapter, the short-lived climate pollutants: organic waste reduction regulations developed by CalRecycle that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

(qqq) “Self-hauler” means a person, who hauls solid waste, organic waste or recyclable material they have generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting organic waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A). Self-hauler also includes a landscaper.

(rrr) “Share table” has the same meaning as in Section 114079 of the Health and Safety Code.

(sss) “Single-family” means of, from, or pertaining to any residential premises with fewer than five (5) units.

(tti) “Solid waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines solid waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that solid waste does not include any of the following wastes:

(1) Hazardous waste, as defined in the State Public Resources Code Section 40141.

(2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).

(3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a solid waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be solid
waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

(uuu) “Solid waste materials container” has the same meaning as in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of solid waste.

(vvv) “Source separated” means materials, including commingled recyclable materials, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the chapter, source separated shall include separation of materials by the generator, property owner, property owner’s employee, property manager, or property manager’s employee into different containers for the purpose of collection such that source separated materials are separated from solid waste for the purposes of collection and processing.

(www) “Source separated organic materials” means source separated organic materials that can be placed in an organic materials container that is specifically intended for the separate collection of organic waste.

.xxx) “Source separated recyclable materials” means source separated recyclables materials that can be placed in a recyclable materials containers that is specifically intended for the separate collection of recyclable materials. Source separated recyclable materials.

(yyy) “State” means the State of California.

(zzz) “Supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars ($2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

(aaaa) “Tier one commercial edible food generator” means a commercial edible food generator that is one of the following, as defined in this chapter:

(1) Supermarket.
(2) Grocery store with a total facility size equal to or greater than 10,000 square feet.
(3) Food service provider.
(4) Food distributor.
(5) Wholesale food vendor.

If the definition in 14 CCR Section 18982(a)(73) of tier one commercial edible food generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this chapter.
“Tier two commercial edible food generator” means the following:

1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
2. Hotel with an on-site food facility and 200 or more rooms.
3. Health facility with an on-site food facility and 100 or more beds.
4. Large venue.
5. Large event.
6. State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
7. A local education agency facility with an on-site food facility.

If the definition in 14 CCR Section 18982(a)(74) of tier two commercial edible food generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this chapter.

“West Valley Clean Water Authority” means the stormwater pollution prevention authority for the cities of Campbell, Monte Sereno, Saratoga, and the town of Los Gatos.

“Wholesale food vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

6.04.020 - “Refuse” means all types of solid wastes, including garbage, rubbish, recyclable materials, ashes and any other waste matter;

“Rubbish” means an accumulation of combustible and/or noncombustible waste materials, paper, rags, cartons, boxes, wood shavings or chips, furniture, bedding, rubber, leather, tree branches, yard trimmings, cans, bottles, metals, mineral matter, glass, crockery, dirt, dust, grass clippings, weeds and leaves.

Regulations for accumulation.

It is unlawful for any person to deposit, keep, accumulate, or permit or cause any discarded materials and/or excluded waste refuse to be deposited, kept, or accumulated upon any lot or parcel of land, streets, and alleys or drives, unless the same is kept, deposited, or allowed to accumulate in galvanized metal receptacles provided with handles, or acceptable plastic container. Storage within buildings, or outside and within five feet of a combustible surface, must be within a metal receptacle. Storage of combustibles within a building in individual containers of one and one-half cubic yards or greater shall be provided with a one-hour occupancy separation from the remaining area of the building or protected by an automatic fire sprinkler head(s). Outside storage within five feet of combustible surfaces may be allowed when protected by an automatic fire sprinkler head. Receptacles shall have a capacity of not less than thirty-twenty gallons, nor more than six yards, unless
an approved container of larger size is provided by the exclusive hauler contract
and the receptacles shall be provided with close-fitting metal lids or covers which
shall be kept closed at all times except when necessarily opened to permit deposit or
removal of discarded materials refuse. Container shall be kept in sanitary condition
by owners and free of holes that might cause leakage or the emission of any
offensive vapors, gases or odors. No container, when filled, shall weigh more than
seventy pounds. No container shall be placed in any manner such that the container
impedes normal vehicular traffic, public transportation or pedestrian or wheelchair
access to public rights-of-way. No discarded material garbage, recycling or yard
waste containers shall be placed at curbside or other location visible to the public
more than twenty-four hours preceding the day of scheduled collection by the
exclusive hauler contractor and shall be removed from the curbside or any other
location visible to the public within twenty-four hours the day immediately following
the scheduled collection by the contractor. Tree trimmings and other similar
items Materials which cannot be conveniently placed in containers shall be cut into
lengths not over four feet and tied into bundles not over eighteen inches in diameter
by the occupant of the premises and presented in such manner that they do not
present a menace to health, safety, or traffic.

(b)(a)

6.04.030 - Burying and burning of discarded materials and excluded waste refuse.
(a) No person shall place any discarded materials or excluded waste refuse upon or
beneath the surface of any premises. No person shall burn any garbage or any
rubbish discarded materials and/or excluded waste, which shall cause an obnoxious
odor.

6.04.040 - Unauthorized use and handling of receptacles.
(a) It is unlawful for any person to deposit, keep, accumulate or permit or cause any
discarded materials refuse to be deposited, kept or accumulated in any discarded
materials refuse container owned or rented by any owner, resident or tenant, except
that prior permission be obtained from the owner or renter of the discarded
materials refuse container.

(b) No person other than the owner, his agents or employees or the contractor
exclusive hauler shall handle any discarded materials containers garbage
receptacles or remove the contents thereof from the location where the same has
been placed by such owner or his agent.

6.04.050 - Period of accumulation limited.
(a) Every person occupying or who owns property occupied by others where there is
any accumulation of Source Separated and Solid Wasted discarded
materials garbage shall cause the same to be removed therefrom or disposed of the
discarded materials in some lawful manner at least once each calendar week. In
cases of premises containing more than one dwelling unit, pick-up must be at least
once per week per unit with the container equal to at least one twenty thirty-two
gallon container per unit.

6.04.060 - Materials not to be collected.
No person shall place, deposit or keep in any refuse container designated for pick-up any of the following: Dead animals; wearing apparel; bedding or other refuse from any home or place where any highly infectious or contagious disease has prevailed; explosive substances; radioactive materials; drugs or poisons; hazardous materials such as motor fuels, paints, thinners, oils, bases, pesticides and other chemicals.

The owner or occupant of any premises wherein or whereon such items are located shall forthwith notify the fire chief and shall dispose of the same in accordance with his direction.

6.04.070 - Unsuitable refuse containers.

In the event any refuse container is found by the fire chief or his authorized assistants not to be in compliance with the provisions of this chapter, or to be detrimental to public health, a notice shall be served upon the owner, resident or tenant of the premises on which such container is located stating that the container is deemed not in compliance with the provisions of this chapter and/or detrimental to public health. The notice shall state that the container must be removed and replaced with one which complies with the provisions of this chapter within a period of seven days, and that if the container is not removed and replaced accordingly, the enforcement officer shall remove the container from the premises. In the event a container which does not comply with this chapter is removed by the enforcement officer pursuant to this section, a notice shall be posted in a conspicuous place on the premises stating that the container shall be destroyed. Such container shall be held for a period of fifteen days after such posting, and if no action is commenced to recover possession of such container, the same shall be summarily destroyed. In the event a container which does not comply with this chapter is replaced accordingly and the property owner desires the disposal services to collect and dispose of the old container, the disposal forces shall do so upon the request of the property owner.

The exercise of any power under this section shall not be construed as an exclusive remedy and shall not be a bar to any other procedure or prosecution under any other section of this chapter or the laws of the state.

6.04.0680 - Minimum service—Containers.

(a) Commercial, business, apartments, multi-family residential, and industrial manufacturing occupancy must have the minimum of once-a-week solid-waste and organically discarded materials service. Each separate occupancy shall have its own containers, or access to a container large enough to discard all waste material generated by all occupancies using the container.

(b) Each commercial, business, industrial, apartment, multi-residential multi-family, or manufacturing occupancy shall maintain its discarded material refuse container(s) in an area(s) approved by the community development director or his duly appointed assistant, hereafter known as "agent of the city" or "agent" in accordance with the following criteria: containers shall be within an enclosure(s) constructed and consisting of a concrete floor or asphalt no less than six inches in depth, surrounded by a minimum five-foot sight-obscuring wall or fence and having a gate (unless otherwise determined to be unnecessary for proper access), and of a size
approved by the "agent" as safe and adequate for the intended use. The fence, gate and surface inside the enclosure must be kept in sound repair.

(c) Commercial, business, apartments, multiresidentialmulti-family, and industrial manufacturing shall provide adequate, accessible, and convenient areas for collecting and loading recyclable discarded materials.

(d) Notwithstanding subsection (a), the agent may require more frequent pick-up service, or larger size containers, or both, upon finding that such additional service or larger containers are reasonably necessary to prevent the accumulation of excess waste material subject to the procedures of this section.

(e) Any accumulation of excess waste material that is not within the approved container may be directed by the agent to be removed by the franchised company or other approved entity.

(f) At least fifteen days prior to requiring more frequent pick-up service, larger containers or removal of excess waste material pursuant to this section, the agent shall provide written notice of the agent's determination by first class United States mail to the owner of the property, as identified in the last equalized tax roll of the county assessor.

The notice shall set forth the following information:

(1) The agent has determined that more frequent pick-ups, larger containers, or removal of excess waste material is necessary;

(2) If the property owner does not accomplish the more frequent pick-ups, provision of the larger containers, or removal of the excess waste within fifteen days from the date set forth in the notice, the city can provide for more frequent pickups, larger containers, or removal of excess waste, and have the property owner billed for the cost;

(3) The owner may protest the requirement for more frequent pick-ups, larger containers, or removal of excess waste by submitting a written letter of protest to the city manager within fifteen days from the mailing of the agent's written notice, which protest shall set forth the reasons that the owner believes demonstrate that more frequent pick-ups, larger containers, or removal of excess waste are unnecessary;

(4) In the event that the owner fails to remit full and timely payment for any and all costs arising out of any requirement for more frequent pick-ups, large containers, or removal of excess waste, the costs will be assessed upon the property subject to the requirement and will constitute a lien upon such land until paid.

(g) If no written protest is received within fifteen days from the date of mailing of the notice described in subsection (f), and the property owner has not voluntarily complied with the requirements of the agent, then the agent may provide the more frequent pick-ups, larger containers, or removal of excess waste, and have any and all resulting costs incurred by the city including any administrative costs invoiced to the owner.
If the owner files a written protest within fifteen days from the date of mailing of the agent's notice, then the city manager shall review the written protest and all available relevant evidence, and render a written decision on the merits of the protest within fifteen days of receipt of the letter of protest. If the city manager finds that more frequent pick-ups, larger containers or removal of excess waste was reasonably necessary to prevent the accumulation of excess waste material, the city manager shall deny the protest, and order all resulting costs incurred by the city including administrative costs invoiced to the owner; otherwise the city manager shall modify or rescind the agent's determination as is reasonably necessary to prevent accumulation of excess waste material.

In the event that immediate removal of excess waste is necessary to avert an eminent threat of serious harm to the public health and safety, the city may take steps to remove such excess waste without strict compliance with the notice and protest requirements of subsections (f) and (h); provided, that the owner is given as much notice and an opportunity to protest as the urgency of the situation can reasonably afford; and, any and all costs incurred by the city including administrative costs will be invoiced to the owner.

If the owner does not pay all costs invoiced to the owner pursuant to subsections (g), (h) or (i), the costs shall become a special assessment against the real property to which it relates, and the city council may, upon finding that the costs were reasonable and necessary, order that the costs shall constitute a lien on the property for the amount of the assessment. Prior to ordering imposition of a lien, the city council will hold a hearing to consider the necessity and reasonableness of the costs. The property owner shall be given notice of the date, time, place and purpose of the hearing by first class United States mail, mailed at least fifteen days prior to the date of the hearing. At the hearing, the owner shall be given an opportunity to address the council regarding the necessity and reasonableness of the costs invoiced to the owner.

If the council, after reviewing all the evidence presented, determines that all of the invoiced costs were reasonable and necessary, the council may order imposition of a lien for the full amount of such costs incurred by the city including any administrative costs; otherwise, the council shall reduce or eliminate the lien to an amount equal to the reasonable and necessary costs arising out of the provision of the more frequent pick-ups, larger containers, or removal of excess waste.

The remedies set forth in this section shall be cumulative to any other remedies available to the city in law or equity.

(a) No discarded materialsrubbish shall be removed and carried on and along a public right-of-way of the city except that same be carried, conveyed or hauled in conveyances so constructed as to be dustproof, and so arranged as not to permit dust or other matter to sift through or fall upon a public right-of-way. The contents of such conveyances must be completely covered and enclosed so as to prevent the contents from being blown upon the public right-of-way and adjacent lands.
6.04.08 - Trucks.
(a) Every truck used by the contractor-exclusive hauler in the collection or removal of discarded materials-refuse shall be kept well-painted, clean inside and out, and in a prominent place on each truck display the name of the exclusive haulercontractor's firm and the truck number.

6.04.09 - Contract.
(a) For the collection, and disposal, and processing of discarded materials-refuse, a contract for a period not to exceed twenty years may be entered into by the city or regional agency in accordance with the terms and conditions of this chapter.

6.04.10 - Liability of all occupants for fees.
(b) All occupied premises in the city shall have discarded materials-refuse collection for the collection, removal, processing, and disposal of discarded materials-refuse produced upon premises for which a service charge shall be collected. Charges for such service shall be based upon the rates submitted annually by the exclusive hauler and ratified by the regional agency.

6.04.12 - Billing owner.
(a) In the case of premises containing more than one dwelling unit or place of business or both, such fees may be charged to the owner of such premises who shall collect such fees levied against the occupants of the dwelling units or places of business located on such premises, and shall transmit the amount so collected to the contractorexclusive hauler. In the event the owner fails to collect such fees from any such occupant and remit same to exclusive haulercontractor, the owner shall be liable to exclusive haulercontractor for the payment of such fees.

6.04.12 - Discontinuance or suspension of service.
(c) Rates shall only be applicable during the time that a premise is occupied and utilities are connected for a portion of a billing period. No charge shall be made for a billing period during which utilities are disconnected for the full period.

6.04.13 - Collection.
(a) It is unlawful for any person other than the city or exclusive haulercontractor to engage in the business of collection, disposing of, transporting, carrying or conveying through the public right-of-way of the city any-refuse or other matter offensive to the sight, provided, however, that garbage-discarded materials collection or disposal contractors when serving the municipalities county discarded materials collectiongarbage district, state or federal institutions or any person in the
employ of such governmental agencies may haul such materials and provided no loss occurs from such vehicles upon the public right-of-way. Nothing shall prevent a producer from hauling his own rubbish—discarded materials to a designated disposal or processing site.

(b) Exclusive haulerContractor shall have the sole and exclusive right for discarded materials refuse collection services provided for in this code as it relates to all residential areas, to each single-family dwelling, to all multiple-apartment units-family dwelling units, to all commercial, business, industrial, and manufacturing establishments, located within the city boundaries of this city, with the following exceptions:

(1) That whenever a commercial, business, industrial or manufacturing establishment produces discarded material rubbish or debris that has resaleable value, it may negotiate with a scavenger company other than the contractor exclusive hauler under contract with the city, for the opportunity of selling these specific items, only if compensated by the scavenger company. The scavenger company providing this service must receive a permit issued by the fire chief or his delegated representative and obtain a business license pursuant to Title 5 of this Code.

(2) In those cases where a commercial, business, industrial or manufacturing establishment can show to the satisfaction of the fire chief or his delegated representative that the contractor exclusive hauler under contract with the city cannot provide the necessary service required by said establishment, the fire chief may grant a permit for a scavenger company other than the contractor exclusive hauler to provide service to the establishment. Scavenger company requesting this permit must also obtain a business license pursuant to Title 5 of this Code.

6.04.1470 - Placing for collection.

(a) The contractor exclusive hauler shall collect and remove, from all places and premises in the city, all discarded materials refuse which is contained in a receptacle of the type or kind prescribed by this chapter, located no more than five fifty feet from face of curb or curb line of a public right-of-way or private alley accessible to the contractor exclusive hauler for residential generators.

6.04.180 - Exclusions from regular service.

Dead animals, diseased articles, dangerous materials, industrial refuse, automobiles, rocks, dirt, household appliances, wood over six inches in diameter and/or over four feet long, live coals and unusual quantities or sizes of materials resulting from the construction or wrecking of buildings or structures shall not be collected as a regular service. Special disposal service shall be offered for the collection and disposal of refuse too large in size or quantity to fit into an approved container and for service requested at times different from the regular established route times.


(a) Nothing in this chapter shall be deemed to prohibit the removal and hauling by any unlicensed person of discarded materials considered by the health officer or fire
chief to constitute a health menace of such nature as necessary to be ordered by any of said officers to be promptly removed.

6.04.1620 - Establishment of transfer sites and city dump.

(d) —

(a) The council is authorized to acquire and/or establish a transfer sites and city dump and to establish by resolution, rules and regulations for operation and a schedule of charges for the use of the transfer sites and city dump. The council may contract for the operation of a transfer site and city dump for any terms considered beneficial to the city.

6.04.17210 - Use of transfer site and city dump.

(e) —

(a) No person other than the contractor, a self-hauler, or employees of the city, acting within the scope of their employment or as provided in this chapter, shall carry, transport, deliver, or deposit any garbage discarded materials in any transfer site and city dump which the city may establish. Materials Rubbish may be hauled by the producers of the material to the city dump. All discarding of material shall be in accordance with the instructions of the person supervising such transfer site and city dump.

6.04.18220 - Responsible officer.

(a) The fire chief shall be responsible for the supervision of the transfer site and city dump and shall see that all provisions of this chapter, and of any contract are complied with.

6.04.222 – Collection of recyclable materials—Contract.

The city council may enter into an agreement with any contractor, granting to such contractor the exclusive right and privilege of collecting, processing and marketing recyclable materials from designated dwellings within the city, according to the terms and conditions of such an agreement.

6.04.224 – Collection of recyclable materials—Fees.

The city council may determine the manner in which recycling services are to be provided by the city. The council shall determine by resolution any fee to be imposed and collected from residential or commercial occupancies serviced by recyclable material collection programs provided by the city or city’s contractor and the manner in which the fee is to be collected. Residential or commercial occupancies shall be notified of any new or amended fee at least thirty days prior to its implementation.


No person other than the authorized recycling contractor shall remove paper, glass, cardboard, plastic, used motor oil, ferrous metal, aluminum or other recyclable materials which have been separated from refuse and placed at a designated collection location for purposes of collection and recycling.

6.04.190228 - Recyclable materials—Donation or sale.

(f) —
(a) Nothing in this chapter shall limit the right of any person to donate, or sell or otherwise dispose of his/her recyclable materials.


(a) Owner, occupant, or property manager of single-family premises, except those that meet the self-hauler requirements in this chapter shall subscribe to the regional agency’s discarded materials collection services for all recyclable materials, organic materials, and solid waste generated as described below in Section 6.04.200(b). City, its designee, or regional agency shall have the right to review the number and size of a recyclable materials containers, organic materials containers, and solid waste containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of discarded materials and containment of materials; and, owner, occupant, or property manager of single-family premises shall adjust its service level for its collection services as requested by the city, its designee, or regional agency. Owner, occupant, or property manager may additionally manage their discarded materials by preventing or reducing their discarded materials, by managing organic waste on site, and/or using a community composting site pursuant to 14 CCR Section 18984.9(c).

(b) Generators shall participate in the regional agency’s discarded materials collection service(s) by placing designated materials in designated containers as described below, and shall not place prohibited container contaminants in collection containers.

(c) Generators shall place source separated organic materials, including food waste, in the organic materials container; source separated recyclable materials in the recyclable materials container; and solid waste in the solid waste container. Generators shall not place materials designated for the solid waste container into the recyclable materials container or organic materials container.

6.04.210 – Commercial and multi-family requirements.

(a) Commercial businesses and multi-family residential dwellings shall comply with the following requirements:

(1) Subscribe to regional agency’s discarded materials collection services and comply with requirements of those services as described in this chapter, except commercial businesses and multi-family residential dwellings that meet the self-hauler requirements in this chapter. City, its designee, or regional agency shall have the right to review the number and size of a commercial business’s or multi-family residential dwellings’ discarded materials containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of discarded materials and containment of materials; and, owner, occupant, or property manager of commercial businesses and multi-family residential dwellings shall adjust their service level for their collection services as requested by the city, its designee, or regional agency.

(2) Except commercial businesses and multi-family residential dwellings that meet the self-hauler requirements in this chapter, participate in the regional agency's
discarded materials collection service(s) by placing designated materials in designated containers. Commercial and multi-family generators shall place source separated organic materials, including food waste, in the organic materials container; source separated recyclable materials in the recyclable materials container; and solid waste in the solid waste containers. Generators shall not place materials designated for the solid waste container into the organic materials container or recyclable materials container.

(3) Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors (conforming with Sections 6.04.210b(1)(i) and b(1)(ii)) for employees, exclusive haulers, tenants, and customers, consistent with regional agency’s discarded materials collection service or, if self-hauling, in a manner to support its compliance with its self-haul program, in accordance with this chapter.

(4) Annually provide information to employees, exclusive haulers, tenants, and customers about organic waste recovery requirements and proper sorting of source separated materials.

(5) Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep source separated materials and separate from solid waste and the location of containers and the rules governing their use at each property.

(6) Provide or arrange access for city, its designee, or regional agency to their properties during all Inspections conducted in accordance with this chapter to confirm compliance with the requirements of this chapter.

(7) Accommodate and cooperate with city’s, its designee’s, or regional agency’s remote monitoring program for inspection of the contents of containers for prohibited container contaminants, which may be implemented at a later date, to evaluate generator’s compliance with this chapter. The remote monitoring program shall involve installation of remote monitoring equipment on or in the discarded materials containers.

(8) At commercial business’s or multi-family residential dwelling’s option and subject to any approval required from the city, its designee, or regional agency, implement a remote monitoring program for inspection of the contents of its discarded materials containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify prohibited container contaminants. Generators may install remote monitoring devices on or in the discarded materials containers subject to written notification to or approval by the city, its designee, or regional agency.

(9) If a commercial business or multi-family residential dwelling wants to self-haul, meet the self-hauler requirements in this chapter.

(b) Commercial businesses shall also comply with the following requirements:

(1) Provide containers for the collection of source separated materials in all indoor and outdoor areas where containers for solid waste are provided for customers, for materials generated by that commercial business. Such containers do not
need to be provided in restrooms. If a commercial business does not generate any of the materials that would be collected in one type of container, then the commercial business does not have to provide that particular container in all areas where solid waste containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the commercial business shall have either:

(i) A body or lid that conforms with the container colors provided through the collection service provided by regional agency, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A commercial business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

(ii) Existing containers shall be clearly marked with educational signage indicating the appropriate discarded material types to be placed in each container in accordance with requirements of the regional agency's collection program. Commencing January 1, 2022, new containers shall have container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container pursuant 14 CCR Sections 18984.8 and 18984.9.

(2) To the extent practical through education, training, Inspection, and/or other measures, shall prohibit employees from placing discarded materials in a container not designated for those materials per the regional agency’s separated source and solid waste collection service or, if self-hauling, in a manner to support its compliance with its self-haul program, in accordance with this chapter.

(3) Periodically inspect separated source and solid waste containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

(4) For commercial businesses that are tier one or tier two commercial edible food generators, comply with food recovery requirements in this chapter.

(c) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing organic waste on site, or using a community composting site pursuant to 14 CCR Section 18984.9(c).

6.04.220 – Waivers for residential and commercial generators.

(a) De minimis waivers. The city or regional agency may waive a commercial business’ or multi-family residential dwellings’ obligation to comply with some or all of the source separated material requirements of this chapter if the commercial business
or multi-family residential dwellings provides documentation that it generates below a certain amount of recyclable materials and organic materials as described below. Commercial businesses or multi-family residential dwellings requesting a de minimis waiver shall:

1. Submit an application to the city or, regional agency specifying the services that they are requesting a waiver from and provide documentation as noted below.

2. Provide documentation that either:
   
   (A) The commercial business' or multi-family residential dwellings' total solid waste collection service is two cubic yards or more per week and organic waste subject to collection in a recyclable materials container and/or organic materials container comprises less than 20 gallons per week per applicable container of the commercial business's or multi-family residential dwellings' total waste; or,

   (B) The commercial business' or multi-family residential dwellings' total solid waste collection service is less than two cubic yards per week and organic waste subject to collection in a recyclable materials container and/or organic materials comprises less than 10 gallons per week per applicable container of the commercial business's or multi-family residential dwellings' total waste.

3. Notify city or regional agency if circumstances change such that commercial business's or multi-family residential dwelling's organic waste exceeds threshold required for waiver, in which case waiver will be rescinded.

4. Provide written verification of eligibility for de minimis waiver every 5 years, if city or regional agency has approved de minimis waiver.

(b) Physical space waivers. The city or regional agency may waive a commercial business’s or multi-family residential dwelling’s or property owner’s obligations to comply with some or all of the recyclable materials and/or organic waste collection service requirements if the city has evidence from its own staff, the regional agency’s exclusive hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the organic waste collection requirements of this chapter.

A commercial business or multi-family residential dwelling owner or property owner may request a physical space waiver through the following process:

1. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.

2. Provide documentation that the premises lacks adequate space for recyclable materials containers and/or organic materials containers including documentation from its exclusive hauler, licensed architect, or licensed engineer.

3. Provide written verification to city or regional agency that it is still eligible for physical space waiver every five years, if city has approved application for a physical space waiver.
(c) The city and regional agency shall be responsible for review and determination of any waiver submitted for approval.

6.04.230 — Enforcement.

The fire chief, and his authorized assistants, are specifically required to enforce the provisions of this chapter and have the right of entering any or all premises for the purpose of determining whether the provisions of these sections are being conformed with and any person denying or obstructing such entry shall be subject to all penalties. The health officer shall supervise all matters in connection with refuse or rubbish disposal that concerns the public health.

It is unlawful for any person in any manner to interfere with the collection and disposal of refuse or rubbish by any person authorized by license or contract to collect and dispose of same.

6.04.230 — Commercial edible food generators requirements.

(a) Tier one commercial edible food generators must comply with the requirements of this Section 6.04.230 commencing January 1, 2022, and tier two commercial edible food generators must comply commencing January 1, 2024 pursuant to 14 CCR Section 18991.3.

(b) Large venue or large event operators not providing food services, but allowing for food to be provided by others, shall require food facilities operating at the large venue or large event to comply with the requirements of this Section, commencing January 1, 2024.

(c) Commercial edible food generators shall comply with the following requirements:

(1) Arrange to recover the maximum amount of edible food that would otherwise be disposed.

(2) Contract with, or enter into a written agreement with food recovery organizations or food recovery services for: (i) the collection of edible food for food recovery; or, (ii) acceptance of the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.

(3) Shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or a food recovery service.

(4) Allow the enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.

(5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

(A) A list of each food recovery service or organization that collects or receives its edible food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

(B) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
(C) A record of the following information for each of those food recovery services or food recovery organizations:

(i) The name, address and contact information of the food recovery service or food recovery organization.

(ii) The types of food that will be collected by or self-hauled to the food recovery service or food recovery organization.

(iii) The established frequency that food will be collected or self-hauled.

(iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a food recovery service or food recovery organization for food recovery.

(d) Tier one commercial edible food generators shall submit food recovery reports, as defined below, to the enforcement entity according to the following schedule:

(1) On or before August 1, 2022, tier one commercial edible food generators shall submit a food recovery report for the period of January 1, 2022 through June 30, 2022.

(2) On or before May 1, 2023, and on or before May 1st each year thereafter, tier one commercial edible food generators shall submit a food recovery report for the period covering the entire previous calendar year.

(e) Tier two commercial edible food generators shall submit food recovery reports, as defined below, to the enforcement entity according to the following schedule:

(1) On or before May 1, 2025, and on or before May 1st each year thereafter, tier two commercial edible food generators shall submit a food recovery report for the period covering the entire previous calendar year.

(f) Food recovery reports submitted by tier one and tier two commercial edible food generators shall include the following information:

(1) The name and address of the commercial edible food generator;

(2) The name of the person responsible for the commercial edible food generator's edible food recovery program;

(3) A list of all contracted food recovery services or food recovery organizations that collect edible food from the commercial edible food generator;

(4) The total number of pounds of edible food, per year, donated through a contracted food recovery organization or food recovery service.

(d) Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on
September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

6.04.240 – Requirements for food recovery organizations and services.

(a) Food recovery services collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

(1) The name, address, and contact information for each commercial edible food generator from which the service collects edible food.

(2) The quantity in pounds of edible food collected from each commercial edible food generator per month.

(3) The quantity in pounds of edible food transported to each food recovery organization per month.

(4) The name, address, and contact information for each food recovery organization that the food recovery service transports edible food to for food recovery.

(b) Food recovery organizations collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

(1) The name, address, and contact information for each commercial edible food generator from which the organization receives edible food.

(2) The quantity in pounds of edible food received from each commercial edible food generator per month.

(3) The name, address, and contact information for each food recovery service that the organization receives edible food from for food recovery.

(c) Food recovery organizations and food recovery services that have their primary address physically located in the city and contract with or have written agreements with one or more tier one or tier two commercial edible food generators pursuant to 14 CCR Section 18991.3(b) shall submit food recovery reports, as defined below, to the enforcement entity according to the following schedule:

(1) On or before August 1, 2022, food recovery organizations and food recovery services shall submit a food recovery report for the period of January 1, 2022 through June 30, 2022;

(2) On or before May 1, 2023, and on or before May 1st each year thereafter, food recovery organizations and food recovery services shall submit a food recovery report for the period covering the entire previous calendar year.

(d) Food recovery reports submitted by food recovery services or organizations shall include the following information:
(1) Total pounds of edible food recovered in the previous calendar year from tier one and tier two edible food generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b).

(2) Total pounds of edible food recovered in the previous calendar year from the tier one and tier two commercial edible food generators they have established a contract or written agreement with within Santa Clara County.

(e) In order to support edible food recovery capacity planning assessments or other studies conducted by the county, city, its designee, or regional agency, food recovery services and food recovery organizations operating in the city shall provide information and consultation to the city or regional agency, upon request, regarding existing, or proposed new or expanded food recovery capacity that could be accessed by the city and its commercial edible food generators. A food recovery service or food recovery organization contacted by the enforcement entity shall respond to such request for information within 60 days, unless another timeframe is otherwise specified by the city or regional agency.

6.04.250 – Hauler and facility operator requirements.

(a) Requirements for haulers

(1) The exclusive hauler providing single-family, multi-family residential dwellings, and commercial recyclable materials, organic waste, C&D, and solid waste collection services to generators within the city’s boundaries shall meet the following requirements and standards:

(A) Transport:(i) source separated recyclable materials to a facility that recovers recyclable materials; (ii) transport source separated organic materials to a facility, operation, activity, or property that recovers organic waste as defined in 14 CCR, Division 7, Chapter 12, Article 2; and (iii) solid waste to a disposal facility; and all facilities shall be approved by the regional agency through the exclusive hauler’s collection agreement with the regional agency.

(2) The exclusive hauler authorized to collect source separated materials and solid waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement entered into by the exclusive hauler and the regional agency.

(b) Requirements for facility operators and community composting operations.

Owners of facilities, operations, and activities that recover organic waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon city or regional agency request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the city or regional agency shall respond within 60 days.

6.04.260 – Self-hauler requirements.
(a) Self-haulers shall source separate all materials in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul organic waste that is mixed with solid waste to a high diversion organic waste processing facility as specified in 14 CCR Section 18984.3.

(b) Self-haulers shall haul their source separated materials to facilities that recover those materials. Alternatively, self-haulers may haul organic waste that is mixed with solid waste to a high diversion organic waste processing facility.

(c) Self-haulers that are owners or property managers of commercial businesses and multi-family residential dwellings shall keep a record of the amount of recyclable materials and organic waste delivered to each solid waste facility, operation, activity, or property that processes or recovers recyclable materials and/or organic waste. This record shall be subject to Inspection by the city, its designee, or regional agency. The records shall include the following information:

1. Delivery receipts and weight tickets from the entity accepting the recyclable materials, organic waste, or solid waste.
2. The amount of discarded material in cubic yards or tons transported by the generator to each entity.
3. If the discarded material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the self-hauler’s vehicle in a manner that allows it to determine the weight of materials received, the self-hauler is not required to record the weight of material but shall keep a record of the entities that received the recyclable materials, organic waste, or solid waste.

(d) Self-haulers that are owners or property managers of commercial businesses and multi-family self-haulers shall provide information collected in 6.04.260(c) to city, its designee, or regional agency, if requested.

(e) A single-family generator that self-hauls recyclable materials, organic waste, or solid waste is not required to record or report information in 6.04.260(c) and (d).

6.04.270 – Inspections and investigations by city.

(a) The enforcement entity is authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for discarded materials collected from generators, or source separated materials to confirm compliance with this chapter by single-family generators, commercial businesses, multi-family residential dwellings, property owners, commercial edible food generators, haulers, self-haulers, food recovery services, and food recovery organizations, and other entities regulated hereunder subject to applicable laws. This section does not allow the enforcement entity to enter the interior of a private residential property for Inspection. For the purposes of inspecting commercial business and multi-family residential dwellings containers for compliance of this chapter, city may conduct container inspections for prohibited container contaminants using remote monitoring, and commercial businesses and multi-family residential dwellings shall...
accommodate and cooperate, if applicable, with the remote monitoring pursuant to this chapter.

(b) Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the enforcement entity’s employee during such Inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, edible food recovery activities, records, or any other requirement of this chapter described herein. Failure to provide or arrange for: (i) access to an entity’s premises; (ii) installation and operation of remote monitoring equipment; or (iii) access to records for any Inspection or investigation is a violation of this chapter and may result in penalties described.

(c) Any records obtained during Inspections, remote monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

(d) The enforcement entity shall receive written complaints from persons regarding an entity that may be potentially non-compliant with this chapter, including receipt of anonymous complaints.

6.04.280 – Enforcement.

(a) Violation of any provision of this chapter shall constitute grounds for issuance of a notice of violation and assessment of a fine. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. The responsible entity for enforcement may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The enforcement entity may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of entity’s resources.

(b) Responsible entity for enforcement

(1) Enforcement pursuant to this chapter may be undertaken by the city enforcement official, regional agency enforcement official, county agency enforcement official, designee, or combination thereof, as defined in this chapter.

(A) The enforcement entity will interpret this chapter; determine the applicability of waivers, if violation(s) have occurred; implement enforcement actions; and, determine if compliance standards are met.

(B) The enforcement entity’s procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the administrative citations issued to enforce this chapter and any rule or regulation adopted pursuant to this chapter, except as otherwise indicated in this chapter.

(c) Process for enforcement

(1) The enforcement entity and exclusive hauler will monitor compliance with the chapter randomly and through compliance reviews, route reviews, investigation
of complaints, and an inspection program (that may include remote monitoring). This chapter establishes city’s right to conduct inspections and investigations.

(2) The enforcement entity may issue an official notification to notify regulated entities of its obligations under this chapter.

(3) For incidences of prohibited container contaminants found in containers, the enforcement entity will issue a notice of violation to any generator found to have prohibited container contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the prohibited container. If the enforcement entity or exclusive hauler observes prohibited container contaminants in a generator’s containers on more than three (3) consecutive occasion(s), the enforcement entity or exclusive hauler may assess contamination processing fees or contamination penalties on the generator.

(4) With the exception of violations of generator contamination of container contents addressed under 6.04.290(c)(3), the enforcement entity shall issue a notice of violation requiring compliance within 60 days of issuance of the notice.

(5) Absent compliance by the respondent within the deadline set forth in the notice of violation, the enforcement entity shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the city’s municipal code, chapter 6.10.180 administrative penalties and procedures.

Notices shall be sent to “owner” at the official address of the owner maintained by the tax collector for the city or if no such address is available, to the owner at the address of the dwelling or commercial property or to the party responsible for paying for the collection services, depending upon available information.

(d) **Penalty amounts for types of violation.** The penalty levels follow city municipal code, chapter administrative penalties and procedures.

(e) **Compliance deadline extension considerations.** The enforcement entity may extend the compliance deadlines set forth in a notice of violation if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
2. Delays in obtaining discretionary permits or other government agency approvals; or,
3. Deficiencies in organic waste recycling infrastructure or edible food recovery capacity and the city is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

(f) **Appeals process.** Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is consistent with city’s procedures in the city municipal code, chapter 6.10.
(g) **Education period for non-compliance.** Beginning January 1, 2022 and through December 31, 2023, the enforcement entity will conduct inspections, remote monitoring, route reviews or waste evaluations, and compliance reviews, depending upon the type of regulated entity, to determine compliance, and if the enforcement entity determines that organic waste generator, self-hauler, hauler, tier one commercial edible food generator, food recovery organization, food recovery service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this chapter and a notice that compliance is required by January 1, 2022 and that violations may be subject to administrative civil penalties starting on January 1, 2024.

(h) **Civil penalties for non-compliance.** Beginning January 1, 2024, if the enforcement entity determines that an organic waste generator, self-hauler, hauler, tier one or tier two commercial edible food generator, food recovery organization, food recovery service, or other entity is not in compliance with this chapter, it shall document the noncompliance or violation, issue a notice of violation, and take enforcement action pursuant to this chapter, as needed.

6.04.290 – Effective date.
This chapter shall be effective commencing on January 1, 2022.

THEREFORE, BE IT RESOLVED that the City Council adopts an Ordinance amending section 6.10.020 and replacing chapter 6.04 of the City of Campbell municipal code to implement SB 1383 discarded materials and excluded waste management and requirements.

PASSED AND ADOPTED this ___ day of ______, 2021, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSTAINED: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

APPROVED:_____________________________________

Elizabeth "Liz" Gibbons, Mayor

ATTEST:_______________________________________

Dusty Christopherson, City Clerk
PROOF OF PUBLICATION
(2015.5 C.C.P.)
PROOF OF PUBLICATION
State of California
County of Santa Clara
I am a citizen of the United States and a resident of the State of California: I am over the age of 18 years, and not party to or interested in the above-entitled matter. I am the principal clerk of the printer of Metro San Jose’s Weekly Newspaper, 380 South First Street, San Jose, California 95113 a newspaper published in the English language in the City of San Jose, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior court of the county of Santa Clara, State of California, on April 7, 1988, Case No. 651274; that the notice of which annexed is a printed copy has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates to with:
October 6 - 2021
I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated: October 6, 2021
At San Jose, California

Dave Miller
TITLE: Request for City Council Consensus to Allow Preparation of Urgency Ordinance Amendments to the Campbell Municipal Code to Implement Senate Bill 9, Concerning Two Unit Developments and Lot Splits in Single Family Residential Zones

RECOMMENDED ACTION

It is recommended that City Council direct staff to prepare an urgency ordinance adopting interim text amendments to the Campbell Municipal Code (Zoning and Subdivision) and regular ordinance adopting long-term amendments to the Campbell Municipal Code (Zoning and Subdivision), to implement Senate Bill (SB) 9.

BACKGROUND

SB-9 Projects: Senate Bill (SB) 9, signed into law by Governor Newsom on September 16, 2021, allows all properties within a "single-family residential zone" to develop two units and to be subdivided into two parcels, irrespective of existing local zoning, General Plan, or subdivision standards. Implementation of the law will functionally eliminate single-family residential zoning in California, by allowing the following development activities:

- "Housing Development" is a proposal to allow two housing units on an eligible single-family residential parcel, subject to the following restrictions:
  - The units may not be utilized as a short-term rental (defined as a rental term less than 30 days).
  - The project would not result in the demolition of more than 25 percent of existing exterior structural walls of an existing dwelling if the property has been occupied by a tenant in the last three years or otherwise as allowed by City ordinance.

- "Urban Lot Split" is a proposal for a one-time subdivision of an existing single-family residential parcel into two parcels, subject to the following restrictions:
  - The original parcel was not previously created through an Urban Lot Split allowed under SB 9 (hence the one-time nature of the provision).
Each new parcel must be "approximately equal" in lot area provided that one parcel shall not be smaller than 40 percent the size of the original parcel and no parcel shall be less than 1,200 square feet.

The subdivider must sign an affidavit stating that they intend to occupy one of the housing units on one of the created lots as their principal residence for a minimum of three years from the date of approval of the Urban Lot Split.

Note: This requirement does not specifically require owner occupancy, and the local jurisdiction cannot impose additional owner occupancy standards.

Units constructed on new Urban Lot Split parcels may not be utilized as a short-term rental (defined as a rental term less than 30 days).

Neither the subdivider nor any person "acting in concert" with the subdivider can subdivide an adjacent parcel using an urban lot split.

Note: SB 9 does not define what "acting in concert" means or how it would be proven.

Qualifying Criteria: SB 9 applies to all single-family residential ("R-1") zoned properties within an urbanized area, except for the following:

- Properties located within a flood zone.
- Properties within a delineated earthquake fault zone.
- Properties identified as a hazardous waste site.
- Properties listed on the City's historic resource inventory.
- Proposals that would include demolition of the following types of housing:
  - Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
  - Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.
  - Housing that has been occupied by a tenant in the last three years.

Limitations on the City: The following limitations apply to all “Housing Development” and “Urban Lot Split” projects under SB 9:

- The City may only impose objective zoning, design, and subdivision standards. Any applicable standards shall not physically preclude the construction of two units of less than 800 square feet each, per property.
- The City must review and process applications for SB 9 Housing developments and Urban Lot Splits ministerially without any discretionary/subjective review or CEQA.
• The City may not impose a residential setback greater than 4-feet for side and rear property lines.

• The City may not impose any setback requirements for a new residence constructed in the same location and to the same dimensions as an existing structure that is demolished.

• The City may not impose off-site improvement or right-of-way dedication requirements.

• The City may not require more than one parking space per new unit (or lot), and for properties within one-half mile walking distance of either a high-quality transit corridor or a major transit stop, or within one block of a car share vehicle, no parking spaces may be required.

• The City may not require correction of an existing non-conforming condition.

• The City may only deny an SB 9 proposal if the Building Official finds that it would have a "specific, adverse impact (as defined), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact."

Potential Effect of SB 9: Campbell has approximately 6,800 R-1 single-family residential lots, occupying over 1,370 acres, that would be subject to SB 9. These parcels range in size from 3 acres to small sub-standard lots, and the average lot area is 8,700 square feet. UC Berkley’s Terner Center, estimates that only 400 of Campbell’s single-family parcels would be economically viable to allow new unit construction under SB 9, representing the potential creation of 700 new units.¹ The Terner Center forecast is a "snap-shot" of economic viability under current market conditions, not a time-horizon forecast. As such, changes in land, labor, and material cost overtime will continue to shift the number of parcels that may be potentially developed under SB 9.

Possible SB 9 Development Scenarios: SB 9 allows for an increase in housing unit production over current law in single family neighborhoods when taking into account existing State requirements for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). Currently, a single-family residentially zoned property allows for one primary dwelling unit, one ADU, and one JADU, for a total of three housing units.

SB 9 does not require the City to allow ADUs/JADUs in addition to SB 9 units involving an Urban Lot Splits. For Housing Developments involving detached single-family homes, standard ADU provisions continue to apply that allow one ADU and one JADU. It is unclear how many ADU’s and JADU’s may be allowed in addition to the construction of two primary units (duplex) on one parcel under SB 9. Staff is working with legal counsel and seeking guidance from the State Department of Housing and Community Development (HCD) to clarify this question. An urgency ordinance will

¹ Will Allowing Duplexes and Lot Splits on Parcels Zoned for Single-Family Create New Homes?
clarify this issue and will incorporate provisions as necessary into an implementing ordinance to prevent development intensity beyond that intended by SB 9.

The following two scenarios illustrate the potential residential ‘buildout’ that could happen on a single family property under SB 9:

- **Scenario 1 (SB 9 Housing Development – Detached Units):**

  1. Existing Detached Primary Unit
  2. Junior Accessory Dwelling Unit
  3. New Detached Primary Unit
  4. New Accessory Dwelling Unit (attached or detached)
  5. 4 Total Housing Units (Subject to verification by legal counsel / HCD)

- **Scenario 2 (SB 9 Urban Lot Split):**

  1. Existing Detached Primary Unit (New Lot 1)
  2. New Detached Primary Unit (New Lot 1)
  3. 2 Attached Primary Units (Duplex) (New Lot 2)
  4. 4 Total Housing Units

**DISCUSSION**

SB 9 exposes the City to several vulnerabilities unless the city adopts an implementing ordinance to institute objective standards and clear implementing mechanisms addressing the “Housing Development” and “Urban Lot Split” projects:

- **Ambiguity of Existing Units:** SB 9 is not entirely clear if the two allowable dwelling units from a Housing Development on a single family property accounts for existing homes and ADUs/JADUs. Without the greater specificity in a local ordinance, developers may attempt to construct two SB 9 units in addition to existing units. Absent codified guidance and enaction through ordinance, this could present a potential legal challenge.

- **Lack of Objective Residential Design Standards.** SB 9 Housing Developments must be approved ministerially and the City may only apply objective zoning criteria. As a result, the design guidelines for single family neighborhoods such as the San Tomas Area Neighborhood Plan and Campbell Village Neighborhood Plan cannot be applied. Staff is continuing to work on residential "objective standards" but they will not be completed prior to SB 9’s effective date of January 1, 2022. The following table compares Campbell’s existing development standards with the standards allowed under SB 9.

<table>
<thead>
<tr>
<th>CURRENT STANDARDS/GUIDELINES</th>
<th>ENFORCEABLE UNDER SB-9?</th>
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</thead>
</table>

Packet Pg. 101
<table>
<thead>
<tr>
<th>CURRENT STANDARDS/GUIDELINES</th>
<th>ENFORCEABLE UNDER SB-9?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear/Street-Side Setbacks</td>
<td>No. Only a 4-foot side and rear setbacks may be applied. This is a substantial reduction from current setback requirements, particularly in the San Tomas Area. Current rear setbacks are 20-25 feet and side setbacks are up to 8-feet and 10-feet, or 60% of the &quot;wall height&quot;. Therefore, where a two-story house may have required a 12-foot second-story setback and 8-foot first-floor setback, the same house may now have a 20-foot tall shear wall four feet from the property line under SB-9.</td>
</tr>
<tr>
<td>Rear/Interior-Side Setbacks</td>
<td>Yes</td>
</tr>
<tr>
<td>Height/Stories</td>
<td>Yes</td>
</tr>
<tr>
<td>Floor Area Ratio (FAR)</td>
<td>Yes, but only to the extent these standards do physically preclude construction of new SB-9 units of at least 800 square-feet.</td>
</tr>
<tr>
<td>Building Lot Coverage</td>
<td></td>
</tr>
<tr>
<td>Usable Open Space</td>
<td></td>
</tr>
<tr>
<td>Design Guidelines</td>
<td>None of the design guidelines of the San Tomas Area or Campbell Village Neighborhood plans may be applied as they are not objective standards.</td>
</tr>
<tr>
<td>Massing/Scale</td>
<td></td>
</tr>
<tr>
<td>Wall Articulation</td>
<td></td>
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<tr>
<td>Colors/Materials</td>
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<tr>
<td>Roof Form/Pitch</td>
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<tr>
<td>Architectural Style</td>
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<tr>
<td>Grading</td>
<td></td>
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<tr>
<td>Privacy</td>
<td></td>
</tr>
<tr>
<td>Site and Architectural Review</td>
<td>SB-9 housing units must be approved ministerially and are not subject to any site and architectural review.</td>
</tr>
<tr>
<td>Review Permit Process</td>
<td></td>
</tr>
</tbody>
</table>

- **Lack of objective subdivision design standards:** Since SB 9 allows for a minimum lot size of 1,200 square-feet that may result in the creation of lots that are small or unusually shaped, Urban Lot Splits may result in irregular lot patterns or multiple flag lots. Although the City's comprehensive update of the Subdivision Ordinance is still underway, it will not be completed before January. As a result, there are no objective geometric standards applicable to Urban Lot Split proposals.

- **Accessory Dwelling Unit Ordinance:** As noted, it is currently unclear if ADUs and JADU's can be developed on a single family property in addition to the construction of a duplex under SB 9.

**RECOMMENDED APPROACH FOR IMPLEMENTING SB 9**

As the City’s General Plan designation for single family neighborhoods does not contemplate the construction of two single family units on one lot or lot splits that allow
the creation of parcels as small as 1,200 square feet, the City will need to broadly evaluate modifications to the General Plan to allow internal consistency for the implementation of SB 9. As this will take a more comprehensive effort evaluating the single family zoning designation, staff recommends that this effort be conducted in concert with the completion of the General Plan / Housing Element Update, to be finalized by the end of 2022.

Since SB 9 goes into effect on January 1, 2022 staff recommends adoption of an urgency ordinance with interim development standards, allowing implementation SB 9 efficiently while protecting the public health, safety and welfare. Staff recommends preparation of a self-contained chapter in the Zoning Code and Subdivision Code containing all applicable SB 9 provisions and exceptions, including additional development standards and restrictions to SB 9 Housing Developments and Urban Lot Splits.

Staff has initially identified the following recommended standards that would apply to SB 9 that are comparable to those currently applicable to ADUs:

Draft Interim SB 9 Housing Development Standards:

- **Maximum Unit Size**: Limit the size of SB 9 units to no more than 1,200 square-feet, subject to the maximum FAR and Lot Coverage.

- **Maximum Building Height/Stories**: Limit the height and number of stories of SB 9 units to 16-feet and one-story.

- **Maximum Number of Rooms**: Limit SB 9 units to two bedrooms, a kitchen, and one living/family room.

- **Setbacks**: Notwithstanding the 4-foot setbacks for side and rear property lines, require SB 9 units to comply with applicable front and street-side setbacks.

- **Building Separation**: Require SB 9 units located in front or behind each other to be separated by 10-feet and units located to the side of each other by 5-feet.

- **Rooftop Decks**: Prohibit SB 9 units from incorporating rooftop decks.

- **Parking Stalls**: Unless otherwise exempt, require each SB 9 unit to be served by one *covered* parking stall (garage or carport), either attached or detached.

Draft Interim SB 9 Urban Lot Split Standards:

- **Parcel Configuration**: Require new parcels to maintain right angles to streets or radial to the centerline of curved streets. This would minimize the creation of unusual shaped lots.
- **Flag Lots**: Since the resulting parcel of an Urban Lot Split may be quite small, prohibiting the creation of flag-lots to minimize impacts to neighboring properties.

- **Lot Width**: In order to maintain a logical development pattern within existing neighborhoods, require a minimum lot width of 30-feet, which is equal to half the size of a standard "R-1-6" lot.

- **Subdivider Affidavit**: Require that the subdivider affidavit, which affirms the applicant's intent to reside on one of the lots, be recorded on the title of the property to encourage compliance.

**Schedule**: Subject to Council direction, staff will prepare the urgency ordinance with the City Attorney’s office to adopt interim SB 9 standards, to be effective prior to January 1, 2022. Staff will bring the draft urgency ordinance to the Council no later than the December 7, 2021 meeting, to be closely followed by adoption through the normal process. As an urgency ordinance, a Planning Commission recommendation is not required and a 4/5 Council vote is required for adoption. The urgency ordinance will be followed by a standard ordinance, that includes Planning Commission recommendation, to occur early 2022 so that the urgency ordinance does not need to be continuously renewed throughout the year. The urgency ordinance will have an initial effective period of 45 days, but may be extended for up to 10 months and 15 days subject to public of a report and holding of a public hearing.

**PUBLIC NOTICE**
Due to the very short period of time allowed to complete and adopt the interim urgency ordinance, there is very limited opportunity to conduct public outreach. Staff proposes to conduct limited public outreach in November, that will include publication of FAQ’s and the draft ordinance for SB 9 on the Department website, notifications through social media posts and emails to interested parties. Additional information can be distributed through planned upcoming community outreach meetings in early December for the Housing Element.

**FISCAL IMPACTS**
Due to the urgent nature of this item, a fiscal impact analysis is not possible at this time and would be highly speculative. However, staff will continue to analyze the fiscal impacts of this legislation and provide an update to Council in the future should there be fiscal impacts to the City.

Prepared by: Daniel Fama, Senior Planner
Reviewed by: 
Rob Eastwood, Community Development Director

Approved by: 
Brian Loventhal, City Manager
TITLE: Authorization to Amend the Consultant Services Agreement with LPA, Inc., Increasing the Contract Amount by $1,399,985.

RECOMMENDED ACTION

It is recommended that the City Council adopt a Resolution authorizing the City Manager to amend the Consultant Services Agreement with LPA, Inc., increasing the amount by $1,399,985 for the preparation of design documents and associated services relating to the construction of a new Police Operations Building.

BACKGROUND

On May 19, 2020, the City Council adopted Resolution No. 12588 authorizing the City Manager to execute a consultant services agreement for design services in an amount not to exceed $980,835 for the design of the proposed new Police Operations Building, the renovation of the existing portion of City Hall where the Police Department is currently located, as well as associated site work. LPA, Inc. (LPA) was selected after a rigorous consultant selection process. At that time, Council was informed that the scope of work included in the original agreement would complete the Schematic Design (15%) as well as the Design Development Phase (30%). Because the project delivery method for the Police Building was not decided on at that time, it was communicated to Council that a contract amendment would be required once the project delivery method was authorized by Council. The original scope of services is attached as Exhibit A.

On August 17, 2021, Council was presented with two project delivery methods for consideration: Design-Build and the traditional Design-Bid-Build. Both delivery methods were presented in detail, along with the advantages and disadvantages of each. At the conclusion of the discussion, Council decided to continue the item to the September 7, 2021 Council Meeting. At that meeting, the City Council adopted Resolution No. 12759, directing staff to move forward with the traditional Design-Bid-Build project delivery methodology.

As of September 1, 2021, the City has been invoiced from LPA for $946,300 in design services. All tasks identified in the initial contract have been completed. A contract amendment is now required to have LPA continue their work relating to the design of the Police Operations Building and begin the preparation of construction drawings.

DISCUSSION
As was discussed during the previous Council meetings, the selection of the project delivery method was a necessary step in defining the remaining work for the design consultants. Under the alternative Design-Build project delivery method, LPA would have moved into producing bridging documents. However, under the chosen Design-Bid-Build project delivery method, LPA will now move into producing construction documents that will be continually refined all the way up to the approval of plans and specifications by Council.

The work required to prepare the construction documents and provide support through the bid process and into the construction phase can be categorized as follows, with associated sub-tasks:

- **Preparation of Construction Documents and Plan Check Review**
  a. Building construction documents consisting of architecture, interiors, structural, mechanical, plumbing and electrical design; progress sets at 65% and 95%
  b. Site design development drawings of civil, landscape and electrical design requirements; progress sets to be issued at 65% and 95%
  c. Final set at 100% - permit ready
  d. Specifications (Project Manual)
  e. Updated project schedule
  f. Detailed construction cost estimate

- **Bidding and Negotiation**
  a. Bid documents
  b. Preparation of addenda as required
  c. Participate in pre-bid conferences
  d. Analysis of substitutions

- **Construction Contract Administration**
  a. Processing of submittals
  b. Field observation services
  c. Review change-order requests
  d. Project closeout services

- **Furniture Design and Management**
  a. Develop design criteria and bid documentation
  b. Develop procurement, schedule and installation plan
  c. Evaluate purchasing options
  d. Develop RFP documents
  e. Perform bid analysis

- **Redesign of the Public Parking Lot (North First Street side)**
  a. Prepare two options
  b. Evaluate accessible path of travel, width of sidewalks
  c. Evaluate parking (redesign) impacts
Staff began discussions with LPA regarding the preparation of a contract amendment to address the work required as part of the Design-Bid-Build project delivery method. As a result of those discussions, a revised scope of services proposal with an associated fee proposal was developed by LPA and is attached to this report as Exhibit B.

The scope of services document describes each task in greater detail and identifies the related deliverables. The proposal also includes an allowance for reimbursable expenses. The fee proposal for the revised scope of work is $1,399,985, including up to $20,000 for reimbursable expenses such as the cost of reproduction, plotting, express mailing, delivery charges, mileage, travel and overhead on consultant invoices. The proposed costs are allocated as follows:

1. Construction Documents and Plan Check Review: $736,775
2. Bidding and Negotiation Services: $27,800
3. Construction Contract Administration: $541,935
4. Furniture Design and Management: $59,025
5. Redesign of Public Parking Lot: $14,450
6. Reimbursable Allowance: $20,000

The next phase of work will be the preparation of the 65% progress set of the construction drawings, with a revised cost estimate. This is scheduled to be completed by December 2021.

FISCAL IMPACT

The initial contract with LPA, Inc. was in the amount of $980,835. In order to complete the tasks required for the implementation of the Design-Bid-Build project delivery method, staff recommends Council authorize the City Manager to amend the consultant agreement and increase the contract amount by $1,399,985. This will result in a total contract amount of up to $2,380,820.

This project is funded by the proceeds of voter-approved Measure O. There are sufficient funds available in the project budget to fund the recommended contract amendment. Therefore, no adjustment to adopted appropriations in the 2022 - 2026 Capital Improvement Plan (CIP) is being requested at this time.

ALTERNATIVES

Do not approve the consultant services amendment. However, that action may have adverse impacts to the delivery of the project.

Prepared by: Todd Capurso, Director of Public Works
Approved by:  

Brian Loventhal, City Manager

Attachment:

a. Resolution
b. LPA Amendment 1
c. Exhibit A - Original Scope of Services
d. Exhibit B - Amendment - Scope of Services
RESOLUTION NO. ________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
AUTHORIZING THE CITY MANAGER TO AMEND THE CONSULTANT SERVICES
AGREEMENT WITH LPA, INC.

WHEREAS, the City Council adopted Resolution No. 12588 on May 19, 2020, authorizing the City Manager to execute a consultant services agreement for design services in an amount of $980,835, to begin the design of the proposed Police Operations Building; and

WHEREAS, the City and LPA, Inc. entered into a consultant services agreement in the amount of $980,835 to complete the Schematic Design and Design Development phases of the project; and

WHEREAS, the City Council considered two different project delivery methods at Regular City Council Meetings on August 17, 2021 and September 7, 2021; and

WHEREAS, the City Council adopted Resolution No. 12759 on September 7, 2021, authorizing staff to move forward with the traditional Design-Bid-Build project delivery method; and

WHEREAS, staff communicated this information and requested that LPA, Inc. develop a project scope for the remaining work and an associated fee proposal that would be used as the basis of a contract amendment; and

WHEREAS, LPA Inc. has developed a revised project scope that includes: the preparation of construction documents and plan review, bidding and negotiation services, construction contract administration services, furniture design and management, the redesign of the North First Street public parking lot, and an allowance for reimbursable expenses; and

WHEREAS, LPA Inc. proposes to perform the previously mentioned tasks in an amount not to exceed $1,399,985; and

WHEREAS, an amendment to the consultant agreement is necessary to allow LPA, Inc. to continue to work on the design of the new Police Operations Building.
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Campbell hereby authorizes the City Manager to amend the consultant services agreement between the City of Campbell and LPA, Inc., increasing the contract amount by $1,399,985 for a total contract amount of $2,380,820.

PASSED AND ADOPTED this ____ day of __________ 2021, by the following roll call vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

APPROVED:

________________________
Elizabeth “Liz” Gibbons, Mayor

ATTEST:

Dusty Christopherson, City Clerk
FIRST AMENDMENT TO CONSULTANT SERVICES AGREEMENT

This FIRST AMENDMENT, effective as of ____ (the “First Amendment”) to the CONSULTANT SERVICES AGREEMENT, dated May 19, 2020, is made by and between the City of Campbell (herein called “City”), and LPA, Inc. (herein called “Consultant”). City and Consultant may be referred to individually as a “Party” and collectively, as the “Parties”.

RECITALS

WHEREAS, City and Consultant entered into a Consultant Services Agreement (“Agreement”), dated May 19, 2020 to provide professional services relating to the Measure O – New Police Operations Building (the “Project”) Design Services, including but not limited to Exhibit A – Scope of Services and Fees, all incorporated by this reference; and

WHEREAS, the City Council authorized the Project to proceed with preparation of Design Documents on September 7, 2021; and

WHEREAS, preparation of the Design Documents includes the design and construction of a new two-story police operations building of 24,120 square feet and the renovation of the existing police operations building of 6,780 square feet, and improve the surrounding site area of 55,226 square feet to create a new secure parking area for the Police Department and a redesigned public area and parking lot for the public; and

WHEREAS, the City and Consultant agree to amend the Agreement to include preparation of the Design Documents with additional services.

AGREEMENT

NOW, THEREFORE, it is agreed between the Parties to incorporate the above Recitals hereto, and that the Agreement is hereby amended as follows:

1. Section 1.1 of the Agreement is hereby amended to add the following language:

In addition to the services and deliverable as indicated in Exhibit A – Scope of Services and Fees, Consultant agrees to perform the services and deliverables set forth in Exhibit B – Amended Scope of Services and Fees, attached hereto and made a part hereof.

2. Section 1.10 of the Agreement is hereby amended to replace the designated project manager as follows:

The designated project manager for Consultant shall be Jeremy Hart.

3. Section 2.4 of the Agreement is hereby amended to read as follows:

The City’s designated representative for this project shall be Todd Capurso, subject to the right of the City to change the designated representative by providing written notice of the change to Consultant.

4. Section 3.1 of the Agreement is hereby amended to read as follows:
For the full performance of the services described herein by Consultant, City agrees to compensate Consultant for all services and direct costs associated with the performance of the services identified in Exhibits A and B in an amount not to exceed $2,360,820.00, which shall include the original not to exceed Agreement amount of $980,835.00 for Exhibit A services and deliverables and an increase of $1,379,985.00 for Exhibit B services and deliverables.

5. Section 12 of the Agreement is hereby amended to replace the City’s contact as follows:

City of Campbell
Attention: Todd Capurso
70 North First Street
Campbell, CA 95008

Notwithstanding these amended terms of the original Agreement by this First Amendment, all other applicable terms and conditions of the original Agreement and attachments, and other prior amendment(s), shall remain in full force and effect. The terms of this First Amendment shall control if any conflict exists.

Each Party acknowledges that it has reviewed this First Amendment and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this First Amendment.

The unenforceability, invalidity or illegality of any provision(s) of this First Amendment shall not render the other provisions unenforceable, invalid or illegal.

The Parties may execute this First Amendment in two or more counterparts, which shall, in the aggregate, be deemed an original but all of which, together, shall constitute one and the same instrument. A scanned, electronic, facsimile or other copy of a Party’s signature shall be accepted and valid as an original.

The signatories to this First Amendment warrant and represent that each is authorized to execute this First Amendment and that their respective signatures serve to legally obligate their respective representatives, agents, successors and assigns to comply with the provisions of this First Amendment.

IN WITNESS WHEREOF, the City and the Consultant have executed this First Amendment effective as of the date shown above.
IN WITNESS WHEREOF, Consultant and the City have executed this First Amendment to the Agreement effective as the date shown above.

Consultant

_________________________
Jon Mills, AIA  
Chief Operating Officer  
LPA, Inc.  
Date: _____________________

City of Campbell

_________________________
Brian Loventhal  
City Manager

Approved as to Form:

_________________________
William Seligmann  
City Attorney  
Date: _____________________
Exhibit A

Scope of Services and Compensation

Exhibit A.0: Measure O – New Police Operations Building Scope of Services
Exhibit A.1: Supplemental – LPA Scope of Services/Project Approach
Exhibit A.2: Fee Proposal and Hourly Rates
EXHIBIT A.0:  
Measure O - New Police Operations Building Scope of Services  

MEASURE O - NEW POLICE OPERATIONS BUILDING  
DESIGN SERVICES  

A. Overview  
The Campbell Police Department (CPD) is located on the first level of City Hall located at 70 North First Street, within the Civic Center Complex (CCC). The CCC is bound by Civic Center Drive, North First Street, Grant Street, and Harrison Avenue. See Attachment 1 – Civic Center Complex.  
The Scope of Design Services (Scope of Services) for the Measure O - New Police Operations Building (Project) shall include, not limited to, the following tasks to complete the Feasibility Study and Design Development Documents for the Project and obtain approvals from the City Council:  

Feasibility Study and Design Development:  
Task A - Review of existing documents and conditions  
Task B - Develop Work Plan, Cost Plan, and Project Schedule  
Task C - Confirm programming and space needs  
Task D - Site planning and analysis to identify potential locations and layouts of the new Police Operations Building (POB)  
Task E - Building concept alternatives  
Task F – Schematic (15%) Design Documents  
Task G - Design Development (30%) Documents  

During the Design Development stage, the City will determine the appropriate project delivery method for the Project, while considering the recommendation from the Consultant. Depending on the project delivery method selected, the City may amend and expand the Scope of Services accordingly with contract amendments per terms described in the Consultant Services Agreement:  

A Project Budget of $20 million is set aside from the Measure O fund for the Project, which shall cover design services, pre-construction, mitigations, construction, and contingency costs. Additional funding may be available for the POB site improvements and mitigation measures as approved by the City Council.  
The following consultant disciplines are anticipated for the Project, but not limited to:  

- Architecture  
- Site Planning  
- Soil Testing & Geotechnical Engineering  
- Civil Engineering/Site Grading/Site Storm Water Management Plan  
- Landscape Architecture  
- Structural Engineering  
- Mechanical
EXHIBIT A.0:
Measure 0 – New Police Operations Building Scope of Services

- Plumbing
- Electrical/Lighting Engineering/Low Voltage Wiring
- Security
- Communications
- Cost Estimating

B. MINIMUM QUALIFICATIONS FOR THE CONSULTANT

The Consultant shall have the following minimum qualifications:

1. Minimum five (5) years of applicable and recent experience in programming and designing public safety, law enforcement, 9-1-1 dispatch, and emergency operations center facilities.
2. A design team with expertise in architecture, site planning, structural and civil engineering, landscape architecture, Mechanical/Electrical/Plumbing (MEP), budget and cost analysis, and in the field of public meeting facilitation.
3. Third-party cost estimator with at minimum five (5) years of recent experience in estimating public safety and/or civic building projects in the greater San Francisco Bay Area at various design stages.
4. Experience in preparing bridging documents for soliciting proposals from Design-Build entities for government projects.
5. Availability and willingness to frequently travel to City for site visits and meetings with City Council and City staff.

Furthermore, the Consultant shall comply with the following provisions:

1. The Consultant is responsible for determining and complying with all applicable business licensing requirements necessary to complete the Scope of Services.
2. The Consultant is responsible for determining and complying with all applicable professional licensing requirements necessary to complete the Scope of Services. All final work products shall be stamped and sealed by an appropriately registered and licensed professional.
3. If applicable, California Department of Industrial Relations (“DIR”) Registration is required. If applicable, the Consultant will be required to certify that it has verified that its subcontractors on this Project are registered with the DIR in compliance with Labor Code sections 1771.1 and 1725.5, and the Consultant shall provide such proof of registration to the City.

C. Background

The CPD occupies the lower level of the City Hall, which is in the CCC. The CCC is a 6-acre City site located in the Campbell’s historic downtown district. City Hall and the Campbell Library (Library) are located within the complex, along with the Ainsley House, Carriage House, Orchard City Green, and Veterans Memorial where numerous public and private events are hosted. Ainsley
EXHIBIT A.0:
Measure O – New Police Operations Building Scope of Services

and Carriage Houses are listed on the National Register of Historic Places. North Central Avenue used to run through the current Orchard City Green before a portion of the street was vacated in 1992.

Since 2014, the City evaluated various improvement options for the Civic Center Master Plan (CCMP) to incorporate the program and space needs for the City Hall operations/services, Police, Library, Veterans Memorial, Historical Museum, and parking within the CCC. Due to high costs of the overall CCMP, the Measure O program scope was established to focus on police emergency operations, 9-1-1 dispatch, emergency operations center (EOC), and the Campbell Library.

Measure O is a $50,000,000 general obligation bond passed during the November 2018 general elections to fund the CPD and Library building projects. For reference, the overall Measure O goals are as follows:

1. New Police Operations Building with 9-1-1 dispatch and emergency operations center fitted with up-to-date crime fighting technology meeting operational standards and adaptable to future needs and new technology.
2. Improve Campbell Library for building code compliance, accessibility, energy-efficiency, efficient and versatile use of space to include senior reading, after-school homework programs, children’s story times, children’s collection, summer reading programs, public computer lab, and more.
3. If permissible within the Project budget, improvements to the existing police facility for other City purposes.

City Hall is a two-story, 32,600 square foot building that was constructed in the early 1970’s. The building is constructed with north and south wings joined by ramped main entryways and an atrium with elevator shaft and stairwell. The building consists of concrete slabs, steel columns, and concrete masonry walls for the first-story, and steel columns and wood-framed walls and roof for the second-story.

Program and space needs assessments of the CPD were conducted as part of CCMP efforts in 2014. The CPD had a total space needs of 23,692 SF according to the 2014 assessment:

<table>
<thead>
<tr>
<th>location</th>
<th>square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Operations</td>
<td>16,687</td>
</tr>
<tr>
<td>EOC</td>
<td>3,915</td>
</tr>
<tr>
<td>Sally Port</td>
<td>2,500</td>
</tr>
<tr>
<td>Additional storage identified</td>
<td>590</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>23,692</strong></td>
</tr>
</tbody>
</table>

As of Fiscal Year (FY) 2019-20, the City’s Operating Budget accounts for 77 full time equivalent (FTE) positions for the CPD. Out of that total, 46 FTE are sworn officers. The Police Administration, public reception area, 9-1-1 dispatch, staff locker rooms, Special Enforcement Division, property and evidence, and support services are currently located on the lower level of the City Hall north wing (approximately 7,600 square foot). An auxiliary trailer building (1,440 square
EXHIBIT A:0:
Measure 0 – New Police Operations Building Scope of Services

foot), referred to as the Police Annex, is located on the secured parking lot directly north of City Hall. The Police Annex is primarily utilized by the Field Services Division. CPD employees share the City Hall employee parking lot located at the northwest quadrant of the CCC just west of the secured CPD parking lot.

In 2017, Biggs Cardosa Associates, Inc. conducted Tier 1 structural assessments of City Hall. According to the assessment reports, the building was in good structural conditions but requires some seismic retrofit work to comply with the Life Safety performance level standards.

The following Project related documents can be viewed through the City’s webpage at https://www.ci.campbell.ca.us/1072/Measure-0---Police-Department:

1. 2014 Program and Space Needs Assessments for CPD
2. Selected Sheets of the Original City Hall Plans
3. Tier 1 Seismic Evaluations of City Hall

The City shall also provide a topographic and boundary survey of the CCC.

D. Project Description

The Consultant shall update the 2014 CPD program and space needs information to account for the current and future staffing and operational and technology needs. The Consultant shall also identify and prioritize programs and space for the new POB that can be accommodated within the Project Budget. Ideally, all CPD programs would be housed within the new essential services building with 9-1-1 dispatch and EOC. Due to Project Budget constraints, CPD programs may need to be further categorized and prioritized to determine which can be housed in the new POB.

The City’s expectation of the Project is a new turnkey POB ready for operations. Therefore, the Consultant shall work with City staff and City’s vendors to identify furniture, fixtures, and equipment (FF&E), security, technology, and communication system needs. However, costs for the procurement and installation of FF&E shall be accounted separately from the Measure O Project Budget.

Once the CPD programming and space needs are confirmed and finalized, the Consultant shall conduct site planning and analysis of the CCC to determine the best and feasible location and layout for the new POB site. From past evaluations, the City has narrowed down the potential area to the northwest quadrant of the CCC. See Attachment 1 for the general area. The Consultant shall conduct necessary site analysis and mass diagram studies to propose up to two (2) optimal and feasible locations/layouts for the new POB site within the northwest quadrant of the CCC for the City’s consideration. The Consultant shall also propose mitigation measures for employee parking to be displaced by the new POB and other impacts to the CCC. The unimproved gravel lot at the northeast corner of the CCC can be redesigned to accommodate additional parking. ROM cost estimates including mitigation costs are to be provided for each option to confirm feasibility. An
EXHIBIT A.0:
Measure 0 – New Police Operations Building Scope of Services

ideal site for the new building should have minimum impacts to existing CPD and the CCC programs and functions. Utilities in and around the CCC shall also be investigated for the best and most cost-effective utility connection points. Existing utilities will be identified to extents possible on the topographic survey to be provided by the City. The Consultant shall also address vehicular circulation, parking needs, security, pedestrian access, lighting, and zoning requirements. The Consultant shall coordinate with the Campbell Library Improvements project as directed by the City to analyze site and construction impacts from the library project.

During or after the site planning and analysis, the Consultant shall develop at minimum three (3) building concept alternatives for the new POB. Building concepts shall address CPD’s needs and be feasible within the Project Budget. ROM cost estimates are needed for each option to confirm feasibility.

The Consultant shall be responsible for presenting the building concepts and site location/layout options for the new POB and assist the City obtain necessary approvals of the one preferred option from adjacent neighborhood, stakeholders, the Planning Commission, and the City Council. The Consultant shall also prepare Schematic (15%) Design and Design Development (30%) Documents of the one (1) preferred option for City Council approval.

E. General Design Criteria

The following general design criteria shall guide the design process for the Project:

- A new POB built to Essential Services Facilities standards.
- Improve the CPD’s level of service to the community.
- Develop cost-effective solutions for the new POB that are within the Project Budget.
- Relocate all CPD program and staff to the new POB as feasible.
- Incorporate latest industry standards and technology for police operation and crime fighting and prevention.
- Minimum impact to police operations during the Project.
- Minimum impact to the CCC and existing programs and activities. The Orchard City green needs to remain a functional public space during construction.
- Meet neighboring zoning requirements to the best extent possible.
- Retain as much of the heritage and protected trees as possible in the CCC. City Arborist to assist with tree inventory and assessment.
- Consider photovoltaic systems.
- Consider electric vehicle charging stations.
- Build a sustainable and resilient building.
- Work with the design consultant for the Campbell Library Improvements project to deal with site planning and logistical issues.
EXHIBIT A.0:
Measure 0 – New Police Operations Building Scope of Services

F. General Provisions and Requirements

1. A Technical Advisory Committee (TAC), consisting of CPD staff and other City members, will be established for the Project to assist with the review of the design deliverables and provide Project guidance. In general, TAC will participate in design deliverable review meetings with the Consultant and the City’s Project Manager. Any correspondence with the TAC shall be through the City’s Project Manager.

2. The City’s Project Manager shall be the Consultant’s primary contact for the City and shall manage the design consultant services for this Project. Although the proposed scope of design services may state that the Consultant shall coordinate the work and obtain approvals from other entities and stakeholders, the Consultant shall receive final directions from the City’s Project Manager or an authorized designee only.

3. Throughout the design phase, the Consultant’s project manager shall provide bi-weekly updates to the City’s Project Manager at minimum. Updates can be in a form of a report, meeting, or telephone conference.

4. The Consultant shall assist with the project management/coordination to fulfill project tasks.

5. The Consultant shall prepare technical documents in compliance with the latest applicable codes, rules, regulations, and guidelines.

6. The Consultant shall plan for regular site visits to the City and Project site.

7. The Consultant shall coordinate design and construction logistics matters with City’s consultant for the Campbell Library Improvements project through the City’s Project Manager.

8. The Consultant shall manage, coordinate, and review work submitted by the Project’s sub-consultants for accuracy and conflicts with other disciplines.

9. Plans that are prepared by sub-consultants and not incorporated into sets of complete plans will not be accepted by the City.

10. The Consultant shall maintain the Consultant’s key personnel through the entire duration of services; and therefore, the Consultant will conduct their business in a professional manner to schedule and support their personnel to provide the scope of services in a timely and professional manner. The City must approve of any key personnel change in advance through personnel qualifications review and oral interviews with City staff.

11. The Consultant shall prepare and periodically update the Project Schedule by identifying milestones, dates for decisions required by the City, design services furnished by the Consultant and sub-consultants, deliverables to be furnished, completion of documentation, commencement of construction, and substantial completion. The schedule shall include adequate periods of time for review by City and stakeholders (minimum three weeks) and shall incorporate pertinent calendar information including holidays and public meeting dates for the City Council (and agenda item due dates to be provided by the City). The Project Schedule shall include these milestones:

   i. Start of Design Services  June 2020
   ii. Completion of Programming Phase  August 2020
   iii. Completion of Site Planning and Conceptual Designs  November 2020
   iv. Complete Schematic Design Documents  December 2020
EXHIBIT A.0:
Measure 0 – New Police Operations Building Scope of Services

v. Complete Design Development Documents

12. The Consultant shall not proceed further with next phases or tasks until each design submittals and cost estimates are reconciled within the Project/Construction Budget and until authorized by the City.

13. The Consultant shall submit design documents for City’s review, evaluation, and comments and address comments provided by the City into a single set of coordinated comments/responses and make revisions as required by the City within two (2) weeks. In responding to review comments and revising the design documents, the Consultant shall review, coordinate and address all associated consequences of the revisions to maintain the integrity of the documents and the design intent.

14. The City does not warrant the accuracy or completeness of its documents. The Consultant shall verify all information to Consultant’s professional satisfaction and note and report any discrepancies observed in the course of professional activities covered by the services.

15. The Consultant shall be responsible for design services related to built-in fixtures and furnishings including layout, design details, specifications, and estimates.

16. The Consultant shall make recommendations and assist the City with the selection of moveable furniture, fixtures, and equipment (FF&E) for functionality and space planning. Funding for FF&E will be separate from the Project Budget.

17. The Consultant shall design and incorporate backbone infrastructure systems and space required to accommodate the installation of FF&E. FF&E shall be schematically shown on design plans to be “provided by others”.

18. Generally, systems or products that are proprietary, licensed, or require periodic payments for continued use, are not acceptable. Exceptions may be allowed for certain software and other items, where the Consultant has provided reasonable information that indicates the use is necessary and cost-effective to the City.

19. Green Infrastructure and Sustainability: The Consultant shall include sustainability features into the design of the Project and consider measures that will improve energy efficiency, water conservation, storm water quality control, and occupant health. The building design will meet Cal Green Standards. Photovoltaic panels shall be considered. If photovoltaic panels are not feasible, the Consultant shall provide conduit runs as required and space shall be provided in the electrical room for future connections.

20. Work shall be done in an electronic format, appropriate to the work product, including (AutoCAD) drawings, plans, elevations, sections, diagrams, details, etc., (Word) specifications, reports, and other narrative, (PowerPoint) presentations, (Excel) Spreadsheets, (Microsoft Project) schedules, and other appropriate digital electronic formats.

21. Deliverables will be submitted in electronic format (PDF) and in native document formats such as Word, Excel, AutoCAD, etc. unless otherwise specified. Large files will be transferred through cloud services approved by the City.
EXHIBIT A.0:
Measure 0 – New Police Operations Building Scope of Services

G. Scope of Services

Feasibility Study and Design Development

The Consultant will be responsible for implementing the following scope task elements identified below to complete the Feasibility Study and Design Development Documents for the Project within the northwest quadrant of the CCC and obtain approvals from the City Council:

Task A: Review of Existing Documents and Benchmark Study

1. Kick-off Meeting: Meeting with key members and decision makers of the City, TAC, and Consultant team to discuss backgrounds, goals, scope, expectations, schedule, and budget.
2. Obtain and review existing documents from the City (e.g. as-built drawings, program and space needs assessments, Tier 1 structural assessments, CCMP studies, topographic survey, and other reports). Develop a list of questions and clarifications for discussions with the City. Review the topographic survey and identify any additional survey information needed for the Project.
3. Gather benchmark data and information from recently constructed police buildings to compare costs, programming, number of occupants or visitors, layout, operations, technology, energy efficiencies, sustainability, design, size, delivery methods, lessons learned, maintenance, etc. Compile information from at least five (5) recently constructed police buildings in California for a benchmark study.

Deliverables:
1. Minutes of meetings.
2. A memorandum with list of questions for the City.
3. Benchmark study of recently constructed police buildings.

Task B: Work Plan, Cost Plan, and Project Schedule

1. Provide a memorandum recommending the best suited project delivery method for the Project with justifications and research data for the City’s consideration.
2. Assist the City in developing a Work Plan and Cost Plan. The Work Plan shall outline the project approach, progression of detailed tasks, approval process, and critical issues to be addressed to complete the Project. The City’s Cost Plan shall summarize all costs involved and anticipated for the Project with an expenditure schedule. The Cost Plan shall refine and establish an anticipated Construction Budget that aligns with the Project Budget. Design consultant services shall align with the Cost Plan and designs provided shall be within the Construction Budget.
3. Develop a Project Schedule incorporating tasks, deliverable timelines, the City’s review periods, Commissions and City Council schedules (to be provided by the City), public bidding or solicitation process, construction, etc. for the City’s review and approval. The
EXHIBIT A.0:  
Measure 0 – New Police Operations Building Scope of Services

Consultant shall analyze and compare Project timelines for DBB and DB project delivery methods.

4. The Work Plan, Cost Plan, and Project Schedule shall be interdependent documents to be updated periodically and with each design and construction document submittals.

5. Advise the City regarding external funding opportunities for the Project and assist the City with completion of grant applications.

Deliverables:
1. A memorandum on project delivery method recommendation.
3. List of external funding/grant opportunities.

Task C: Programming and Space Needs

1. Review 2014 program and space needs assessments and any updated information from the City.
2. Interview City and CPD managers to update existing programs and space needs applying industry standards.
3. Prepare program spreadsheet identifying proposed site elements, rooms, assigned staff, functions, space requirement, and net/gross square footages. Employ strategies and innovation to identify effective and efficient program spaces such as multi-purpose EOC space.
4. Identify adjacency requisites for programmed spaces. Diagrammatically show general locations of interior and exterior functions factoring in adjacency information.
5. Assess current parking conditions and future parking needs for the Project.
6. Work with the City and City’s vendors as necessary to identify FF&E needs including for the communication and IT systems. Prepare an FF&E schedule that can be incorporated with the program spreadsheet. Provide a cost estimates for FF&E.
7. Based on the Consultant’s experience and the benchmark study, provide a professional recommendation on a total floor area (maximum or range) of the new POB that can be programmed and built within the Project Budget.
8. Based on the total floor area, assist the City identify and prioritize police programs that can be housed in the new essential services building through an interactive and iterative process with key stakeholders.
9. Refine and confirm the CPD programming and space needs with space diagrams to meet Measure O goals and the Project Budget.
10. Submit the updated program and space needs report (including FF&E needs) to the City’s Project Manager for review and comments. Meet with the City and TAC to discuss.
11. Obtain approval of the final program and space needs from the City and TAC. Assist City staff in obtaining necessary approvals from key stakeholders.
12. Compile the final program and space needs into a report with submittals and deliverables from Tasks A and B.
EXHIBIT A.0:
Measure 0 - New Police Operations Building Scope of Services

Deliverables:
1. Minutes of meetings and manager interviews.
3. Presentation materials to key stakeholders. Certain presentation materials to be on foam boards.
5. A compiled report of Tasks A, B, and C.

Task D: Site Planning and Analysis

1. Review the site criteria and improvement options proposed in the CCMP.
2. Analyze existing utilities and potential connection points for the new POB.
3. Identify any impacts from the Campbell Library Improvements project.
4. Identify at minimum two (2) optimal locations and site layouts within the northwest quadrant of the CCC for the new POB adhering to zoning requirements and considering access, parking, vehicular circulation, sally port, security, site improvements, landscaping, screening features, utilities, impacts to existing programs and the adjacent neighborhood, etc. Conduct site analysis and graphically show site and building improvements (with massing diagrams) to scale for each location. Cite pros and cons of each site including impacts and level of difficulty to develop.
5. Identify programs and events that occur within the CCC to evaluate impacts from the new POB.
6. Recommend mitigation measures for any impacts such as parking, trees, and other programs to be displaced with each site option.
7. Evaluate and identify any impacts to the CPD’s level of service and risks, if any, with proposed locations.
8. Site options shall be workable and feasible within the Project/Construction Budget. Prepare ROM cost estimates for each option to confirm feasibility in a format agreed by the City. ROM cost estimates shall factor in design, pre-construction, mitigation work, construction, contingencies, market conditions, and escalation to midpoint of construction.
9. Review the potential locations for the POB with the Planning Department for zoning compliance.
10. Consult with the City’s Planning Division for process and timeline for CEQA and planning approvals for the Project.
11. Submit a report on the Site Planning and Analysis to the City’s Project Manager for review and comments. Meet with the City and TAC to discuss.
12. Address City’s comments and assist City staff in presenting the location and site layout options to adjacent neighborhood and key stakeholders to obtain feedback and approval on the one preferred location.
13. Assist the City staff in obtaining approvals of the one preferred location from the Planning Commission and the City Council.
EXHIBIT A.0:
Measure 0 – New Police Operations Building Scope of Services

**Deliverables:**
1. Minutes of meetings.
2. Draft Site Planning and Analysis report with ROM cost estimates.
3. Presentation materials for key stakeholder. Certain presentation materials to be on foam boards.
4. Presentation materials (PowerPoint) as required for the Planning Commission and the City Council.
5. Final Site Planning and Analysis report with ROM cost estimates.
6. Updated Work Plan, Cost Plan, and Project Schedule as necessary.

**Task E: Building Concept Alternatives (can occur simultaneously with the Site Planning & Analysis)**

1. Based on the approved program, space needs, and data and feedback collected from previous tasks, develop at minimum three (3) viable and feasible building concept alternatives for the new POB.
2. Building concept alternatives should reflect architectural styles, building envelopes, building heights, number of stories, etc., and should include massing diagrams, layout plans indicating ingress/egress and position relative to the site layout, perspective sketches, and elevation views.
3. All designs shall be highly effective and architecturally fitting of a civic facility that complements the other buildings within the CCC. Concept designs shall be prepared to comply with zoning and other regulatory requirements as applicable at this stage.
4. Assess any impacts and list pros, and cons for each concept designs proposed.
5. Building concept alternatives shall be workable and feasible within the Project Budget. Prepare ROM cost estimates for each option including site improvements to confirm feasibility. ROM cost estimates shall factor in design, pre-construction, mitigation work, construction, contingencies, market conditions, and escalation to midpoint of construction.
6. Review the conceptual design plans with the Planning Department for federal, state, and local zoning and building compliance.
7. Submit conceptual design options and ROM cost estimates to the City for review and comments. Meet with the City’s Project Manager and TAC to discuss.
8. Address City’s comments and assist City staff in presenting the updated building concept alternatives to adjacent neighborhood and key stakeholders to obtain feedback and approval on the one preferred option.
9. Assist City staff in obtaining approvals of the one preferred concept option from the Planning Commission and the City Council.
10. If the City Council does not approve of any conceptual design options or require changes to be made, the Consultant shall make the necessary changes to be presented at the next available City Council meeting for approval.
11. Compile findings and design documents from Tasks A through E into a Feasibility Study Report for review and comments by the City.
EXHIBIT A.0:
Measure 0 – New Police Operations Building Scope of Services

Deliverables:
1. Summary of meetings/minutes of meetings.
3. Community workshop materials and minutes/summaries. Certain presentation materials to be on foam boards.
4. Revised Building Concept Design Options with ROM cost estimates per community and stakeholder feedback and as directed by the City.
5. Presentation materials (PowerPoint) as required for the Planning Commission and the City Council.
6. Updated Work Plan, Cost Plan, and Project Schedule as necessary.

Task F: Schematic (15%) Design Documents

1. Meet with key members and decision makers of the City, CPD, TAC, and the Consultant team to discuss the status of the Project, goals, scope, expectations, schedule, and Project budget.
2. Develop Schematic Design (SD) Documents of the one preferred conceptual design for the POB on the approved site. SD Documents shall consist of plans, specifications, and estimates (PS&E) appropriate for 15% design level and other pertinent information for the Project.
3. Refine the FF&E schedule and work with the City and City’s vendors for FF&E selections, specifications, cost estimation, and coordination. FF&E shall include workstations and equipment related to communications, information technology, police operations, records, security, etc. Obtain necessary cut sheets for FF&E to graphically illustrate locations and placements and to identify backbone infrastructure needs. Provide a separate cost estimate for FF&E, which will be funded by separate funds.
4. Identify optional building and site enhancements and materials to be prioritized for cost consideration and control. Provide the City with information and recommendations on the value of optional materials, durability, life cycle costs, building systems and equipment, together with other considerations based on the program, budget, resilience, and aesthetics in developing the design.
5. Provide sufficiently detailed design plans and details to show how programmed spaces will function and accommodate operational needs.
6. Identify utility services and connection points. For new services and connections, provide necessary loads/demands and design drawings required to assist the City complete and file utility applications in advance.
7. Provide details for site improvements including for parking, vehicular circulation, secured areas, fences, trash enclosure, lighting, path of travel, landscaping, shading, stormwater treatment, utilities, etc.
8. Address access control and security measures.
9. Provide photometric studies of both building interiors and site as necessary.
EXHIBIT A.0:
Measure 0 – New Police Operations Building Scope of Services

10. Incorporate applicable zoning and building code requirements and any Municipal Regional Stormwater Regional Permit (MRP) regulations specific to Provision C.3 for new development.

11. Conduct geotechnical and environmental analysis for soil profile, ground water levels, and other factors necessary for design and estimates.

12. Prepare exterior rendering, storm water plan, planting, and exterior lighting diagrams for the Planning submittals.

13. SD Documents shall include, but not be limited to, the following:
   a. PS&E necessary to establish the final scope, relationships, forms, size, appearance and cost of the Project.
   b. Perspective renders, interior and exterior layout plans, elevations views and sections that reflect architectural details, materials, dimensions, and more.
   c. Study models, electronic modeling or combinations of these media. Models shall illustrate the building's day and nighttime appearance from interior and exterior perspectives and the impact of solar effects on the building.
   d. Site plan, landscape plan, floor plan, roof plan, building section, exterior elevations, FF&E layout plan, and single line plans for structural, mechanical and electrical systems. Plans shall include a description of materials and equipment.
   e. Building plan located dimensionally with pertinent adjacencies, street lines and grades, property lines, required setbacks, easements, rights of way, utilities, light standards, etc. Interfaced the building plan with the topographic survey to be provided by the City.

14. SD plans shall include scale drawings, but not limited to, to the following:
   a. The site plan with on-site and off-site work information.
   b. Building and site plans depicting the area and configuration requirements for all interior and exterior spaces and demonstrating the solution for pedestrian & vehicular access and adjacency requirements.
   c. Elevations and sections including the context; and, colored plan diagrams showing programmed uses and circulation.

15. Provide a detailed cost estimate in a format approved by the City.

16. If the cost estimate is over the Project or Construction Budget, the Consultant shall value engineer and modify the design as necessary.

17. Submit SD Documents to the City for review and comments. Meet with the City’s Project Manager and TAC to present and discuss.

18. Refine SD Documents based on comments received from the City’s Project Manager.

19. Assist City staff in presenting the SD Documents to key stakeholders and the community.

20. Assist the City file Planning applications for the Project with necessary documents.

21. Assist the City with the preparation of any Initial Study for CEQA determination and review.

22. Assist the City staff present the SD Document to Planning Commission for approval.

23. Obtain any zoning clearance from the Planning Department.

24. Assist City staff with the presentation of the SD Documents to the City Council for approval.
EXHIBIT A.0:  
Measure 0 – New Police Operations Building Scope of Services

**Deliverables:**
1. Summary of meetings/meeting minutes.
2. Draft SD Documents submittal for the new POB and site improvements.
3. Revised SD Documents based on comments from the City’s Project Manager.
4. Presentation materials for stakeholders and the community.
5. Rendered perspectives or other illustrations to convey design intent for Planning submittal and presentations.
6. Presentation material (PowerPoint) for the Planning Commission and the City Council.
7. Updated Work Plan, Cost Plan, and Project Schedule as necessary.

**Task G: Design Development (30%) Documents**

1. Meet with key members and decision makers of the City, CPD, TAC, and the Consultant team to discuss the status of the Project, goals, scope, expectations, schedule, and budget.
2. Meet with key stakeholders to reconfirm the direction of the Project and gather comments and additional feedback.
3. Further develop SD Documents to Design Development (DD) 30% design level documents.
4. Documents shall identify space requirements for structural and building enclosure systems, space requirements for all mechanical systems and other equipment, and points of connection for utilities including but not limited to electric, water, sanitary, storm, telecom, fiber optics, cable TV, and others.
5. Provide 30% level specifications.
6. Further refine the FF&E schedule, specifications, and cost estimates and graphically show them on the DD plans to be “provided by others”.
7. Establish final optional building and site enhancements and materials to be considered for cost control and bid alternates.
8. Further refine site improvements to 30% design level.
9. Update the detailed cost estimate. If the DD cost estimate is over the Project or Construction Budget, the Consultant shall value engineer and modify the design as necessary.
10. Submit DD Documents to the City for review and comments. Meet with the City’s Project Manager and TAC to present and discuss.
11. Refine DD Documents based on comments received from the City’s Project Manager.
12. Assist City staff in presenting the DD Documents to key stakeholders.
13. Assist the City obtain CEQA notice of determination and clearance.
14. Assist City staff with the presentation of the DD Documents to the City Council for approval.
15. Once approved by the City Council, provide all working files to date in its original format as requested by the City.

**Deliverables:**
1. Summary of meetings/meeting minutes.
EXHIBIT A.0:
Measure 0 – New Police Operations Building Scope of Services

2. Draft DD Documents submittal for the new POB and site improvements.
3. Revised DD Documents based on comments from the City’s Project Manager.
4. Presentation materials for stakeholders.
5. Presentation materials (PowerPoint) for the Planning Commission and the City Council.
6. Updated Work Plan, Cost Plan, and Project Schedule as necessary.
7. All working files in its original format.

H. Additional Services

The following design services are not included in the base Scope of Services and may be included as Additional Services as authorized by the City:

- Prepare “Bridging Documents” for Design-Build (DB) project delivery method, assist the City pre-qualify DB entities, solicit bids/proposals from qualified DB entities for the Project, and DB contract administration; or
- Develop and complete 65%, 95%, and 100% Construction Documents for Design-Bid-Build (DBB) project delivery method, provide bid and contract award support, and provide construction administration support.
- Design services to mitigate any impacts within the CCC.
- Design services for improvements of the existing police facility.
- Alternate sites for the new Police Operations Building (POB).
- Additional concept options for POB.
- Additional meetings.
- Additional deliverables.
- Additional design alternatives.
- Other pertinent analysis and studies related to the Project.

An Additional Service Allowance of $50,000.00 is included to the total contract amount. Additional Services authorized and compensated under this allowance item must be approved in writing as authorized work orders from the City. Additional Services necessary beyond the $50,000.00 allowance amount shall require contract amendments per terms described in the consultant services agreement.
EXHIBIT A.1: SUPPLEMENTAL - LPA'S SCOPE OF SERVICES / PROJECT APPROACH
CITY OF CAMPBELL | NEW POLICE OPERATIONS BUILDING DESIGN SERVICES

Proposers must comment on the firm's ability to realistically provide the services listed in the Scope of Services as outlined. Provide comments, and suggest modifications, changes and/or additions as appropriate. Indicate how your firm/team would approach the project and what specialized services or unique insights your team would bring to the project. Provide examples of your team's vision and approach for this Project.

WORKLOAD AND AVAILABILITY
LPA's firmwide staff of more than 400 integrated design specialists provides a deep bench of professional capacity. Our firm is organized into multiple, flexible teams, each led by a principal and a project manager from project inception to post-occupancy to provide clients with the assurance that all projects, large or small, receive the attention and expertise they deserve. LPA developed this organization to offer our clients the concept of "Large Firm Resources - Small Firm Service." Based on our current workload projections, we have the capacity to fully support the City of Campbell.

TASK A: REVIEW OF EXISTING DOCUMENTS AND BENCHMARK STUDY
Our process with you begins with what we refer to as the Plan-the-Plan meeting. At our project kick-off meeting, with key members and decision-makers of the City, Campbell Police Department and the Techn cal Advisory Committee (TAC), we will review goals, scope, expectations, schedule and budget for the project. After having reviewed all available background information and existing documents provided by the City, our integrated team of programmers, designers and engineers will prepare a list of questions and clarifications of the data provided.

Relying upon our team's vast array of experience in California and with public safety projects, we will also begin our benchmarking process, compiling data and information from a minimum of five (5) recently constructed police buildings. This benchmarking report will cover comparisons in size, cost, program, operations, technology, energy efficiencies, lessons learned and delivery method.
TASK B: WORK PLAN, COST PLAN, AND PROJECT SCHEDULE

In conjunction with the City, we will conduct a detailed review of the proposed project budget and schedule. Our team will work with the City's staff to establish the protocols and timeframes for LPA to make submittals and response times for City reviews. We will establish the process by which the City will approve submittals, provide feedback, and give direction.

Our project schedule will plan out the Programming phase, in detail, and tentatively establish the dates for community engagement workshops, planning commission meetings and City council meetings through the end of the Design Development phase.

Based upon findings within the benchmarking study and conversations with the City, our team will make recommendations on the best-suited project delivery method. Included within the recommendations will be information regarding project timelines based upon the project delivery method.

TASK C: PROGRAMMING AND SPACE NEEDS

The approach our team suggests is based closely on MWL's nearby project under construction for the City of Newark Police Department.

We would begin the Programming phase by conducting our comprehensive two-day Police Facility Planning, Design and Construction class. The class, developed for and presented for three decades for the International Association of Chiefs of Police (IACP), will be made available to all members of the City of Campbell and the police team. The class presents a dynamic overview of the process, responsibilities and opportunities that a new police facility presents in any community.

We would participate and help organize a tour of other nearby applicable police facilities (such as Salinas Police Services Headquarters).

We would follow up with a comprehensive validation of the space needs assessment to enable the beginning of design.
TASK D: SITE PLANNING AND ANALYSIS

In conjunction with the Library Design Team, we will take a holistic look at the Campbell Civic Center and evaluate a minimum of two locations for the new Police Operations Building, taking into account access, circulation, the sally port, security, additional site improvements and the surrounding neighborhood. We will measure each of these options against the level of service of the police department, potential mitigation measures necessary for each option and the ROM cost of each option for the City to evaluate.

TASK E: BUILDING CONCEPT ALTERNATIVES

With approval of the validated program, and in parallel with the site planning analysis, we will embark upon the building concept analysis, developing a minimum of three (3) viable and feasible concept alternatives which will be developed with on-site workshops with user group participation encouraged. Consideration in each option will be given to the programmatic and functional aspects of the alternatives, but also to the architectural style and fit within the Campbell Civic Center. Each of these options will also be evaluated on the ROM cost.

In this phase, we will also begin the conversations with the Planning Department for entitlement review and evaluation.

TASK F: SCHEMATIC (15%) DESIGN DOCUMENTS

After receiving site planning and building concept approval of the preferred site from the City Council, our team will move into the Schematic Design phase. Our team of integrated designers, in coordination with MWL, will begin to work through the plans, specifications and cost estimate for project. We will further explore the architectural style and approach, refining the concept with more detail.

Structural systems will be identified and incorporated into the concept. The basis of design and functional needs of the mechanical, electrical and plumbing systems will be prepared, and appropriate spaces required for these systems will be identified. The scope and budget of the FF&E will be established based upon the approved program. The landscape architecture and civil engineering design will be further developed, coordinating major utility connections, vehicular and pedestrian access, and enhancements to the character of the Civic Center will be identified.

Visualization of the project and engagement of stakeholders will be facilitated using 3-D generated computer models and, when necessary, physical study models will be developed in order to ensure effective communication of the design vision for the project.

At the completion of design process the Schematic Design documents will be given to our third-party cost estimator who will prepare a detailed construction cost estimate. After this is completed, we will provide the cost estimate along with the rest of the Schematic Design documents will then be provided to the City and we will assist the City with obtaining approvals from the Planning Commission and the City Council.

TASK G: DESIGN DEVELOPMENT (30%) DOCUMENTS

After receiving Schematic Design approval from the Planning Commission and the City Council, our team will progress into the Design Development phase. Building systems selected in the Schematic phase will be developed further and incorporated. Enlarged floor plans of key specialized areas and detailed development of room criteria sheets to define room by room the needs for key equipment, special finishes, special ventilation requirements and special security needs. The FF&E budget and plan will be updated to reflect the refined project scope. Detailed drawings and specifications will then be prepared and finalized to the level of a traditional Design Development phase.

At the completion of design process the Design Development documents will be given to our third-party cost estimator who will refine and update the construction cost estimate. Throughout the design process, we will work together with the City's staff in obtaining the required CEQA determination. We will then assist the City in obtaining approvals from the City Council.
BUILDING COMMUNITY CONSENSUS

LPA believe that an integrated, client-centered approach leads to more successful outcomes. When it comes to designing civic places and spaces, that means considering the needs and values of the community. LPA’s process for engaging and building consensus with you and your community is:

COLLABORATIVE

We invite meaningful participation from the City’s diverse stakeholders, residents and special interest groups. This input helps us establish program principles and goals that reflect your community’s history, culture, and shared vision.

DATA-DRIVEN

We leverage the best available data and research to create projects that deliver greater value at a lower cost. We gain further insights by documenting, collecting and analyzing data specific to your program and your community.

INNOVATIVE

We are committed to pushing boundaries, embracing new ideas and challenging the status quo. We’re always looking for new ways to innovate and problem solve. We bring that resourcefulness and creativity to each community engagement to nimbly build consensus amongst all parties.

TRANSPARENT

Your project will impact the lives of those who live there. We believe in being open, inclusive, and fully transparent throughout the planning process. We invite dialogue and communicate outcomes, not just with the stakeholders, but with the greater community.

FORWARD-LOOKING

We believe in being good stewards of your City’s resources and assets. When planning, we look for sustainable solutions and recommendations that represent the best value for you and local community stakeholders.
LPA believes that civic projects benefit when people in the community are engaged and involved in the design. That's why we incorporate Community Workshops into most project assignments. We conduct our Workshops in close coordination with you, our Client, to ensure that your objectives are met. The primary Workshop goal is to elicit ideas and solutions, identify public concerns and encourage creative input from the community.

LPA'S COMMUNITY WORKSHOP PROCESS

A properly designed Workshop program provides both you and your community with opportunities for participation, review and feedback at all appropriate stages in the planning process. Our methodology is designed to arrive at an understanding of the community's needs and ideas, gather all pertinent facts, analyze the information, develop the best opportunities and select the most viable solutions for your project.

We look forward to refining this process with you and your staff to most effectively achieve your City's objectives.

Emphasize the firm's experience in ranking/prioritizing needs versus construction budget constraint.

LPA has been delivering innovative projects that do more with less for over 50 years. Our team works with you to identify creative solutions that save you money without sacrificing quality. We provide rigorous oversight throughout the project development to ensure that we design to your budget. What makes us unique is that we provide experienced and thoughtful:

PRIORITIZATION

Throughout the process, each stakeholder group is asked to prioritize specific police operations needs, as well as overall police department and civic center needs to understand potential overarching themes. LPA will synthesize this input into multiple data points to share with City staff and the Technical Advisory Committee (TAC) in an interactive workshop setting for their use in prioritization ranking of proposed scopes of work to align with the total project budget.
Working with all stakeholder feedback, LPA and HL Construction Management (HLCM) will prepare a proposed police operations program, building and site concept design alternatives, and the total project budget. These design alternatives will account for the priorities of the City, funding availability, and the prioritized program options.

**BUDGETING WITH VALUE IN MIND**

LPA's Budget Verification Process is proactive, flexible, and collaborative. We bring everyone to the table at project inception—including you, the contractors and our in-house designers and engineers—in order to develop a highly-informed, realistic budget as early as possible.

**INITIAL PROJECT BUDGET VALIDATION**

Together, we create and validate an initial budget based on real market data and a deep understanding of your priorities and goals. With this rough order of magnitude cost estimate to guide us, we, as a team, are better equipped to adapt to market fluctuations and changes in project scope.

**PROACTIVE PLANNING EVERY STEP OF THE WAY**

We take proactive steps to contain costs by thinking ahead, anticipating potential problems, and defining appropriate solutions in advance of issues arising. By considering smart strategies to keep costs down and avoiding common pitfalls that can inflate construction costs, we help you stay within budget.

**VALUE ENGINEERING WHILE MAINTAINING YOUR OBJECTIVES.**

LPA believes that high-quality, sustainable design can be achieved within any budget. Through value engineering, we proactively prepare a list of potential cost-saving design and system alternatives. The goal is to reduce overall project costs while still achieving the desired design intent.

**LIFECYCLE COST ANALYSIS, WHEN REQUIRED**

To make truly informed design decisions, it's essential to look beyond initial design and construction expenditures to long-term costs. Our Lifecycle Cost Analysis helps you weigh the true costs and benefits of sustainable features over the entire life of your project.
BUDGET VERIFICATION & COST CONTAINMENT

To verify budget conformance, cost estimates are typically performed at key project milestones:

- Site Planning Analysis
- Building Concept Alternatives
- Schematic Design
- Design Development

These estimates include an evaluation of the total project hard construction costs, construction phasing and construction period cost escalation. Should costs become out of alignment at any point, we will revisit agreed-upon alternatives to bring the project back within your stated goals.

INDEPENDENT COST ESTIMATING

When you partner with LPA, you also enjoy the benefits of having industry-leading cost consulting firm HL Construction Management on your team. HLCM provides outside cost estimates that are known for accuracy and actionable solutions. They perform independent budget checks at the same project milestones as we do, providing an additional level of verification.

ABOUT HL CONSTRUCTION MANAGEMENT

HL Construction Management was founded in 2008, and provides construction cost estimating services. HLCM’s team understands the pre-construction effort of publicly funded projects: police and fire departments, civic centers and libraries. Our team is comprised of professionals, many of whom have an excess of 20 years of experience in the industry and understand the challenges and cost implications of constructing an essential services facility, such as a police department. We pride ourselves on our collaboration with the design team and City administrators at an early stage. Our focus is on the project budget constraints, while incorporating the project goals, and the impact on the operations during construction. The HLCM team also has team members with MEP expertise including a Director of Electrical Cost Management, to address the security and technology requirements, as well as sustainable elements (i.e. electric vehicle charging stations). Our portfolio includes multiple projects in the public works sector all over the state of California.

Discuss the firm’s experience in the accurate coordination of trades and subconsultants, and the quality control process.

The LPA approach to maintain quality control is a natural product of our company value for excellence in everything we do. Our quality assurance program sets forth rigorous standards for developing, coordinating, reviewing, revising, approving and publishing critical project documents. LPA project teams provide a continuous verification process to ensure that your design requirements are addressed and met at each phase of the project.

At LPA, multiple design disciplines participate in the early planning phases as part of our integrated design process. This helps us make informed decisions and to avoid potential complications and coordination challenges one might typically find at later stages of the work. Our unique process adds value to you, our Client, by having well-coordinated documentation throughout the process. Our Quality Process includes:

A RIGOROUS QUALITY CONTROL PROCESS

We build on a highly-coordinated foundation with a quality control process designed to keep all internal team members and external stakeholders in sync throughout the project, as construction documents are prepared and updated. By involving you, our Client and our entire design team throughout the various design and documentation stages, problems are identified, and solutions are created before action becomes impractical or ineffective.

DOCUMENT CONTROL & COORDINATION REVIEWS

During all documentation phases, the Project Director conducts regular technical and constructability reviews in conjunction with other design team members. The goal is to establish high standards of quality and ensure that deliverables are uniform and reflect the appropriate level of technical development. We also seek input from the construction, facilities and maintenance and operation staff to identify and resolve coordination issues and ensure that the client is satisfied with all aspects of the design.

QA/QC MILESTONE REVIEWS

At the completion of the Design Development Phase, an LPA licensed architect, not familiar with the project, conducts a plan check and discipline coordination check set. The architect then sits down with all team members to address coordination issues and ensure everyone is on the same
Packet Pg. 139

BIM QUALITY CONTROL
In addition to our QA/QC reviews, LPA’s assigned BIM facilitator runs clash detection regularly. At key milestones during the Construction Document Phase, the BIM facilitator also organizes a BIM Big Room Review. This review places all disciplines working on the project together in a room where they can view the BIM model progress and discuss coordination and improvements.

GOALS AND PROGRAM VERIFICATION
Upon conclusion of the Design Development phase, the LPA project director reviews the documents against your program to confirm that they meet your goals and incorporate your design requirements. LPA repeats this effort again at the Construction Documents milestones to verify that the drawings and specifications accurately reflect your priorities.

CONSTRUCTIBILITY REVIEW & PLAN CHECK CONSULTANTS
In addition to our internal quality control process, LPA frequently works with outside constructability review consultants to review our plans and specifications when requested by our clients. The interdisciplinary coordination services provided are typically performed by engineering staff within the discipline they are plan checking. This expertise provides you with a clear and concise set of documents, with minimal room for change orders.

ENSURE DECISION MAKER SIGN-OFF AND APPROVAL
At each phase of the project, we ask you and your decision makers to sign-off on documents summarizing the work of that phase. This gives key team members the opportunity to review and approve the work to date and, if necessary, make adjustments before moving on to the next phase.

Discuss the firm’s ability to meet schedules and budget and ability to control costs.

DESIGN PHASE SCHEDULE MANAGEMENT
LPA’s integrated approach is more than just a design strategy—it informs everything we do, including project scheduling during the design phase. By emphasizing collaboration, communication and information sharing, we help ensure that your project stays on time and on track.

DEVELOPING THE PROJECT SCHEDULE
We start by working with you to identify your project’s critical milestones and completion goals to prepare for the Construction Phase. We then use these goals to develop a comprehensive schedule—one that maps all project phases and activities into a timeline we can use to proactively track progress and performance. The schedule typically includes:

- Design committee meetings.
- Architectural team & consultant meetings.
- Entitlement processes & submittal milestones.
- Cost estimating activities.
- Furniture design & management milestones.
- Client approval and decision dates.
- Coordination and constructability review periods.
- Bid document preparation.
- Target bid dates.

SCHEDULE MANAGEMENT
Our team, led by the Project Director, continuously monitors and updates the design phase schedule as the project progresses to ensure that we meet our deadlines and maximize efficiency. We also coordinate all team roles and activities—so you know who’s doing what, and when.

In addition to tracking and coordinating the design phase schedule, we provide frequent status reports to you, the Client, and all consultants involved in the project. The Project Director also meets regularly with the Principal-in-Charge to review manpower planning requirements and assign staff through our firmwide Operations Group. We strive, and are very successful at, accurately forecasting specific project staffing needs six months into the future.

AGILITY & RESOURCES
We recognize that timelines can change. Projects are fast-tracked. Funding windows shift. Deadlines move up. And when that happens, LPA can accommodate your schedule changes and priorities. With more than 400 employees, we have the manpower to accelerate tasks and compress the design phase schedule—and we're able to do so without compromising the quality of our services to you.
TEAM STRUCTURE

PROJECT TEAM LEADERSHIP

Patrick McClintock, Principal-in-Charge, will guide the team and maintain senior level managerial communications with the team throughout the project's engagements. Jeremy Hart, Design Director, will be actively involved on a day-to-day basis with the project manager to ensure project schedules are being met, budgets tracked and adequate resources have been assigned to the team in order to maintain the quality goals of LPA's contract documents. Kate Conley, Project Manager, will be responsible for providing project leadership to our overall team and facilitating regular communications with the City of Campbell.

INTEGRATED DESIGN SERVICE

The foundation of LPA's reputation as a talented professional design firm is service. Our success is based on our ability to meet the needs of the client in terms of timeline and budget. We pride ourselves on our capacity to listen to the client's wishes and communicate on every step of the design process. We develop our client's vision into a design that complements the building's surrounding environment and program functions.

City of Campbell

INTEGRATED DESIGN TEAM

Patrick McClintock
NCIDQ / IIDA / LEED AP BD+C
Principal, Director of San Jose Studio

Jeremy Hart
AIA / LEED AP BD+C
Design Director

Kate Conley
LEED AP
Project Manager
(SINGLE POINT OF CONTACT)

LPA

Chris Lentz
CID / LEED AP ID+C
Interior Designer

Danielle Cleveland
PLA / ASLA / LEED AP BD+C
Landscape Architect

Bryan Seamer
PE / SE / LEED GA
Structural Engineer

Erik Ring
PE / LEED FELLOW
Mechanical Engineer

Steve Bakin
PE
Electrical Engineer

Phil Herzer
PE / ASCE
Civil Engineer

Kelvin Carter
RCCD
Telecommunications

MWL

James McLaren
AIA / OAA / NCARB
Senior Principal

David Wilson
RA / OAA / NCARB
Senior Principal

Leo McGill
RA
Project Architect

CONSULTANTS

Cost Estimator
HL Construction Management
<table>
<thead>
<tr>
<th>Task Name</th>
<th>Duration</th>
<th>Start</th>
<th>Finish</th>
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<tbody>
<tr>
<td>Task A: Review of Existing Documents &amp; Benchmark Study</td>
<td>14 days</td>
<td>Mon 6/20</td>
<td>Thu 6/16/20</td>
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<tr>
<td>Obtain and Review Existing Data and Develop Questions</td>
<td>6 days</td>
<td>Mon 6/20</td>
<td>Mon 6/26/20</td>
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<td>Project Risk-Off Meeting</td>
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<td>Benchmark Study</td>
<td>4 days</td>
<td>Wed 6/20</td>
<td>Wed 6/24/20</td>
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<td>Report Findings to City and TAC</td>
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<td>Task B: Work Plan, Cost Plan, and Project Schedule</td>
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<td>Mon 6/29/20</td>
<td>Fri 6/24/20</td>
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<td>Review Project Delivery Options</td>
<td>5 days</td>
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<td>Fri 6/24/20</td>
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<td>Project Delivery Options Review with City and TAC</td>
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<td>Mon 6/29/20</td>
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<td>Develop Work Plan</td>
<td>10 days</td>
<td>Mon 6/29/20</td>
<td>Fri 6/24/20</td>
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<tr>
<td>Develop Cost Plan</td>
<td>10 days</td>
<td>Mon 6/29/20</td>
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<td>Task C: Programming and Space Needs</td>
<td>60 days</td>
<td>Mon 6/29/20</td>
<td>Fri 6/28/20</td>
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<td>2-Day Police Facility Taping Class for City of Campbell PD and Staff</td>
<td>2 days</td>
<td>Wed 6/30/20</td>
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<td>Review 2004 Program and Space Needs Assessment and City Info</td>
<td>15 days</td>
<td>Mon 6/29/20</td>
<td>Fri 7/1/20</td>
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<tr>
<td>Interview City and CPO Managers</td>
<td>3 days</td>
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<td>Develop Program and Adjacency Requirements</td>
<td>15 days</td>
<td>Mon 6/29/20</td>
<td>Fri 7/1/20</td>
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<td>Analysis and Develop Parking Requirements</td>
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<td>Mon 6/29/20</td>
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<td>City Review of Program and Parking Requirements</td>
<td>5 days</td>
<td>Mon 7/2/20</td>
<td>Fri 7/1/20</td>
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<td>Develop P&amp;D Schedule and Budget based upon Program</td>
<td>5 days</td>
<td>Mon 6/30/20</td>
<td>Fri 6/24/20</td>
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<td>Provide Program Reconciliation based upon Benchmark Studies</td>
<td>5 days</td>
<td>Mon 6/30/20</td>
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<td>City Review of Recommended Budget and Program</td>
<td>5 days</td>
<td>Mon 8/19/20</td>
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<td>Refinements of Budget and Program by Design Team</td>
<td>5 days</td>
<td>Mon 8/19/20</td>
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<td>Subsequent Final Program and Space Needs Assessment Report</td>
<td>4 days</td>
<td>Mon 8/24/20</td>
<td>Thu 8/27/20</td>
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<tr>
<td>City Approval of Final Program and Space Needs Assessment</td>
<td>0 days</td>
<td>Thu 8/27/20</td>
<td>Thu 8/27/20</td>
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</table>

Task D: Site Planning and Analysis

Review Existing Utilities and Site Constraints
Review Impacts of Campbell Library Improvements
Development of Site Options and Impact on CCC Programs and Events
Development of Mitigation Measures
Evaluate CNN Level of Service and Risk for Site Options
Prepare ROD Cost Estimates for Site Options
Review P&O with Campbell Planning Dept. and District CIOA and Planning Timeline
Submit site planning and analysis to city’s Project Manager for review and comments
City Review of Site Planning and Analysis
Update of Site Planning and Analysis to Address City Comments
Planning Commission Approval
City Council Approval

Attachment: Exhibit A - Original Scope of Services (Authorization to Amend Consultant Services Agreement Between the City and LPA, Inc.)
### Task E: Building Concept Alternatives

<table>
<thead>
<tr>
<th>Task Description</th>
<th>Duration</th>
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<tr>
<td>Develop Building Concept Alternatives</td>
<td>40 days</td>
<td>Mon 8/30/20</td>
<td>Mon 10/2/20</td>
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<td>Prepare RDA Cost Estimates for Building Alternatives</td>
<td>20 days</td>
<td>Mon 8/31/20</td>
<td>Fri 9/11/20</td>
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<td>Review Building Concept Alternatives with City Planning Dept.</td>
<td>0 days</td>
<td>Tue 9/22/20</td>
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<td>Submit Conceptual Design Options and RDA Cost Estimates to City for Review</td>
<td>0 days</td>
<td>Fri 9/25/20</td>
<td>Fri 9/25/20</td>
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<tr>
<td>Address City's Comments on Design Options</td>
<td>5 days</td>
<td>Fri 9/26/20</td>
<td>Fri 10/2/20</td>
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<tr>
<td>With City Staff Present Design Alternatives to the Neighborhood and Stakeholders</td>
<td>0 days</td>
<td>Tue 9/29/20</td>
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<td>Planning Commission Approval</td>
<td>0 days</td>
<td>Tue 10/2/20</td>
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<td>City Council Approval</td>
<td>0 days</td>
<td>Tue 10/27/20</td>
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<tr>
<td>Compile Findings of Task A - E</td>
<td>5 days</td>
<td>Mon 10/3/20</td>
<td>Fri 10/7/20</td>
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<td>Submit Feasibility Study Report to the City</td>
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<td>Fri 10/7/20</td>
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</tr>
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</table>

### Task F: Schematic Design Documents

<table>
<thead>
<tr>
<th>Task Description</th>
<th>Duration</th>
<th>Start</th>
<th>Finish</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop Schematic Design of one preferred option</td>
<td>40 days</td>
<td>Mon 10/4/20</td>
<td>Tue 12/22/20</td>
</tr>
<tr>
<td>HAVA-06 SD-Phase with City, CTE, and Tec.</td>
<td>25 days</td>
<td>Mon 10/6/20</td>
<td>Tue 12/22/20</td>
</tr>
<tr>
<td>Refine FFEA Budget, Schedule and Specifications</td>
<td>10 days</td>
<td>Tue 10/12/20</td>
<td>Tue 12/22/20</td>
</tr>
<tr>
<td>Develop Optimal Building Enhancements to be Prioritized</td>
<td>5 days</td>
<td>Mon 11/11/20</td>
<td>Fri 11/18/20</td>
</tr>
<tr>
<td>Coordinate with Existing Utility Commissions</td>
<td>11 days</td>
<td>Mon 10/11/20</td>
<td>Mon 11/15/20</td>
</tr>
<tr>
<td>Perform Geotechnical Investigations</td>
<td>10 days</td>
<td>Mon 10/18/20</td>
<td>Fri 11/2/20</td>
</tr>
<tr>
<td>Prepare Planning Department Submittals</td>
<td>5 days</td>
<td>Mon 11/23/20</td>
<td>Tue 12/22/20</td>
</tr>
<tr>
<td>Prepare Detailed Cost Estimate</td>
<td>25 days</td>
<td>Mon 11/23/20</td>
<td>Tue 12/22/20</td>
</tr>
<tr>
<td>Present SD Documents to Stakeholders and the Community</td>
<td>0 days</td>
<td>Thu 12/10/20</td>
<td>Thu 12/17/20</td>
</tr>
<tr>
<td>Submit SD Documents and Estimate to City for Review</td>
<td>0 days</td>
<td>Fri 12/21/20</td>
<td>Fri 12/21/20</td>
</tr>
<tr>
<td>Refine SD Documents</td>
<td>5 days</td>
<td>Mon 12/22/20</td>
<td>Fri 12/21/20</td>
</tr>
<tr>
<td>Assist in preparation of CCOA Documents</td>
<td>10 days</td>
<td>Mon 11/30/20</td>
<td>Fri 12/21/20</td>
</tr>
<tr>
<td>Present SD Documents to Planning Commission for Approval</td>
<td>0 days</td>
<td>Tue 12/8/20</td>
<td>Tue 12/22/20</td>
</tr>
<tr>
<td>Present SD Documents to City Council for Approval</td>
<td>0 days</td>
<td>Tue 12/22/20</td>
<td>Tue 12/22/20</td>
</tr>
<tr>
<td>File Planning Applications</td>
<td>0 days</td>
<td>Thu 12/23/20</td>
<td>Thu 12/23/20</td>
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</tbody>
</table>

### Task G: Design Development

<table>
<thead>
<tr>
<th>Task Description</th>
<th>Duration</th>
<th>Start</th>
<th>Finish</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop SD Documents into DD Documents</td>
<td>53 days</td>
<td>Mon 12/24/20</td>
<td>Thu 2/12/21</td>
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<tr>
<td>Review Project with City, CPO and TAC</td>
<td>30 days</td>
<td>Mon 12/24/20</td>
<td>Mon 3/21/21</td>
</tr>
<tr>
<td>Develop 30% Specifications</td>
<td>15 days</td>
<td>Tue 12/22/20</td>
<td>Tue 12/22/20</td>
</tr>
<tr>
<td>Refine FFEA Budget, Schedule and Specifications</td>
<td>10 days</td>
<td>Mon 12/3/21</td>
<td>Fri 12/3/21</td>
</tr>
<tr>
<td>Update BMW of Final National Fire Protection Enhancements</td>
<td>5 days</td>
<td>Mon 12/4/21</td>
<td>Thu 12/4/21</td>
</tr>
<tr>
<td>Prepare Detailed Cost Estimate</td>
<td>30 days</td>
<td>Mon 12/4/21</td>
<td>Fri 12/21/21</td>
</tr>
<tr>
<td>Submit SD Documents to City for Review</td>
<td>0 days</td>
<td>Fri 12/21/21</td>
<td>Fri 12/21/21</td>
</tr>
<tr>
<td>Refine DD Documents</td>
<td>5 days</td>
<td>Mon 12/28/20</td>
<td>Fri 1/2/21</td>
</tr>
<tr>
<td>Present DD Documents to Stakeholders</td>
<td>0 days</td>
<td>Tue 1/5/21</td>
<td>Tue 1/5/21</td>
</tr>
<tr>
<td>Assist in obtaining a CCOA Determination and Chairway</td>
<td>40 days</td>
<td>Mon 12/28/20</td>
<td>Fri 1/2/21</td>
</tr>
<tr>
<td>Present DD Documents to City Council for Approval</td>
<td>0 days</td>
<td>Fri 1/5/21</td>
<td>Fri 1/5/21</td>
</tr>
</tbody>
</table>

### CITY OF CAMPBELL | MEASURE D | NEW POLICE OPERATIONS BUILDING

**Note:**
- Task Completion Dates are approximate and subject to change.
- Dates are based on the City's timeline for project milestones.
- The table includes key dates for each task, highlighting progress and deadlines.

**Attachment:** Exhibit A - Original Scope of Services (Authorization to Amend Consultant Services Agreement Between the City and LPA, Inc.)
**EXHIBIT A.2: FEE PROPOSAL AND HOURLY RATES**

CITY OF CAMPBELL | NEW POLICE OPERATIONS BUILDING DESIGN SERVICES

April 22, 2020

CITY OF CAMPBELL

Woo Jae Kim
c/o City Clerk
70 North First Street
Campbell, CA 95008-1423

RE: CITY OF CAMPBELL | MEASURE O NEW POLICE OPERATIONS BUILDING

Request for Proposal for Design Services
LPA Reference No: 1005120

Dear Mr. Kim and Members of the Selection Committee:

LPA is pleased to present our fees for Design Services for the Measure O, New Police Operations Building Design Services. Our fee proposal is inclusive of all work and labor from notice to proceed through completion of the Scope of Services. Our fee breaks down per Task as follows:

<table>
<thead>
<tr>
<th>Task</th>
<th>Fee</th>
<th>Total Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task A - Review of Existing Documentation</td>
<td>$6,385.00</td>
<td>$6,385.00</td>
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<tr>
<td>Task B - Work Plan, Cost Plan and Project Schedule</td>
<td>$6,385.00</td>
<td>$6,385.00</td>
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<tr>
<td>Task C - Programming and Space Needs</td>
<td></td>
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<tr>
<td>LPA Basic Services</td>
<td>$19,150.00</td>
<td></td>
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<tr>
<td>Public Safety Programming</td>
<td>$45,465.00</td>
<td></td>
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<tr>
<td></td>
<td>$64,615.00</td>
<td></td>
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<tr>
<td>Task D - Site Planning and Analysis</td>
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<tr>
<td>LPA Basic Services</td>
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<tr>
<td>Cost Estimating</td>
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<tr>
<td></td>
<td>$42,750.00</td>
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<tr>
<td>Task E - Building Concept Alternatives</td>
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<tr>
<td>LPA Basic Services</td>
<td>$42,750.00</td>
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<tr>
<td>Cost Estimating</td>
<td>$6,250.00</td>
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<tr>
<td></td>
<td>$49,000.00</td>
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<tr>
<td>Task F - Schematic (15%) Design Documents</td>
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</tr>
<tr>
<td>LPA Basic Services</td>
<td>$209,750.00</td>
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<tr>
<td>Public Safety Programing</td>
<td>$82,600.00</td>
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<tr>
<td>Cost Estimating</td>
<td>$12,500.00</td>
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<tr>
<td>Geotechnical Engineering</td>
<td>$36,650.00</td>
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<tr>
<td>Specifications</td>
<td>$14,450.00</td>
<td></td>
</tr>
<tr>
<td>FF&amp;E</td>
<td>$5,000</td>
<td></td>
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<tr>
<td></td>
<td>$360,950.00</td>
<td></td>
</tr>
</tbody>
</table>

60 South Market Street, Suite 150, San Jose, California 95113  |  p. 408.780.7200  |  f. 408.780.7201
## Task G - Design Development (30%) Documents

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>LPA Basic Services</td>
<td>$257,500.00</td>
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<tr>
<td>Public Safety Programming</td>
<td>$72,700.00</td>
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<tr>
<td>Cost Estimating</td>
<td>$18,750.00</td>
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<tr>
<td>Specifications</td>
<td>$26,800.00</td>
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<tr>
<td>FF&amp;E</td>
<td>$10,000</td>
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### Additional Services Allowance

<table>
<thead>
<tr>
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<tbody>
<tr>
<td></td>
<td>$50,000.00</td>
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<tr>
<td>Reimbursable Allowance</td>
<td>$15,000.00</td>
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</table>

### Total Basic & Specialty Services Fee

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
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<tbody>
<tr>
<td></td>
<td>$980,835.00</td>
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</table>

## BASIC HOURLY RATE SCHEDULE

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
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</thead>
<tbody>
<tr>
<td>Principal</td>
<td>$265.00</td>
</tr>
<tr>
<td>Director</td>
<td>$240.00</td>
</tr>
<tr>
<td>Discipline Director</td>
<td>$230.00</td>
</tr>
<tr>
<td>Project Director</td>
<td>$220.00</td>
</tr>
<tr>
<td>Project Leader</td>
<td>$185.00</td>
</tr>
<tr>
<td>Manager</td>
<td>$135.00</td>
</tr>
<tr>
<td>Design Coordinator II</td>
<td>$160.00</td>
</tr>
<tr>
<td>Design Coordinator I</td>
<td>$135.00</td>
</tr>
<tr>
<td>Designer III</td>
<td>$125.00</td>
</tr>
<tr>
<td>Designer II</td>
<td>$110.00</td>
</tr>
<tr>
<td>Designer I</td>
<td>$100.00</td>
</tr>
<tr>
<td>Senior Specialist</td>
<td>$125.00</td>
</tr>
<tr>
<td>Specialist III</td>
<td>$105.00</td>
</tr>
<tr>
<td>Specialist II</td>
<td>$95.00</td>
</tr>
<tr>
<td>Specialist I</td>
<td>$85.00</td>
</tr>
<tr>
<td>Intern</td>
<td>$75.00</td>
</tr>
</tbody>
</table>

Note: These rates are effective January 1, 2020 and are subject to change annually.

## REIMBURSABLES

Reimbursable expenses are in addition to fee compensation but only to the extent actually used. They typically average about 3.5% of the design fee and include costs for reproduction, plotting, express mailing, mileage and delivery charges. These expenses are invoiced at cost plus 10% as incurred.

If you have any questions, please do not hesitate to contact us for further information.

Sincerely,

Patrick McClintock, NCIDQ / IIDA / LEED AP BD+C
Principal-in-Charge
PMcClintock@LPADesignStudios.com

Jeremy Hart, AIA / LEED AP BD+C
Director of Civic + Cultural
JHart@LPADesignStudios.com

60 South Market Street, Suite 150, San Jose, California 95113 | p. 408.780.7200 | f. 408.780.7201
SCOPE OF SERVICES
CAMPBELL POLICE OPERATIONS BUILDING
9/27/2021

PROJECT DESCRIPTION
This scope of work for the Campbell Police Operations Building shall include the phased design and construction of a new two-story police operations building of 24,120 square feet and the renovation of the existing police operations building of 6,780 square-feet. Surrounding site area in the amount of 55,226 square feet shall be improved for the creation of a new secure parking area for the police department and a redesigned public plaza and parking lot for the public.

Basic Services will include:
1. Construction Documents
2. Bidding/Negotiation Services
3. Construction Contract Administration
4. Furniture Design and Management
5. Redesign of Public Parking Lot

DISCIPLINES

<table>
<thead>
<tr>
<th>Services</th>
<th>Included</th>
<th>Excluded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Survey</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Civil Engineering</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Architectural Design</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Structural</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Mechanical</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Plumbing</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Fire Protection</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Electrical Engineering</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Low Voltage Data</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Furniture Management</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Signage and Graphics Design</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Lighting Design</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Cost Estimation</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Code Consultant</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Basic Services:
- Civil Engineering
- Architectural Design
- Structural
- Mechanical
- Plumbing
- Fire Protection
- Electrical Engineering
- Low Voltage Data
- Furniture Management
- Signage and Graphics Design
- Lighting Design
- Cost Estimation
- Code Consultant
**PROPOSED COMPENSATION**

The following is the proposed compensation for the Scope of Services identified. The total dollar amount is an estimated fee based on an assumed construction cost of $20,840,000.

Tasks 0 - 5:
1. Construction Documents & Plan Check Review: $736,775
2. Bidding / Negotiations: $27,800
3. Construction Contract Administration: $541,935
4. Furniture Design and Management: $59,025
5. Redesign Public Parking Lot: $14,450

**TOTAL FEES (Tasks 0 - 6)** $1,379,985

Reimbursable Allowance $20,000

Reimbursable expenses are in addition to compensation and typically run approximately 3.5% of a total project fee. They include costs for reproduction, plotting, express mailing, delivery charges, mileage, travel, and overhead on consultant invoices.

Supplemental Services: Due to the unknown nature of the requirements for supplemental services such as renderings, models, promotional material, 3D graphics, or other related material, no specific fee has been identified. Fees may be provided by LPA, as requested by the CITY OF CAMPBELL and pending clarification of the deliverables.

**BASIC HOURLY RATES**

<table>
<thead>
<tr>
<th>Title</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
<td>$265.00</td>
</tr>
<tr>
<td>Director</td>
<td>$240.00</td>
</tr>
<tr>
<td>Discipline Director</td>
<td>$230.00</td>
</tr>
<tr>
<td>Project Director</td>
<td>$220.00</td>
</tr>
<tr>
<td>Project Leader</td>
<td>$185.00</td>
</tr>
<tr>
<td>Design Coordinator II</td>
<td>$160.00</td>
</tr>
<tr>
<td>Manager</td>
<td>$155.00</td>
</tr>
<tr>
<td>Design Coordinator I</td>
<td>$135.00</td>
</tr>
<tr>
<td>Senior Specialist</td>
<td>$125.00</td>
</tr>
<tr>
<td>Designer III</td>
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<tr>
<td>Specialist III</td>
<td>$105.00</td>
</tr>
<tr>
<td>Designer II</td>
<td>$110.00</td>
</tr>
<tr>
<td>Specialist II</td>
<td>$95.00</td>
</tr>
<tr>
<td>Designer I</td>
<td>$100.00</td>
</tr>
<tr>
<td>Specialist I</td>
<td>$85.00</td>
</tr>
<tr>
<td>Intern</td>
<td>$75.00</td>
</tr>
</tbody>
</table>

NOTE: These rates become effective January 1, 2020 and are subject to change annually.
BASIC SERVICES

0 – GENERAL

During the project, certain activities occur in each phase. These activities, described below, are non-sequential and may not be applicable to all phases of the project. These activities include:

0.01 Project Administration services including:
   .01 Initial consultation in development of the Project.
   .02 Preparation of compensation estimates and professional services agreement(s).
   .03 Project-related research.
   .04 Conferences.
   .05 Communications.
   .06 Travel time.
   .07 Progress reports.
   .08 Direction of the work of in-house personnel.

0.02 Disciplines Coordination/Document Checking services consisting of:
   .01 Coordination between LPA’s work and the work of engineering and other involved disciplines for the Project.
   .02 Review and checking of documents prepared for the Project.

0.03 Agency Consulting/Review/Approval services including:
   .01 Agency consultations.
   .02 Research of critical applicable regulations.
   .03 Preparation of written and graphic explanatory materials.
   .04 Appearances on CITY OF CAMPBELL’s behalf at agency and community meetings.
   .05 Planning boards.
   .06 Agencies having jurisdiction.
   .07 User organizations.
   .08 Community organizations.

0.04 CITY OF CAMPBELL-supplied Data Coordination services including:
   .01 CITY OF CAMPBELL to obtain existing drawings and related data for the project.
1.05 Civil Design/Documentation services consisting of preparation of final civil engineering calculations, Drawings and Specifications based on approved Design Development documents, setting forth in detail the civil construction requirements for the Project including the following.

.01 Demolition Plan.
.02 Horizontal Plan.
.03 Pavement Plan.
.04 Wet Utilities Plan.
.05 Final Grading Plan.
.06 Preparation of SWPPP.
.07 Preparation of Water Quality Management Plan.
.08 Specifications.

1.06 Landscape Design/Documentation services consisting of preparation of Drawings and Specifications based on approved Design Development Documents, setting forth in detail the landscape requirements for the Project.

1.07 Interior Design/Documentation consisting of preparation of Drawings, Specifications and furnishings, furniture and equipment schedules based on approved Design Development documents, setting forth in detail the requirements for interior construction and for furniture, furnishings and equipment for the Project.

1.08 Materials Research/Specifications consisting of:

.01 Assistance to CITY OF CAMPBELL in development and preparation of Bidding documents which describe the time, place and conditions of bidding, bidding forms, and the form(s) of Agreement between the CITY OF CAMPBELL and Contractor(s).
.02 Assistance to CITY OF CAMPBELL in development and preparation of the Conditions of the Contract (General, Supplementary, and other Conditions).
.03 Development and preparation of Specifications describing materials, systems and equipment, workmanship, quality and performance criteria required for the construction of the Project.

1.09 Detailed Construction Cost Estimates services consisting of:

.01 Development, when the construction documents are approximately 50% and 95% complete of a Detailed Estimate of Construction Cost based on quantity take-offs and unit cost pricing for materials, labor, tools, equipment, and services required for the Work plus estimates for the Contractor's supervision cost, Work required by General and Supplementary Conditions, and an allowance for a reasonable Contractor's overhead and profit; or
.02 Continuous development during all phases of design and documentation, of an estimate of Construction Cost for the purpose of greater cost control; culminating in a Detailed Estimate of Construction Cost or detailed quantity surveys or inventories of material, equipment and labor.

1.10 Summary of Meetings:

.01 Twelve (12) staff meetings.
.02 Three (3) plan check meetings.
.03 Two (2) Presentations to City Council.

1.11 Summary of Deliverables:

.01 Building Construction Documents consisting of architecture, interiors, structural, mechanical, plumbing and electrical design. Progress sets to be issued at 65% and 95%. Final Deliverable at 100% shall be a permit ready set.
.02 Site Design Development drawings of civil, landscape and electrical design requirements. Progress sets to be issued at 65% and 95%. Final Deliverable at 100% shall be a permit ready set.
.03 Specification (Project Manual).
.04 Schedule update.
.05 Detailed Construction Cost Estimate.

.04 Compilation of Project Manual including Conditions of the Contract, Bidding Documents and Specifications.
2.01 Bidding Materials services consisting of organizing and handling Bidding Documents for:
   .01 Coordination.
   .02 Reproduction.
   .03 Completeness review.

2.02 Addenda services consisting of preparation and distribution of Addenda as may be required during bidding or negotiation and including supplementary Drawings, Specifications, instructions and notice(s) of changes in the bidding schedule and procedure.

2.03 Bidding/Negotiations services consisting of:
   .01 Participation in pre-bid conferences.
   .02 Responses to questions from Bidders or proposers and clarifications or interpretations of the Bidding Documents.
   .03 Attendance at bid opening(s).

2.04 Analysis of Alternates/Substitutions services consisting of consideration, analyses, comparisons, and recommendations relative to alternates or substitutions proposed by Bidders or proposers either prior to receipt of Bids or proposals.

2.05 Deliverables consisting of:
   .01 Bid documents.
   .02 Addenda.
3 – CONSTRUCTION CONTRACT ADMINISTRATION SERVICES

In the Construction Contract Administration Phase, LPA shall provide those services designated necessary for the administration of the construction contract as set forth in the General Conditions of the Contract for Construction. Unless otherwise provided in the Scope of Services, LPA duties and responsibilities during construction shall be as set forth in the Agreement between CITY OF CAMPBELL and Architect for Designated Services. The following descriptions shall apply to those services:

3.01 Office Construction Administration services consisting of:
   .01 Processing of submittals, including receipt, review of, and appropriate action on Shop Drawings, Product Data, Samples and other submittals required by the Contract Documents.
      a. Shop drawings and submittals review (limit two iterations per submittal) to be turned reviewed and returned in twenty (20) days.
      b. RFI's to be reviewed and returned in five (5) days.
   .02 Distribution of submittals to CITY OF CAMPBELL, Contractor and/or LPA's field representative, as required.
   .03 Maintenance of master file of submittals.
   .04 Related communications.

3.02 Construction Field Observation services consisting of visits to the site at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the Work and to determine in general if the Work is proceeding in accordance with the Contract Documents and preparing related reports and communications. Site visits are based on weekly meetings for (78) weeks of construction.

3.03 Quotation Requests/Change Orders services consisting of:
   .01 Preparation, reproduction and distribution of Drawings and Specifications to describe Work to be added, deleted or modified.
   .02 Review of proposals from Contractor(s) for reasonableness of quantities and costs of labor and materials.
   .03 Review and recommendations relative to changes in time for Substantial Completion.
   .04 Assisting in the preparation of appropriate Modifications of the Contract(s) for Construction.

3.04 Project Closeout services initiated upon notice from the Contractor(s) that the Work, or a designated portion thereof which is acceptable to CITY OF CAMPBELL, is sufficiently complete, in accordance with the Contract Documents, to permit occupancy or utilization for the use for which it is intended, and consisting of:
   .01 A detailed review with CITY OF CAMPBELL’s representative for conformity of the Work to the Contract Documents to verify the list submitted by the Contractor(s) of items to be completed or corrected.
   .02 Determination of the amounts to be withheld until final completion.
   .03 Issuance of Certificate(s) of Substantial Completion.
   .04 Review upon notice by the Contractor(s) that the Work is ready for final review and acceptance.
   .05 Notification to CITY OF CAMPBELL and Contractor(s) of deficiencies found in follow-up review, if any.
   .06 Final review with the CITY OF CAMPBELL’s representative to verify final completion of the Work.
   .07 Receipt and transmittal of warranties, affidavits, receipts, releases and waivers of lien or bonds indemnifying CITY OF CAMPBELL against liens.
   .08 Issuance of final Certificate(s) for Payment.

4 – FURNITURE MANAGEMENT SERVICES

In the furniture management phase of the project, LPA shall provide the following services necessary to design, negotiate and secure competitive pricing and services for the furniture items for the project.
4.01 Design and Bid Documentation Preparation

.01 Present private office and workstation images and ancillary furniture of the products from three major furniture vendors. Develop a strategy for bidding vendors that meet the design and budget intent of the groups.

.02 Develop descriptive criteria for the furniture design intent for obtaining similar results in each of the competitive bids.

.03 Develop furniture setting plans for the entire project so the bidding dealers can understand the magnitude of the final scope.

.04 Assist in determining the criteria for Furniture Dealer selection, including initial and ongoing services, availability of products, installation capabilities, percentage off of list prices, etc.

.05 Deliverables - Two meetings,
   a. Furniture Configuration drawings-8 1/2 x 11 (individual) and 30 x 42 (overall)
   b. Furniture Image Package
   c. Bid Documents including written and plan form.

4.02 Bid Process

.01 Develop and distribute Requests for Proposals to qualified suppliers, on the CITY OF CAMPBELL’s behalf, respond to questions and provide clarifications as necessary to secure comparable competitive bids utilizing pre-bid government purchasing programs (i.e. CMAS, Omnia Partners, Sourcewell, and NJPA).

.02 Analyze bids for completeness; compare qualifications, services and prices. Make a recommendation for award of contract.

.03 Deliverables - Bid analysis spreadsheet and award of dealer contract.

4.03 Private Office, Workstations and Ancillary

.01 Finalize with the CITY OF CAMPBELL and the dealer the final configuration and specifications of these products.

.02 Select final finishes including fabrics, woods and paints to coordinate with approved color scheme. Dealer to provide a color board.

.03 Review dealer generated detailed furniture installation plans and sheet specifications for design intent. Coordinate power/data entry locations. Product numbers are to be verified with the dealer.

.04 Compare final costs for this product so as not to exceed the budget established.

.05 Detailed specifications are the Dealer’s responsibilities.

4.04 Schedule Confirmation

.01 Review dealer provided project schedule in coordination with the General Contractor’s construction schedule and furniture acknowledgments.

.02 Deliverables - Three Meetings with Dealer, marked up specifications, finish selections and power/data coordination

4.05 Installation Administration Services

.01 Furniture Dealer shall coordinate with contractor for final delivery and installation dates, confirm access and establish installation procedures with the building owner.

.02 Upon completion of installation, LPA shall attend a job walk to confirm completeness of installed Furniture items with the dealer. Dealer shall develop a corrective work list of missing items or corrective measures required.

.03 Deliverables - One field visit

5 – REDESIGN OF PUBLIC PARKING LOT

In the course of the Campbell City Council Meeting on September 21st, 2021, it was requested that LPA review and remove the angle from the previously designed public parking lot along N. 1st Street. LPA will reassess the design of the parking lot, provide options, and pending
direction from the City of Campbell, incorporate the approved option into the design of the project.

5.01 LPA will prepare two conceptual design options for redesigning the public parking lot along N 1st Street that will remove the angle from the north end of the drive aisle. Options shall consider the following:

.01 Number of parking stalls
.02 Accessible path of travel
.03 Width of sidewalks
.04 Pedestrian circulation from the parking lot to the Police Department and the City Hall.

5.02 Upon receiving approval of a preferred site plan option from the City of Campbell, LPA shall proceed with the implementation of the design and re-engineering of the public parking lot along N. 1st Street. The redesign will affect the following systems:

.01 Grading
.02 Drainage
.03 Utilities
.04 Paving
.05 Planting
SUPPLEMENTAL SERVICES

ADDITIONAL SERVICES

In addition to the generally sequential services chronologically arranged and described in Phases 1 through 6, LPA shall provide supplemental services. These non-sequential services may be provided during a single Phase of services or during several phases. The following descriptions shall apply to those services upon written authorization from the CITY OF CAMPBELL at an additional fee.

1. Special Studies services consisting of investigation, research and analysis of the CITY OF CAMPBELL’s special requirements for the Project and documentation of findings, conclusions and recommendations for Master Planning to provide design services relative to future facilities, systems and equipment which are not intended to be constructed as part of the Project during the Construction Phase.

2. Life Cycle Cost Analysis services consisting of assessment, on the basis of established relevant economic consequences over a given period of time, of:
   - A given planning and design solution for the Project.
   - Alternative planning and design solutions for the Project.
   - Selected systems, subsystems or building components proposed for the Project.

3. Value Analysis services consisting of the review during design phases of the cost, quality and time influences of proposed building materials, systems and construction methods relative to design objectives in order to identify options for obtaining optimum value for the CITY OF CAMPBELL.

4. Quantity Surveys services consisting of a detailed determination of the quantities of materials to be used in the Project to establish the basis for price determination bidding or negotiations.

5. Non-Building Equipment Selection services relating to equipment and furnishings not incorporated into the construction of the Project and consisting of:
   - Establishment of needs and criteria.
   - Preparation of requirements, Specifications and bidding or purchasing procedures.
   - Management of procurement.
   - Coordination of delivery and installation.
   - Purchase of non-building equipment on CITY OF CAMPBELL’s behalf.

6. Project Promotion/Public Relations services relating to presentation of the Project to the public or identified groups and consisting of:
   - Preparation of press releases.
   - Preparation of special brochures and/or promotional pieces.
   - Assistance in production and distribution of promotional materials.
   - Presentations at public relations and/or promotional meetings.

7. Expert Witness services consisting of preparing to serve and/or serving as an expert witness in connection with any public hearing, arbitration proceeding or legal proceeding.

8. Demolition services consisting of:
   - Preparation of Contract Documents for demolition of existing structures.
   - Managing the bidding/negotiation/award process.
   - Providing field observation and general administration services during demolition.

9. Mock-up services relating to the construction of full-size or half-size details of components of the Project for study and testing during the design phases and consisting of:
   - Design and documentation for the required mock-up(s).
   - Management and coordination of pricing and contracting for mock-up services.
   - Construction administration of mock-up construction activities.
   - Arrangements for testing and monitoring performance of mock-up(s).
   - Administration of testing and monitoring services.
   - Review, analysis and reporting of results of testing and monitoring services.

10. Still Photography services consisting of:
    - Documentation of existing conditions.
    - Aerial site photography.
• Photographic recording for study purposes of facilities similar to the Project.
• Periscopic photography of models for the Project.
• Presentation photography of rendering(s) and model(s) for the Project.
• Construction progress photography.
• Architectural photography of the completed Project.

11. Motion Pictures and Videotape services relating to preparation of promotional or explanatory presentations of the Project during the design and/or construction phases.

ITEMS NOT INCLUDED IN THIS SCOPE OF SERVICES

The following are not included in this Scope of Services:

• Hydrology studies of off-site areas which are not tributary to the project site.
• Utility replacement and upgrade of underground facilities on public streets.
• Any consultant not specifically identified.
• Submittal and coordination with Caltrans, Fish and Game, Army Corps of Engineers, Flood Control or any agency other than the City or as specifically noted.
• Annexation of site into City, coordination with school district, noise/air quality studies, water rights, environmental studies, agency fees and permits (NPDES, excavation, flood control, etc.), property or ROW acquisitions, extraordinary requirements placed on the project by the governing agencies, revision to plans due to planning, layout or master plan changes, wetland investigation/mitigation, capital improvement program and/or finance plan.
• Traffic studies.
• Submittal(s) fees.
• Coordination and procurement of fitness equipment.
• Traffic Control Plans/Intersection Signal Design.
• Construction staking services and grade verifications.
• Boundary Survey.
• Record of Survey.
• ALTA/ASCM Land Title Survey.
• Off-Site Improvements.
• Utility line relocation or adjustments.
• Environmental/EIR or biological services.
• Fountain consultant and design.
• Relocation or undergrounding of power lines.
• Easements: The abandonment, revising, or writing of easements is not included in this scope of work.
• Geotechnical services during construction are excluded.
• Acoustics.
• Hazardous materials studies.
• All street lighting, signalization, or temporary power design are excluded.
• Water Quality Management Plan (WQMP) and Stormwater Maintenance Agreement preparation services are excluded and are anticipated to be provided by the CITY OF CAMPBELL.
• Conditional Use Permit.
• Enhanced Commissioning.
• LEED certification and/or registration fees.
• Permit, Plan Check, testing or any agency fees.
• Rendering, flythrough, 3D graphics or other presentation, fund raising, or marketing material.
• Any item not specifically noted as included in the Scope of Services.
• Improvements to adjacent city streets are excluded.
• Off-site engineering includes all areas outside the property line.
• Special disciplines consultation services consisting of retaining, directing and coordinating the work of special disciplines consultants identified from the following list or any other sources not listed, whose specialized training, experience and knowledge relative to specific elements and features of the Project are required for the Project:
  o Acoustics
  o Audio-Visual
  o Communications
  o Computer Technology
  o Construction Management
  o Dry Utilities
  o Ecology
  o Economics
  o Editorial
  o Elevators/Escalators
  o Environmental
  o Fire Protection
  o Food Service/Kitchen Design
SCOPE OF SERVICES | CAMPBELL POLICE OPERATIONS BUILDING
9/27/2021

- Geotechnical
- Methane
- Public Relations
- Reprographics
- Safety
- Security Systems Design & Engineering
- Soils/Foundations
- Parking/Parking Structure
- Transportation
- Enhanced Commissioning Agent.
- Traffic Engineer

STANDARD ASSUMPTIONS

The following are Scope of Services assumptions:

1. CONSULTANTS: The work of the aforementioned consultants is included as part of this Scope of Services and will be billed at their fee plus 25% for LPA’s coordination.

2. RESPONSIBILITIES: LPA will be responsible for design and documentation of the site areas as stated on this Scope of Services. Signage, street work, and any other site related engineering or reports outside this scope of work shall be by others and are not included in this scope of work.

3. DRY UTILITY COORDINATION: The coordination and review of designs with any outside agency for compliance with code requirements and obtaining of any necessary approvals shall be by others.

4. CONSTRUCTION DOCUMENTS: The Construction Documents will be developed as one set of documents with phasing of the project indicated. The scope of work does not include a separate set of off-site improvements. If the CITY OF CAMPBELL requires a separate set of documents for off-site, etc., LPA will provide these drawings as an additional service.

5. ELECTRICAL EXCLUSIONS: Temporary power design is excluded.

6. ENVIRONMENTAL: Studies for area wide traffic impacts, cultural resources, stream preservation or modification, soil mitigation or clean-up, oil operations, and sensitive habitat are not included in this proposal. It is anticipated that the CITY OF CAMPBELL has the existing studies required.

7. OFF-SITE: Off-site infrastructure is in place and adequate connection points for storm drain, water, and sewer are available at the project boundary (or on-site) to serve the proposed development. No studies of utilities beyond the limit of the site are included.

8. BOUNDARY: The boundary corners for the site have been established and monumented by others.

9. BASE MAPPING: Mapping will be based on available local agency vertical datum and assumed horizontal datum, unless specifically requested otherwise.

10. FLOOD PLAIN: The site is not located within the limits of a 100-year flood plain and will not include any new regional drainage improvements. No on-site retention is anticipated.

11. RECORD DRAWINGS: As-Built Information is to be provided by the Contractor. Because the amount of such is unknown, any CADD Drafting services required by the CITY OF CAMPBELL can be provided as an additional service on an hourly basis.

12. FIELD SURVEY STAKING: Project General Contractor will provide all field survey staking, as-built survey and plans, and grading and wet utilities substantial conformance letter.

13. MEETINGS: Where the maximum number of meetings to be included in Architect’s services is specified herein, Architect and architect’s consultants agree to attend, and participate in, as many meetings as specified as part of the Basic Services. Meetings in excess of those specified will be billed as Additional Services.

14. DELIVERABLES: The preceding description of services general outlines the activities associated with executing each phase of work. The necessity for, and the extent to which, the Architect and Architect’s consultants must commit time and resources to any specific activity will vary depending on the needs of the project. Consequently, the
description of services does not represent a comprehensive list of deliverables.

15. CONSULTATION AND COORDINATION: All consultations and coordination not associated with specific meetings shall be conducting at the sole discretion of the Architect and Architect’s consultants, and only as necessary for the Architect and Architect's consultants to complete the professional services of this agreement.

16. DOCUMENTS: Documents described in the preceding description of services shall be provided, as appropriate, for the needs of the project and to a level of detail consistent with the standard of practice for this type of project and for the geographical area and regulatory jurisdiction(s) in which the project is located.

17. PROJECT CONTROL: The Architect shall not have control over or charge of and shall not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Work, since these are solely the Contractor’s responsibility under the Contract for construction. Without in any way limiting the Architect’s responsibilities and obligations under Title 21 of the California Code of Regulations or the Building Standards published by the ICBO (formerly Title 24 of the California Code of Regulations), the Architect shall not otherwise be responsible for the Contractor’s schedules or failure to carry out the work in accordance with the Contract Documents. The Architect shall not have control over or charge of acts or omissions of the Contractor, Subcontractors, or their agents or employees, or of any other persons performing portions of the Work.

CITY OF CAMPBELL RESPONSIBILITIES

1. APPROVAL: The CITY OF CAMPBELL’s verbal request to commence each task constitutes approval of prior work. Changes in subsequent work will be considered additional services, documented, and billed on an hourly basis.

2. ADDITIONAL SERVICES: Tasks not included in this Scope of Services but requested by the CITY OF CAMPBELL shall be identified as such and billed at an hourly rate, unless a detailed Scope of Services proposal is requested.

   .01 SCOPE ADJUSTMENT: If there is an adjustment in schedule, scope, and budget, this will result in an additional service.

   .02 BILLING/PAYMENT: LPA shall invoice the CITY OF CAMPBELL monthly for a percentage of the work completed consistent with the terms of the Contract. Payment is due thirty (30) days from the date of the invoice. LPA shall stop all current work and notify the CITY OF CAMPBELL if payment is not received within thirty (30) days.

   .03 SPECIFICATIONS: The CITY OF CAMPBELL shall provide the Standard General Conditions, Special Conditions, and Bidding Instructions.

3. CONSTRUCTION CONTINGENCY: Due to the unique nature of this facility and the fact that this prototype has never been built before, it is standard practice that the CITY OF CAMPBELL carry a 5% contingency to cover unexpected and unforeseen occurrences that may arise during construction.

   .01 FEES: The CITY OF CAMPBELL shall pay all government fees, permits, assessments, etc.

   .02 SURVEY: CITY OF CAMPBELL to provide an accurate topographical survey, including legal boundaries, spot elevations, existing utilities, existing and proposed improvements and easements.

   .03 TITLE REPORT: CITY OF CAMPBELL to provide a recent Title Report that shows the recorded property boundary along with easements and any other special provisions.

   .04 BASES: CITY OF CAMPBELL to provide accurate, appropriately scaled base sheets directly useable without redrawing to develop planning base sheets; bases shall show existing curbs, utilities, and existing and proposed improvements.

   .05 SOIL FERTILITY TEST: The CITY OF CAMPBELL shall provide a soils test and analysis with recommendations for
amendment by a soils testing laboratory prior to the commencement of Design Development.

.06 SPECIFICATIONS: The CITY OF CAMPBELL shall provide the Standard General Conditions, Special Conditions, and Bidding Instructions.

.07 TRAFFIC ENGINEERING: The CITY OF CAMPBELL shall provide a current traffic engineering study.

.08 ENVIRONMENTAL: Studies for area-wide traffic impacts, cultural resources, stream preservation or modification, soil mitigation or clean-up, oil operations, and sensitive habitat are not included in this proposal. It is anticipated that the CITY OF CAMPBELL has the existing studies required.

.09 DEMOLITION: This proposal assumes the demolition of existing improvements will be a part of these documents. Hazardous materials investigation and report shall be provided by the CITY OF CAMPBELL and is not a part of this scope of work.
TITLE: Extension of Declaration of Local Emergency and Authorizing Remote Meetings (Resolution/Roll Call Vote)

RECOMMENDED ACTION

It is recommended that the City Council adopt a Resolution extending the September 21, 2021 City Council proclamation declaring the existence of a local emergency resulting from community spread of COVID-19 and authorizing remote teleconference meetings of the legislative bodies of the City of Campbell until November 18, 2021.

BACKGROUND

On March 17, 2020, the City Council adopted a resolution ratifying the Director of Emergency Services' proclamation dated March 12, 2020 declaring the existence of a local emergency resulting from community spread of COVID-19 in the City of Campbell. This declaration of a local emergency provided the City the authority to provide and request mutual aid from state and other governmental agencies, consistent with the provisions of local ordinances, resolutions, emergency plans, and agreements; as well as promulgate orders and regulations, and exercise emergency police powers necessary to provide for protection of life and property.

During the COVID-19 public health crisis, the City Council passed several resolutions that are effective for the duration of the local emergency and listed below. No additional actions by the City Council are necessary as the actions authorized by these resolutions will terminate when the declaration of local emergency ends.

- Resolution 12580 - Setting forth code enforcement priorities during COVID-19 emergency;
- Resolution 12594 - Setting forth enforcement priorities affecting retail and restaurant businesses outside of the downtown area during COVID-19 emergency;
- Resolution 12595 – Setting forth enforcement priorities affecting downtown retail and restaurant businesses during COVID-19 emergency;
- Resolution 12620 - Temporarily suspending and designating parking restrictions and prohibitions pursuant to Campbell municipal code chapter 10.24 and authorizing temporarily closing the 100, 200, 300, and 400 blocks of East Campbell Avenue to motor vehicle traffic pursuant to California Vehicle Code section 21101 to facilitate outdoor business and setting forth
enforcement priorities affecting downtown businesses during the COVID-19 emergency;
• Resolution 12623 - Setting forth enforcement priorities affecting all business outside of the downtown area during COVID-19 emergency.

Pursuant to the Campbell Municipal Code 2.28.060 (a)(1) and California Government Code Section 8630 (b), the local emergency declaration was ratified by the City Council, as required by law in order to allow the City the ability to exercise emergency police powers such as: evacuation; immunity for emergency actions; authorization of issuance of orders and regulations; activation of pre-established emergency provisions; and is a prerequisite for requesting state or federal assistance.

The City Council reviewed the local emergency declaration every 60 days and adopted resolutions to extend the declaration of a local emergency on May 5, July 24, September 15, November 2, and December 15, 2020; and in this current calendar year on February 2, April 6, June 1, August 3, and September 21.

DISCUSSION

On September 16, 2021, Governor Gavin Newsom signed into law Assembly Bill (AB) 361 enabling local public agencies to continue to use teleconferencing without complying with certain Brown Act provisions. Four days later, Governor Newsom issued Executive Order N-15-21, delaying the full application of AB 361 which would typically be effective immediately, as urgency legislation until October 1, 2021. AB 361 would leave the existing Brown Act teleconferencing rules in place, but would except agencies from complying with them where the legislative body meets either (1) for the purpose of declaring or ratifying a local emergency or (2) during a declared state of emergency or local emergency. AB 361 is intended to guarantee that local agencies do not have to rely on an executive order from the governor to serve their communities remotely during future emergencies.

Under AB 361, the public must be provided a call-in or internet-based service option, but need not be given a physical location from which to observe and comment on the meeting. In the event of a disruption that prevents the broadcasting of the meeting via the call-in or internet-based service options, a body may not take further action until access is restored. Within 30 days of holding a virtual meeting for the first time, and every 30 days thereafter, the legislative body must make findings ratifying the state of emergency. To utilize the provisions in AB 361, the meeting must be held during a proclaimed state of emergency in which state or local officials have determined by majority vote, that any of the following circumstances exist1:

1. The state of emergency continues to directly impact the ability of the members to meet safely in person;
2. State or local officials continue to impose or recommend measures to promote social distancing.

1 California Government Code Section 54953 (e)(3)(B)
In light of the continued state of emergency related to COVID-19, the Santa Clara County Public Health Officer (Health Officer) issued a recommendation on September 21, 2021 that it continues to recommend public bodies meet remotely to the extent possible, including use of AB 361 to maintain remote meetings under the Ralph M. Brown Act and similar laws (Attachment B). The recommendation was made due to the continued threat of COVID-19 to the community and the unique characteristics of public governmental meetings such as:

- The increased mixing associated with bringing together people from across the community;
- The need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings;
- The challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings;
- The continued increased safety protection that social distancing provides as one means by which to reduce the risk of COVID-19 transmission.

The Health Officer will continue to evaluate this recommendation on an ongoing basis and will communicate when there is no longer such a recommendation with respect to meetings for public bodies.

If the City Council desires to continue to permit remote meetings of its legislative bodies, staff recommends the adoption of the attached resolution. If the City Council desires not to permit remote meetings, no action is necessary as the current declaration of local emergency would expire on November 29, 2021.

**FISCAL IMPACT**

The proclamation of a local emergency is a prerequisite for requesting state or federal assistance and/or reimbursement for expenses incurred in response to the emergency. There is no fiscal impact associated with the extension of the local emergency.

**ALTERNATIVES**

Take no action and allow the current declaration of local emergency to expire on November 29, 2021. Legislative body meetings such as City Council and Advisory Board and Commission meetings would be required to meet in-person and comply with the provisions of the Brown Act beginning in November.

Prepared by: 

Margarita Mendoza, Administrative Analyst
Approved by:  

Brian Loventhal, City Manager

Attachment:

a. Reso_Extension of Local Emergency_Oct 19
b. health-officer-recommendation-re-public-governmental-meetings-09-21-21
RESOLUTION NO. ______________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL CONTINUING THE PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY DUE TO COVID-19 AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS

WHEREAS, Campbell Municipal Code Section 2.28.060 empowers the City Manager or designee, as the Director of Emergency Services to issue a proclamation to proclaim the existence or threatened existence of a local emergency if the City Council is not in session, and requires that the City Council shall take action to ratify the proclamation within seven (7) days thereafter, or the proclamation shall have no further force or effect; and

WHEREAS, pursuant to California Government Code Section 8680.9, a local emergency is a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected by a natural or manmade disaster; and

WHEREAS, the purpose of a local emergency proclamation is to provide extraordinary police powers, immunity for emergency actions, authorize issuance of orders and regulations, and activate pre-established emergency provisions; and

WHEREAS, a local emergency proclamation is a prerequisite for requesting state or federal assistance; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City, based on documented conditions stated in prior resolutions including but not limited to the following:

1. On March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic.

2. COVID-19 has spread globally and per World Health Organization (WHO) data, as of October 11, 2021, over 237 million people have contracted the virus worldwide, resulting in more than 4.8 million deaths. In the United States, over 43.5 million cases have been confirmed, leading to 703,599 deaths.

WHEREAS, the City Council does hereby find that the above described conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency in the City; and

WHEREAS, California Government Code, Title 2, Division 1, Chapter 7.5 - California Disaster Assistance Act (CDAA) allows that with the Proclamation of a Local Emergency the City may seek financial assistance and may request reimbursement of the significant expenses incurred during response, if approved by the Director of the California Office of Emergency Services or Concurrence or Governor’s Proclamation; and
WHEREAS, on March 12, 2020, the Director of Emergency Services issued a proclamation declaring the existence of a local emergency within the City, at which time the City Council was not in session but was ratified and confirmed by the City Council on March 17, 2020; and

WHEREAS, on March 17, 2020 the first public health order issued by the Santa Clara County Public Health Officer went into effect, requiring the sheltering in place of all residents in the County, and only allowing a defined set of essential activities and businesses. Since that date sixteen additional public health orders have been issued, each updating the type of allowable activities and risk reduction measures, most recently on August 2, 2021; and

WHEREAS, the Santa Clara County Public Health Officer has imposed and recommended measures to promote social distancing and indoor mask wearing due to the imminent risk occurring during indoor public meetings to the health and safety of attendees; and

WHEREAS, as required by Government Code 8630(c) the City Council reviewed the need to continue the local emergency declaration every 60 days until conditions warrant termination. The local emergency declaration has been extended in calendar year 2020 on May 5, July 24, September 15, November 2, and December 15. In calendar year 2021 on February 2, April 6, June 1, August 3, and September 21.

WHEREAS, Assembly Bill (AB) 361 has been signed into law, allowing the continued use of teleconferencing without complying with certain provisions of the Ralph M. Brown Act such as ensuring that each teleconference location is physically accessible to the public; maintaining quorum with members physically within the jurisdiction; providing an opportunity for public comment at each teleconference location; and

WHEREAS, due to the continued threat of COVID-19 to the community, the unique characteristics of public governmental meetings such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Campbell that:

1. The City Council has reviewed the need for continuing the declaration of local emergency ratified and confirmed on October 19, 2021 and finds based on substantial evidence that the public interest and necessity require the reinstatement and continuance of the proclamation of local emergency related to COVID-19.

2. Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of Campbell.
3. The Director of the Office of Emergency Services is hereby directed to report to the City Council within thirty (30) days on the need for further continuing the local emergency.

PASSED AND ADOPTED this ______ day of ______________ 2021, by the following roll call vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

APPROVED:

________________________
Elizabeth “Liz” Gibbons, Mayor

ATTEST:

________________________
Dusty Christopherson, City Clerk
Recommendation Regarding Continued Remote Public Meetings of Governmental Entities

Issued: September 21, 2021

In light of the continued state of emergency related to COVID-19, the County Public Health Officer continues to recommend that public bodies meet remotely to the extent possible, specifically including use of newly enacted AB 361 to maintain remote meetings under the Ralph M. Brown Act and similar laws.

Among other reasons, this recommendation is made due to the continued threat of COVID-19 to the community, the unique characteristics of public governmental meetings (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings), and the continued increased safety protection that social distancing provides as one means by which to reduce the risk of COVID-19 transmission. This recommendation does not apply to those meetings of a quasi-judicial nature that have been already meeting in person prior to September 21, 2021, for example to allow for credibility determinations of witnesses.

The Health Officer will continue to evaluate this recommendation on an ongoing basis and will communicate when there is no longer such a recommendation with respect to meetings for public bodies.

Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian
County Executive: Jeffrey V. Smith
TITLE: Council Committee Reports

RECOMMENDED ACTION

Report on committee assignments and general comments.

DISCUSSION

This is the section of the City Council Agenda that allows the City Councilmembers to report on items of interest and the work of City Council Committees.

MAYOR GIBBONS
Association of Bay Area Governments Executive Committee**
Campbell Historical Museum & Ainsley House Foundation Liaison
Cities Association Selection Committee & Legislative Action Committee
City Attorney Performance/Compensation Subcommittee
City Clerk Performance/Compensation Subcommittee
City Manager Performance/Compensation Subcommittee
Santa Clara County Expressway Planning Study Policy Advisory Board**
Economic Development Advisory Subcommittee
Legislative Subcommittee
Silicon Valley Clean Energy JPA Board of Directors and Executive Committee (SVCE)
West Valley Mayors and Managers

Santa Clara County Emergency Operational Area Council** (Alt.)

VICE MAYOR RESNIKOFF
City Clerk Performance/Compensation Subcommittee
City Manager Performance/Compensation Subcommittee
Finance Subcommittee
Silicon Valley Animal Control Authority Board (SVACA)
West Valley Clean Water JPA
West Valley Sanitation District
West Valley Sanitation Treatment Plant Advisory Committee**
West Valley Solid Waste Authority JPA

County Library District JPA Board of Directors (Alt.)
West Valley Mayors and Managers (Alt.)
**COUNCILMEMBER BYBEE**
Advisory Commissioner Appointment Interview Subcommittee
Cities Association of Santa Clara County Representative
Downtown Subcommittee
Finance Subcommittee
Friends of the Heritage Theater Liaison

Association of Bay Area Governments (Alt.)
Cities Association Selection Committee & Legislative Action Committee (Alt.)
SCC Housing and Community Development Advisory Committee (Alt.)
Santa Clara County Expressway Planning Study Policy Advisory Board**
Silicon Valley Animal Control Authority Board (SVACA) (Alt.)
Valley Transportation Authority Policy Advisory Committee (Alt.)

**COUNCILWOMAN LANDRY**
Advisory Commissioner Appointment Interview Subcommittee
City Attorney Performance/Compensation Subcommittee
County Library District JPA Board of Directors
Education Subcommittee
Economic Development Subcommittee
Recycling and Waste Reduction Commission of SCC**
Santa Clara Valley Water District: County Water Commission

Cities Association of Santa Clara County Representative (Alt.)
Downtown Subcommittee (Alt.)
State Route (SR) 85 Corridor Policy Advisory (Alt.)
West Valley Solid Waste Authority JPA (Alt.)
West Valley Clean Water JPA (Alt.)

**COUNCILMEMBER LOPEZ**
Association of Bay Area Governments
Education Subcommittee
Legislative Subcommittee
SCC Housing and Community Development Advisory Committee
State Route (SR) 85 Corridor Policy Advisory Board
Valley Transportation Authority Policy Advisory Committee

Campbell Historical Museum & Ainsley House Foundation Liaison (Alt.)
Friends of the Heritage Theater Liaison (Alt.)
Santa Clara Valley Water District: County Water Commission (Alt.)
Silicon Valley Clean Energy JPA Board of Directors and Executive Committee (Alt.)
West Valley Sanitation District (Alt.)

**Appointed by other agencies**
Prepared by: Dusty Christopherson, City Clerk
Good Afternoon Campbell City Council,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA), and the Housing Crisis Act of 2019.

We are writing with regards to this evening’s City Council agenda item, #10, which, if adopted, directs staff to prepare an urgency ordinance which is illegal under state law:

"Recommended Action: It is recommended that City Council direct staff to prepare an urgency ordinance adopting interim text amendments to the Campbell Municipal Code (Zoning and Subdivision) and regular ordinance adopting longterm amendments to the Campbell Municipal Code (Zoning and Subdivision), to implement Senate Bill (SB) 9."

Draft Interim SB 9 Housing Development Standards:
• Maximum Unit Size: Limit the size of SB 9 units to no more than 1,200 square feet, subject to the maximum FAR and Lot Coverage.
• Maximum Building Height/Stories: Limit the height and number of stories of SB 9 units to 16-feet and one-story.
• Maximum Number of Rooms: Limit SB 9 units to two bedrooms, a kitchen, and one living/family room.
• Setbacks: Notwithstanding the 4-foot setbacks for side and rear property lines, require SB 9 units to comply with applicable front and street-side setbacks.
• Building Separation: Require SB 9 units located in front or behind each other to be separated by 10-feet and units located to the side of each other by 5-feet.
• Rooftop Decks: Prohibit SB 9 units from incorporating rooftop decks.
• Parking Stalls: Unless otherwise exempt, require each SB 9 unit to be served by one covered parking stall (garage or carport), either attached or detached.

Under California Government Code Section 66300(b),

"an affected county or an affected city shall not enact a development policy, standard, or condition that would have any of the following effects:

(A) Changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district below what was allowed under the land use designation and zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018, except as otherwise provided in clause (ii) of subparagraph (B). For purposes of this subparagraph, "less intensive use" includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new..."
or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or anything that would lessen the intensity of housing."

Additionally, 2021's SB-8, which goes into effect on January 1st 2022, clarifies this language with the following amendments:

(A) Changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district in effect at the time of the proposed change, below what was allowed under the land use designation and or zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018, except as otherwise provided in clause (ii) of subparagraph (B).

(B) or subdivision (i).

It is clear that the city of Campbell is intending to violate the spirit and letter of state law if you proceed to move forward with the recommended urgency ordinance, which will have the effect of reducing the intensity of land use in the city.

Should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced. By way of this letter, we have also notified HCD of your city’s proposed illegal downzoning.

Thank you,

--

Rafa Sonnenfeld
Paralegal  he/him
Ordinance Introduction: Discarded Materials and Waste Management

REPLACE CHAPTER 6.04 AND AMEND SECTION 6.10.020
Background

SB 1383 is a statewide effort to reduce landfill methane emissions by:
- Reducing discarded organic waste (paper, food, lumber, etc.)
- Increasing edible food recovery by ensuring commercial food generators have access to food recovery services.

On March 16, 2021, Campbell's Solid Waste Authority provided an SB 1383 implementation update to Council.
- Next steps for Implementation includes the adoption of this Ordinance
Discussion

Replace Chapter 6.04
  - New chapter title, updated definition, updated existing sections, and introducing new sections per SB 1383 requirements

Amend Section 6.10.020
  - Ability to enforce discarded material requirements

Ordinance must go into effect no later than January 1, 2022
Replace Chapter 6.04

New chapter title
- Discarded Material and Excluded Waste Management

Definitions for SB 1383 compliance
- Existing terms were either updated or deleted
- New terms were added and defined

Existing sections for SB 1383 compliance
- Updating content of sections with newly defined terms
- Deleted existing sections that are no longer applicable
Replace Chapter 6.04 Continued

Introducing new sections (SB 1383 Requirements)
- Single-family requirements
- Commercial and multi-family requirements
- Waivers for residential and commercial generators
- Commercial edible food generator requirements
- Requirements for food recovery organizations and services
Replace Chapter 6.04 Continued

Introducing new sections (SB 1383 Requirements)
- Hauler and facility operator requirements
- Self-hauler requirements
- Inspections and investigations by city
- Enforcement
- Effective date
Amend Section 6.10.020

Section 6.10.020 defines Nuisance Conditions

Amendment adds the following sections:

- 6.04.060 Minimum service—Containers
- 6.04.200 Single-family requirements
- 6.04.210 Commercial and multi-family requirements
- 6.04.230 Commercial edible food generators requirements
- 6.04.240 Requirements for food recovery organizations and services
- 6.04.250 Hauler and facility operator requirements
- 6.04.260 Self-hauler requirements
Questions or comments?
City Council
October 19, 2021

Item No. 10
Urgency Ordinance to Implement Senate Bill 9
Senate Bill 9

Signed into law on September 16, 2021
Effective January 1, 2022

Changes single-family residential zoning to allow:
- “Housing Development” to allow two housing units per lot
- “Urban Lot Split” one-time subdivision subject to restrictions

Many other Housing Laws - tracking
Development Scenarios

Lot Split + Duplex

Duplex + ADU?
Senate Bill 9

- City may only apply **objective standards**
- Projects are **processed ministerially**
- No right of way dedications allowed
Senate Bill 9

- Design Limitations & Restrictions –
  - Allow up to 4 foot side and rear yard setback
  - Must allow residence in same location and dimension if replacing existing structure
  - One parking space per unit
  - Cannot be short term vacation rental
Senate Bill 9

• Urban Lot Split -
  – One-time only (may not split a lot created through same process)
  – Each parcel must be “approximately equal” in size
  – No parcel may be 40% smaller than the original parcel
  – No parcel may be less than 1,200 square feet
Campbell

• Over 6,000 single family residential parcels

• UC Berkeley Terner Center Study –
  – 400 parcels economically viable for SB 9
  – Potential creation of up to 700 units
Recommended Approach

- Adopt Urgency Ordinance Prior to January 2022
  - Objective Design Standards
- Standard Ordinance to follow in early 2022
- Holistic evaluation of SB9 impact on General Plan – Housing Element

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- Target December 7, 2021 Council Meeting
- Public Notification – website / housing element meetings
Draft Standards

Housing Development (Duplexes):

• Maximum 1,200 s.f. units
• 1 Story / 16’ height
• Max 2 bedrooms
• Use existing front setbacks
• Building separation of 5 – 10’

Urban Lot Split Standards

• Maintain right angles to streets
• Flag lot limitations
• Minimum lot width of 30’
• Record affidavit of owner intent to occupy unit
That the City Council take the following action(s):

1. Direct staff to prepare an urgency ordinance adopting interim text amendments to the Campbell Municipal Code (Zoning and Subdivision) and regular ordinance adopting long-term amendments to the Campbell Municipal Code (Zoning and Subdivision), to implement Senate Bill (SB) 9.
Questions?

Name
Rob Eastwood    Community Development Director