



City Council Agenda

City of Campbell, 70 North First Street, Campbell, California

CITY COUNCIL EXECUTIVE SESSION

Tuesday March 1, 2016 – 5:30 p.m.

Ralph Doetsch Conference Room - 70 N. First Street

- A. Personnel
- B. Litigation – Conference with Legal Counsel – Anticipated Litigation –Significant exposure to litigation pursuant to paragraph (2) of subsection (d) of California Government Code Section 54956.9: One case
- C. Real Property
- D. Labor Negotiations

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, March 1, 2016 – 7:30 p.m.

Council Chamber – 70 N. First Street

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. **Introduction of the Campbell Police Department Mobile Application**
Recommended Action: Accept presentation.

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 Study Session of February 16, 2016**
Recommended Action: Approve the Study Session Minutes.
3. **Minutes of Regular Meeting of February 16, 2016**
Recommended Action: Approve the Regular Meeting Minutes.
4. **Approving Bills and Claims**
Recommended Action: Approve the bills and claims in the amount of \$910,485.89.
5. **Monthly Investment Report – January, 2016**
Recommended Action: Note and file the Monthly Investment Report for January, 2016.
6. **Delegation of Authority to the Recreation and Community Services Director to Issue a Request for Proposals (RFP) to Contract for T-shirt Production and to Award the Subsequent Contract to the Most Responsive Bidder (Resolution/Roll Call Vote)**
Recommended Action: Adopt a resolution delegating authority to the Director of Recreation and Community Services to issue a request for proposals (RFP) to contract for t-shirt production and to award the contract to the most responsive bidder.
7. **Authorization to Enter into a Service Agreement for Citywide Tree Care Services (Resolution/Roll Call Vote)**
Recommended Action: Adopt a resolution authorizing the Public Works Director to enter into a service agreement with West Coast Arborists for citywide tree services.

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

OLD BUSINESS

8. **Second Reading of Ordinance 2197 Imposing an Express Ban on Marijuana Processing, Marijuana Delivery, and Marijuana Dispensaries in the City of Campbell (Second Reading Ordinance/Roll Call Vote)**
Recommended Action: Approve second reading of Ordinance 2197 adding Chapter 8.38 (Medical Marijuana) to the Campbell Municipal Code imposing an express ban on marijuana processing, marijuana delivery, and marijuana dispensaries in the City of Campbell.

NEW BUSINESS

9. **Adoption of a Resolution to Approve Selection of the Envision Campbell Plan Consultant, Change to the Scope of Work for Consultant Services Necessary to Facilitate Preparation of the Plan, Environmental Impact Report, and Zoning Ordinance, and authorization for the City Manager to Negotiate, Award and Execute the Contract with De Novo Planning Group (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution approving the selection of De Novo Planning Group to facilitate the preparation of the Envision Campbell Plan; approve the Scope of Work changes for consultant services; and authorize the City Manager to award the contract to De Novo Planning group and enter into a Professional Service Agreement.

COUNCIL COMMITTEE REPORTS

10. **City Councilmember Reports/Updates on Committee Assignments**

Recommended Action: Report on committee assignments and general comments.

ADJOURN

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.



City Council Report

Item: 1.
Category: Special Presentations
Meeting Date: March 1, 2016

TITLE: Introduction of the Campbell Police Department Mobile Application

RECOMMENDATION

The Campbell Police is pleased to announce the launch of their new free mobile application that gives the public unprecedented access to the Police Department. The app helps the community stay connected wherever they are by offering mobile access to news, crime maps, social media, alerts, and more. It even allows the public to submit tips and reports to the department. Anyone can download the application for free through the Apple App Store and the Google Play Marketplace.

Prepared by:

Gary Berg, Police Captain

Reviewed by:

David Carmichael, Chief of Police

Approved by:

Mark Linder, City Manager

CITY COUNCIL MINUTES

City of Campbell, 70 North First Street, Campbell, California



CAMPBELL CITY COUNCIL STUDY SESSION

Tuesday, February 16, 2016 - 6:15 p.m.

Council Chamber – 70 N. First Street

This Study Session was duly noticed pursuant to open meeting requirements of the Ralph M. Brown Act (G.C. Section 54956).

This meeting was recorded and can be viewed in its entirety at www.cityofcampbell.com/agendacenter.

NOTE: No action may be taken on a matter under Study Session other than direction to staff to further review or prepare a report. Any proposed action regarding items on a Study Session must be agendized for a future Regular or Special City Council meeting.

CALL TO ORDER, ROLL CALL

The City Council of the City of Campbell convened this day in the Council Chamber of City Hall, 70 N. First Street, Campbell, California, to discuss Outdoor Display, Signs, and Seating.

Roll Call:

Present: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons, Baker

Absent: Councilmembers: None

Staff Present: Mark Linder, City Manager; Bill Seligmann, City Attorney; Wendy Wood, City Clerk; Paul Kermoyan, Community Development Director; Nicole Brown, Economic Development Coordinator; and Francine Principe, Project Manager

NEW BUSINESS

1. **Outdoor Display, Signs, and Seating**

Recommended Action: Conduct Study Session and provide direction to staff.

Community Development Director Kermoyan gave a brief introduction of the item.

Economic Development Coordinator Brown presented staff report dated February 16, 2016.

PUBLIC COMMENT

Mayor Baker asked for public comment.

Reena Williams, Campbell business owner, stated concerns about sign requirements for businesses in the downtown area.

Julie Dewhirst, Campbell business owner spoke about the use of a-frame signs and would like to be able to display her sign in a more prominent area.

Mayor Baker asked if anyone else in the audience wished to speak on this item. There being no one else wishing to speak Mayor Baker closed the public comment.

After discussion, Council provided general feedback to staff.

ADJOURN

Mayor Baker adjourned the meeting at 7:34 p.m.

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk

CITY COUNCIL MINUTES

City of Campbell, 70 North First Street, Campbell, California



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, February 16, 2016 – 7:30 p.m.
Council Chamber – 70 N. First Street

Note: This Regular Meeting was duly noticed pursuant to open meeting requirements of the Ralph M. Brown Act (G.C. Section 54956).

This meeting was recorded and can be viewed in its entirety at www.cityofcampbell.com/agendacenter.

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

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

Roll Call:

Present: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons, Baker

Absent: Councilmembers: None

Pledge: Lucy Zheng

Lucy Zheng led the pledge of allegiance. Mayor Baker thanked her for leading the pledge and presented her with a certificate of appreciation. Lucy spoke about the upcoming Civic Improvement Commission's fifth grade poster contest and the "Art Outside the Box" Phase II."

SPECIAL PRESENTATIONS AND PROCLAMATIONS

There were no special presentations or proclamations.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

ORAL REQUESTS

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Jim Free, Chairman of the Board for the Campbell Veterans Memorial Foundation, spoke about the “All the Way Home Campaign” to help homeless veterans and thanked Council for being one of the first Cities to sign for this campaign.

COUNCIL ANNOUNCEMENTS

This is a reminder that submissions for the Civic Improvement Commission’s annual fifth grade poster contest are now being accepted. The contest is open to all fifth graders residing in Campbell, or attending a public or private school in Campbell. This year’s theme is “What I Love about Campbell.” Entries must be submitted by Monday, April 11th at City Hall. For more information, check out the “What’s New” section on the City’s homepage at cityofcampbell.com.

Silicon Valley Reads 2016 is underway with over 150 events, which include panel discussions, author appearances, films and an art exhibit through March 26th at various libraries in Santa Clara County. This annual community event encourages the public to read, think about and discuss a thematic topic. This year’s theme is the impact of climate change on our lives. Silicon Valley Reads is presented by the Santa Clara County Library District, Santa Clara County Office of Education and the San Jose Library Foundation. Visit SiliconValleyReads.org for more information.

For more information about news and events in Campbell, visit the City’s web site at cityofcampbell.com

CONSENT CALENDAR

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Mayor Baker asked if any Councilmember or anyone in the audience wished to remove any item from the Consent Calendar.

The Consent calendar was considered as follows:

1. **Minutes of Special Meeting of January 29, 2016.**
Recommended Action: Approve the special meeting minutes.

This action approves the minutes of the special meeting of January 29, 2016.

2. **Minutes of Study Session of February 2, 2016**
Recommended Action: Approve the study session minutes.

This action approves the minutes of the study session of February 2, 2016.

3. **Minutes of Regular Meeting of February 2, 2016**
Recommended Action: Approve the regular meeting minutes.

This action approves the minutes of the regular meeting of February 2, 2016, including a desk item.

4. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$1,463,980.84.

This action approves the Bills and Claims in the amount of \$1,463,980.84 as follows: bills and claims checks dated January 25, 2016 in the amount of \$807,035.22; payroll check dated January 28, 2016 in the amount of \$284,115.99; and bills and claims checks dated February 1, 2016 in the amount of \$372,829.63.

5. **Approval of Parcel Map Including Acceptance of Street Dedication and Public Service Easements Shown on Said Map – 1685 Bucknall Road (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution approving the parcel map and accept the street dedication and public service easement for the property located at 1685 Bucknall Road.

Resolution 11947 approves the parcel map and accepts the street dedication and public service easement for the property located at 1685 Bucknall Road.

6. **Authorization to Submit Vehicle Registration Fee (VRF) Intelligent Transportation Systems (ITS) Program Grant Applications for Citywide ITS Enhancements Project and Winchester ITS Phase 2 Project (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the Public Works Director to submit a Vehicle Registration Fee (VRF) Intelligent Transportation System (ITS) Program grant application to the Santa Clara Valley Transportation Authority (VTA) for the Winchester Boulevard ITS Phase 2 Projects and the Citywide ITS Enhancements Projects.

Resolution 11948 authorizes the Public Works Director to submit a Vehicle Registration Fee (VRF) Intelligent Transportation System (ITS) Program grant application to the Santa Clara Valley Transportation Authority (VTA) for the Winchester Boulevard ITS Phase 2 Projects and the Citywide ITS Enhancements Projects.

7. **Approval of Tract Map No. 10309 including Acceptance of Street Dedication and Public Service Easements Shown on Said Map, and Abandonment of a Light and Air Easement and a Public Utility Easement – 2295 & 2305 S. Winchester Boulevard (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution approving the Tract Map for Tract No. 10309 and accept the street dedication and public service easement and public utility easement for the property located at 2295 & 2305 S. Winchester Boulevard.

Resolution 11949 approves the Tract Map for Tract No. 10309 and accepts the street dedication and public service easement and public utility easement for the property located at 2295 & 2305 S. Winchester Boulevard.

8. **Amendment to the Classification and Salary Plan – Recreation Supervisor (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution amending the Classification and Salary Plan for Recreation Supervisor.

Resolution 11950 amends the Classification and Salary Plan for Recreation Supervisor.

9. **Second Reading of Ordinance to Authorize Implementation of Community Choice Aggregation Program (Second Reading Ordinance/Roll Call Vote)**

Recommended Action: Approve second reading of Ordinance 2198 authorizing the implementation of a Community Choice Aggregation program.

This action approves the second reading of Ordinance 2198 authorizing the implementation of a Community Choice Aggregation program.

M/S: Cristina/Resnikoff - that the City Council approve the Consent Calendar including desk item three. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons, Baker

NOES: Councilmembers: None

Mayor Baker stated that the City Manager wished to continue item 11 and since there were members of the public wishing to speak on this item it would be taken out of order.

OLD BUSINESS **Item taken out of order.

11.** **Second Reading of Ordinance Imposing an Express Ban on Marijuana Processing, Marijuana Delivery, and Marijuana Dispensaries in the City of Campbell (Second Reading Ordinance/Roll Call Vote)**

Recommended Action: Approve second reading of Ordinance 2197 adding Chapter 8.38 (Medical Marijuana) to the Campbell Municipal Code imposing an express ban on marijuana processing, marijuana delivery, and marijuana dispensaries in the City of Campbell.

City Manager Linder stated that he would like this item to be continued to the March 1, 2016 City Council Meeting to allow for more time to gather information on a potential ballot measure for Campbell related to medical marijuana and how that relates to the action that would be taken with the second reading; as well as

the potential State ballot measure and what impact it might have on local government regulations.

Mayor Baker opened the public comment.

Kale Schulte, Campbell resident, thanked Council for listening to the Community and stated that he would like to be a part of a collaborative discussion on this matter in the future.

Andrew Prescott, Campbell resident, thanked Council for listening to the Community and stated he would like a productive discussion on this matter for the future.

Viktoria Foxx, Campbell resident, thanked Council for listening to the Community and stated that she would not like Council to proceed with the second reading.

Doctor Alex Smirnov, Campbell resident, spoke about patient's need for medicinal marijuana and appreciated the decision to postpone this item.

Grant Atwell, Campbell resident, spoke against banning medicinal marijuana.

Mayor Baker asked if anyone else in the audience wanted to speak on this item, there being no one else wishing to speak Mayor Baker closed the public comment.

After discussion, **M/S: Gibbons/Kotowski – that the City Council continue the second reading of Ordinance 2197 to the March 1, 2016 City Council meeting. Motion was adopted unanimously.**

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.

10. **Acceptance of Supplemental Law Enforcement Service Funds and Approval of Related Operating Budget Adjustment (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing acceptance of \$100,000 from the State of California for FY 2016 and the deposit of this amount in the existing Supplemental Law Enforcement Services Fund; and approve the use of FY 2015 Supplemental Service Funds for the services of 0.90 FTE Police Department Community Services Officers.

This is the time and place for a Public Hearing to consider acceptance of Supplemental Law Enforcement Service Funds and approve the related operating budget adjustment.

Police Captain Berg presented staff report dated February 16, 2016.

Mayor Baker declared the public hearing open and asked if there was anyone in the audience wishing to be heard.

There being no one wishing to be heard, Mayor Baker closed the public hearing.

After discussion, **M/S: Resnikoff/Kotowski – that the City Council adopt Resolution 11951 authorizing acceptance of \$100,000 from the State of California for FY 2016 and the deposit of this amount in the existing Supplemental Law Enforcement Services Fund; and approve the use of FY 2015 Supplemental Service Funds for the services of 0.90 FTE Police Department Community Services Officers. Motion was adopted by the following roll call vote:**

AYES: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons, Baker

NOES: Councilmembers: None

NEW BUSINESS

12. FY 16 General Fund Mid-Year Budget Update

Recommended Action: Review and file this mid-year budget update for FY16 and direct staff to prepare the necessary budget adjustments recommended within this report and attachments.

Finance Director Takahashi presented staff report dated February 16, 2016.

After discussion, **M/S: Kotowski/Cristina – that the City Council file this mid-year budget update for FY16 and direct staff to prepare the necessary budget adjustments recommended within the report and include the nature of Council's discussion. Mayor Baker called for a vote. Vote was 5-0.**

City Clerk Wood asked for clarification regarding discussion.

After discussion, Councilmember Kotowski withdrew his motion.

M/S: Gibbons/Kotowski - that the City Council review and file the mid-year budget update for FY 16 and direct staff to prepare the necessary budget adjustments recommended within the report and recommend staff review and accelerate to the extent practical the items identified for the 2015/16 budget surplus of one million dollars. Motion was adopted by a 4-1 vote (Councilmember Cristina voted no).

COUNCIL COMMITTEE REPORTS

13. Approve Appointment to Historic Preservation Board

Recommended Action: Approve the recommendation of the Advisory Commissioner Appointment Interview Subcommittee regarding an appointment to the Historic Preservation Board for one short term expiring October, 2017.

City Clerk Wood – Staff report dated February 16, 2016

M/S: Gibbons/Resnikoff – that the City Council approve the recommendation of the Advisory Commission Appointment Interview Subcommittee to appoint Dawn Anderson to short term expiring October, 2017 on the Historic Preservation Board. Motion was adopted unanimously.

14. City Councilmember Reports/Updates on Committee Assignments

Recommended Action: Report on committee assignments and general comments.

--Councilmember Kotowski attended the Early Settlers of Campbell Heritage Day; Friends of the Heritage Theater meeting; and spoke about the homeless issues that that Campbell Veterans Foundation are working on.

--Councilmember Resnikoff attended the Early Settlers of Campbell Heritage Day; the County Women's Club fund raising dinner; participated in the Campbell's Super Valentines Fun Run; attended the State Route 85 Corridor Policy Advisory Board; Silicon Valley Animal Control Authority meeting where he was named Chair; West Valley Solid Waste Authority JPA where he was named Vice Chair; attended the Below Market Rate Program Request for Proposals review subcommittee; and the Valley Transportation Authority Policy Advisory Committee meeting.

--Vice Mayor Gibbons thanked the Police department and the Public Works department for all their work addressing the homeless population challenge at Rolling Hills Middle School; attended Santa Clara Valley Water District County Water Commission meeting; attended the Below Market Rate Program Request for Proposals review subcommittee; Education Subcommittee; County Library District JPA Board of Director meeting; spoke about the kickoff of Silicon Valley Reads; Annual Friends of the Library Santa Clara County meeting; and spoke about the General Plan Consultant meetings.

--Mayor Baker attended the Metropolitan Transportation Commission; kicked off the Silicon Valley Reads discussion at the Heritage Theatre; Early Settlers of Campbell Heritage Day; attended Valley Transportation Authority Board of Directors meeting; West Valley Cities Association meeting; and 2016 Silicon Valley Indexing put on by the Joint Ventures of Silicon Valley.

Councilmember Resnikoff spoke about the water tower lights and guidelines for requests.

M/S: Resnikoff/Cristina – to agendize a policy for the LED water tower lights to a future meeting for discussion. Motion was approved unanimously.

ADJOURN

Mayor Baker adjourned the regular meeting at 9:40 p.m. to the continuation of the Executive Session.

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk

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MEMORANDUM



City of Campbell

City Clerk's Office

To: Honorable Mayor and City Council

Date: February 26, 2016

From: Wendy Wood, City Clerk 

Via: Mark Linder, City Manager

Subject: Desk Item #3 – Revised Minutes of February 16, 2016 Council Meeting

It has been brought to my attention that there is an error on page one of the draft Minutes. The executive session was not included.

Attached is the revised page, reflecting the correction.

Staff recommends that Council approve the Minutes as corrected.

CITY COUNCIL MINUTES

City of Campbell, 70 North First Street, Campbell, California



CITY COUNCIL EXECUTIVE SESSION

Tuesday February 16, 2016 – 5:30 p.m.

Ralph Doetsch Conference Room - 70 N. First Street

- A. **Personnel - Pursuant to G.C. Section 54957: Public Employee Performance Evaluation – City Manager**
- B. **Litigation**
- C. **Real Property**
- D. **Labor Negotiations**

Council met in Executive session to discuss item A. Executive session adjourned to the Study Session at 6:10 p.m. and reconvened following the conclusion of the Council meeting. Executive session adjourned at 10:45 p.m. and was continued to March 15, 2016.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, February 16, 2016 – 7:30 p.m.

Council Chamber – 70 N. First Street

Note: This Regular Meeting was duly noticed pursuant to open meeting requirements of the Ralph M. Brown Act (G.C. Section 54956).

This meeting was recorded and can be viewed in its entirety at www.cityofcampbell.com/agendacenter.

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

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

Roll Call:

Present: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons, Baker



City Council Report

Item: 4.
Category: Consent Calendar
Meeting Date: March 01, 2016

TITLE: Approving Payment of Bills and Claims

RECOMMENDATION

Approve the attached lists of bills and claims for payment in the amount of \$910,485.89.

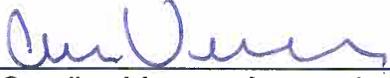
DISCUSSION

Attached are the lists of bills and claims that have been audited and approved by staff for payments made as noted below:

<u>Type</u>	<u>Check Date</u>	<u>Amount</u>
Bills & Claims	February 08, 2016	\$320,170.32
Payroll	February 11, 2016	\$237,054.75
Bills & Claims	February 15, 2016	\$353,260.82
	Total	\$ 910,485.89

FISCAL IMPACT

Adequate funding was available to cover all expenses as listed.

Prepared by: 
Carolina Vargas, Accounting Clerk II

Reviewed by: 
Sharif Etman, Finance Manager

Reviewed by: 
Jesse Takahashi, Finance Director

Approved by: 
Mark Linder, City Manager

Attachments:
Attachment 1 – Bills & Claims Lists



*City
Council
Report*

Item: 5.
 Category: Consent Calendar
 Meeting Date: March 1, 2016

Title: Monthly Investment Report – January, 2016

RECOMMENDATION

That the attached Investment Report for January, 2016 be noted and filed.

DISCUSSION

The City invests primarily in the State of California Local Agency Investment Fund (LAIF) and US Government Agency securities to preserve the safety of the City's surplus funds while achieving a reasonable return on its portfolio. The City's strategy is one of buy-and-hold in which a portion of the portfolio is invested in fixed income securities of varying maturities that will provide sufficient cash flow to meet the City's operational needs.

During the month of January, no investment got called, nor did the City purchase any new investment. The total portfolio increased \$4 million in LAIF mainly due to the receipts of \$2.4 million Sales Tax Backfill payment, \$1.2 million property tax revenue, \$0.8 million sales tax revenue, and normal fluctuations in operating revenue and expenditures.

All investments are made in accordance with the City's established Investment Policy or as authorized pursuant to bond covenants. Presented within this report are the following:

- Investment balance and earnings for January, 2016
- Summary of investments by types as of January, 2016
- List of investments by institution as of January, 2016
- Reconciliation of pooled cash as of January, 2016
- Investment transactions as of January, 2016
- Actual Receipts and Disbursements for January, 2015
- Cash flow projections for the month of April, 2016

<u>Investment Balance and Earnings - January, 2016</u>						
<u>Bal. at Beg. of Month 01/01/16</u>	<u>Purchases/ Deposits</u>	<u>Maturities/ Withdrawals</u>	<u>Bal. at End of Month 01/31/16</u>	<u>Interest Earned this Month</u>	<u>Interest Earned YTD</u>	<u>% of Interest Earned YTD/Budget</u>
\$ 33,195,890	\$ 4,024,792	\$ -	\$ 37,220,682	\$ 16,347	\$ 87,671	39.67%

<u>Summary of Investments by Type - January, 2016</u>						
<u>Description</u>	<u>Current Month</u> <u>01/31/16</u>	<u>% of Total</u> <u>Portfolio</u>	<u>Prior Month</u> <u>12/31/15</u>	<u>% of Total</u> <u>Portfolio</u>	<u>Prior Year</u> <u>1/31/15</u>	<u>% of Total</u> <u>Portfolio</u>
L.A.I.F.	\$ 29,663,595	79.70%	\$ 25,638,809	77.23%	\$ 22,739,655	60.97%
Agencies	\$ 5,500,000	14.78%	\$ 5,500,000	16.57%	12,499,500	33.51%
Corporate Notes	\$ -	0.00%	\$ -	0.00%	-	0.00%
Money Market (U.S. Bank)	\$ 2,057,087	5.53%	\$ 2,057,081	6.20%	2,057,022	5.52%
Total	\$ 37,220,682	100.00%	\$ 33,195,890	100.00%	\$ 37,296,177	100.00%

Cash Flow Projections

The cash flow projection reflects there are sufficient funds available to meet the City of Campbell's anticipated expenditures for April, 2016 through September, 2016 (See Exhibit II).

<u>List of Investments by Institution - January, 2016</u>				
<u>Institution</u>	<u>Cost</u>	<u>% of Total</u> <u>Portfolio</u>	<u>Market</u> <u>Value</u>	<u>Diff. Bet. Cost</u> <u>& Market</u>
L.A.I.F.	\$ 29,663,595	79.70%	\$ 29,639,477	\$ (24,118)
Federal Farm Credit Bank (FFCB)*	1,500,000	4.03%	\$ 1,501,875	\$ 1,875
Federal Home Loan Mortgage Corp (FHLMC) *	4,000,000	10.75%	\$ 3,994,960	\$ (5,040)
U.S. Bank--Money Market Fund **	2,057,087	5.53%	\$ 2,057,087	\$ -
	<u>\$ 37,220,682</u>	<u>100.00%</u>	<u>\$ 37,193,399</u>	<u>\$ (27,283)</u>

* The City intends to hold treasury/agency securities to maturity or until they are called, as a result this is a paper gain and/or loss that will not be realized.

** City and RDA COP and TAB bond proceeds held for program and reserve funds.

<u>Reconciliation of Pooled Cash per Ledgers to Investment Report</u>	
<u>January, 2016</u>	
Balance per ledger - January, 2016	\$ 37,220,660
January, 2016 interest to be Journalized	21
Adjusted General Ledger Balance	<u>37,220,681</u>
Balance Per Investment Report	<u>37,220,681</u>

<u>Summary of Total Cash Invested</u>			
<u>Description</u>	<u>Current Month</u> <u>01/31/16</u>	<u>Prior Month</u> <u>12/31/15</u>	<u>Prior Year</u> <u>01/31/15</u>
Cash on Deposit	\$ 3,206,152	\$ 2,383,036	\$ 3,284,611
Investments	<u>37,220,682</u>	<u>33,195,890</u>	<u>37,296,177</u>
Total Cash and Investments	<u>\$ 40,426,833</u>	<u>\$ 35,578,926</u>	<u>\$ 40,580,788</u>
% of Total Cash Invested	<u>92.07%</u>	<u>93.30%</u>	<u>91.91%</u>

Prepared by: Sophie Kao
Sophie Kao, Accountant

Reviewed by: Sharif Etman
Sharif Etman, Finance Manager

Reviewed by: Jesse Takahashi
Jesse Takahashi, Finance Director

Approved by: Mark Linder
Mark Linder, City Manager

- Attachment 1 - Monthly Schedule of Investments
- Attachment 2 - Cash Flow Projection
- Attachment 3 - Actual Receipts & Disbursements

**City of Campbell
Monthly Schedule of Investments
For the month ending January, 2016**

Attachment 1

	Beginning Balance	Purchases/ Deposits	Maturities/ Calls/ Withdrawals	Ending Balance	% of Type	% of Assets	Par Value	* Market Value	Maturity Date	Remain Days To Mat	Interest Rate (Annual)	Interest Earned to Maturity	# of Days in Month	Int.Recv. Beginning Balance	Interest Earned This Mo.	Interest Received This Mo.	Int.Recv. Ending Balance	Interest Received To Date	Interest Bal. to Maturity
Local Agency Investment Fund (L.A.I.F.)	\$ 25,638,809.04	\$ 4,024,785.47		\$ 29,663,594.51	100.00%	79.70%	\$ 29,663,595	\$ 29,639,477	N/A	N/A	0.446% Q	N/A	31	\$ 24,785.47	\$ 11,236.41	\$ 24,785.47	\$ 11,236.41	\$ 69,838.93	N/A
Cash & Gov't Securities (Custodian-BNY Bank)																			
Fed. Farm Credit Bank (FFCB) - Fixed	1,500,000.00			1,500,000.00	27.27%	4.03%	1,500,000	1,501,875	11/30/18	1,034	1.340% S	59,859	31	1,101.37	1,707.12		2,808.49		59,859
Fed. Home Loan Mortgage (FHLMC)	2,000,000.00			2,000,000.00	36.36%	5.37%	2,000,000	2,000,760	02/26/18	757	1.000% S	49,863	31	6,739.73	1,698.63		8,438.36		49,863
Fed. Home Loan Mortgage (FHLMC)	2,000,000.00			2,000,000.00	36.36%	5.37%	2,000,000	1,994,200	03/30/18	789	1.000% S	49,973	31	5,041.10	1,698.63		6,739.73		49,973
Subtotal-Gov't Securities	5,500,000.00	-	-	5,500,000.00	100.00%	14.78%	5,500,000	5,496,835			1.093%	159,695		12,882.20	5,104.38	-	17,986.58	-	159,695
Investments under the management of contracted parties:																			
Trustee: U.S. Bank																			
1997 COP																			
Treasury Obligations - Lease Payment	-	-	-	-	0.00%	0.00%	0	0	N/A	N/A	0.000% M	N/A	31	-	-	-	-	2,873.71	N/A
Treasury Obligations	-	-	-	-	0.00%	0.00%	0	0	N/A	N/A	0.000% M	N/A	31	-	-	-	-	-	-
2002 COP																			
First American Treasury D - Lease Pmt	2.15	-	-	2.15	0.00%	0.00%	2	2	N/A	N/A	0.003% M	N/A	31	-	-	-	-	4,760.56	N/A
First American Treasury D - Improvement	-	-	-	-	0.00%	0.00%	0	0	N/A	N/A	0.000% M	N/A	31	-	-	-	-	152,311.90	N/A
2002 RDA TABs																			
First American Treasury D - Interest	0.86	-	-	0.86	0.00%	0.00%	1	1	N/A	N/A	0.004% M	N/A	31	-	-	-	-	3,754.52	N/A
First American Treasury D - Reserve	1,013,277.59	5.18	-	1,013,282.77	49.26%	2.72%	1,013,283	1,013,283	N/A	N/A	0.006% M	N/A	31	-	5.18	5.18	-	154,362.32	N/A
First American Treasury D - Principal	0.31	-	-	0.31	0.00%	0.00%	0	0	N/A	N/A	0.002% M	N/A	31	-	-	-	-	2,616.89	N/A
First American Treasury D - Redevelop	-	-	-	-	0.00%	0.00%	0	0	N/A	N/A	0.000% M	N/A	31	-	-	-	-	4,081.34	N/A
2005 RDA TABs																			
First American Treasury D - Interest	-	-	-	-	0.00%	0.00%	0	0	N/A	N/A	0.000% M	N/A	31	-	-	-	-	2,226.96	N/A
First American Treasury D - Principal	-	-	-	-	0.00%	0.00%	0	0	N/A	N/A	0.000% M	N/A	31	-	-	-	-	623.73	N/A
First American Treasury D - Reserve	1,043,799.80	0.97	-	1,043,800.77	50.74%	2.80%	1,043,801	1,043,801	N/A	N/A	0.001% M	N/A	31	-	0.97	0.97	-	111,418.63	N/A
Subtotal-Trust A/C	2,057,080.71	6.15	-	2,057,086.86	100.00%	5.53%	2,057,087	2,057,087			N/A	-		-	6.15	6.15	-	439,030.55	-
Total Portfolio	\$ 33,195,889.75	\$ 4,024,791.62	\$ -	\$ 37,220,681.37	100.00%	\$ 37,220,682	\$ 37,193,399			Wgt Avg → 0.517%	\$ 159,695			\$ 37,667.67	\$ 16,346.94	\$ 24,791.62	\$ 29,222.99	\$ 508,869.48	\$ 159,695

Investment Portfolio Increased / (Decreased) by: \$ 4,024,791.62

Weighted Average to Maturity = 125.6 Days

Note:	Month	Portfolio Balance		% of Total Cash Invested		Month	Wgt Avg	Rate/Annual Yield		Actual Interest Earned		Actual Interest Received		
		FY 15-16	FY 14-15	FY 15-16	FY 14-15			FY 15-16	FY 14-15	FY 15-16	FY 14-15			
S - Semi-Annual	July	\$ 37,670,072	\$ 38,342,028	95.78%	98.36%	July	Wgt Avg	0.415%	0.580%	\$ 13,268	\$ 19,276	\$ 20,071	\$ 25,480	
Q - Quarterly	August	35,670,878	37,732,033	89.78%	97.33%	August	Wgt Avg	0.408%	0.570%	12,516	19,688	10,318	14,380	
M - Monthly	September	35,247,357	37,012,606	94.65%	98.39%	September	Wgt Avg	0.341%	0.571%	9,550	17,510	6,568	17,705	
	October	33,195,877	33,889,665	93.33%	96.06%	October	Wgt Avg	0.413%	0.604%	11,634	18,346	24,996	20,128	
	November	33,195,882	33,689,670	91.10%	93.82%	November	Wgt Avg	0.426%	0.605%	11,635	17,143	5	19,280	
	December	33,195,890	34,289,675	93.30%	95.10%	December	Wgt Avg	0.476%	0.603%	12,721	17,550	8	15,630	
	January	37,220,681	37,296,177	92.07%	91.91%	January	Wgt Avg	0.517%	0.527%	16,347	18,049	6	26,062	
	February		37,486,182		95.86%	February	Wgt Avg		0.473%		14,179		10,920	
	March		35,412,660		92.57%	March	Wgt Avg		0.491%		14,563		22,705	
	April		33,750,291		82.38%	April	Wgt Avg		0.392%		13,267		23,227	
	May		37,750,296		93.23%	May	Wgt Avg		0.345%		13,072		8,443	
	June		40,850,001		93.87%	June	Wgt Avg		0.389%		14,924		17,089	
	31-Jan-16													
	31	Average	\$ 35,056,662	\$ 36,458,440	Average 92.86%	Average 94.07%	Average		0.428%	0.513%	\$ 87,671	\$ 197,568	\$ 61,971	\$ 221,048

Per Governmental Code requirements, this schedule of Investments complies with the City of Campbell's Investment Policy, and there are adequate funds available to meet the budgeted expenditures for the next six months.

* Market prices are obtained from the monthly investment statements of the various institutions or the City's third-party custodian, BNY Mellon Bank.

Cash Flow Projection for the Month of April 2016

Date	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
1	Community Center Leases/Rentals	\$ 216,000	1	Outstanding Checks	\$ 300,000
4	Environmental Services Fees	40,000	4	Bills & Claims	250,000
4	Franchise Fees	605,000	11	Bills & Claims	350,000
11	Property Taxes	3,700,000	18	Bills & Claims	750,000
11	Other Taxes	60,000	25	Bills & Claims	550,000
11	Licenses and Permits	116,000	7	Payroll	650,000
11	Fines/Forfeitures/Penalties	35,000	21	Payroll	660,000
18	Investment Interest	25,000			
18	Motor Vehicle in Lieu (deferred)	-			
18	Highway Users Tax	-			
18	Intergovernmental	100,000			
18	Charges for Current Services	400,000			
25	Sales & Use Tax (incl. Meas.O)	1,960,000			
25	Park Dedication Fees	30,000			
25	Transient Occupancy Tax (monthly)	325,000			
25	Miscellaneous Receipts	254,000			
	Sub-total (Receipts)	7,866,000		Sub-total (Expenditure)	3,510,000
	Amount expected to be withdrawn from Investments to cover this month's expenditures.	-		Amount of expected revenue available for investment.	4,356,000
	Total	\$ 7,866,000		Total	\$ 7,866,000

Note:

The approximately \$29.7 million invested with the Local Agency Investment Fund (see Exhibit I) is highly liquid and available on any business day. It, therefore, can be reasonably estimated that sufficient funds are readily available to cover normal expenditures for the subsequent six-month period. More specifically, the monthly cash flow projection reflects that sufficient funds are available to meet the anticipated expenditures for the month.

Actual Receipts & Disbursements for the Month of January 2016

Fund / Account	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
4810, 4819	Community Center/Dev. Leases/Rentals	\$ 236,358	1	Outstanding Checks as of 12/31/2015	\$ 1,228,029
F209, 4720, 21, 22, 24	Environmental Services Fees	36,064	11	Bills & Claims	476,125
4120-4125	Franchise Fees	120,407	18	Bills & Claims	360,582
40XX, 4153	Property Taxes	3,534,155	25	Bills & Claims	807,035
4151,4152,4155	Other Taxes	180,068	29	Bills & Claims-manual & voided checks	225
42XX	Licenses and Permits	797,424	14	Bills & Claims-PR vendors' checks	250,882
43XX	Fines/Forfeitures/Penalties	33,304	28	Bills & Claims-PR vendors' checks	284,116
4410,4431, 4450	Investment Interest	24,785	14	Payroll	646,051
4580	Motor Vehicle in Lieu	16,889	28	Payroll	660,972
4586	Highway Users Tax	-	11	Calpers Insurance Payment	147,944
other 45XX	Intergovernmental--Other	50,046	31	Calpers Retirement Funding-January	137,021
4510-4516	Intergovernmental--Gas Taxes	59,715			
4571, 4572	Intergovernmental--VTA Meas. B	-			
4590,4591,4592 F333	Intergovernmental--Successor Agency	682,297			
46XX-47XX, excl 4725	Charges for Current Services	494,489			
4110-4115	Sales & Use Tax (incl. Meas.O)	2,286,470			
F295,4920	Park Dedication Fees	18,138			
4150	Transient Occupancy Tax (monthly)	382,537			
48XX-49XX, excl F798	Miscellaneous Receipts	29,697			
F366,368,4450,4966	Miscellaneous Receipts (from RDA)	-			
F207,236,367exc237,5XXX	Special Assessment	771,861			
	Sub-total (Receipts)	9,754,704		Sub-total (Expenditure)	4,998,981
	Amount withdrew from Investments to cover this month's expenditures.	-		Amount of expected revenue available for investment.	4,755,723
	Total	\$ 9,754,704		Total	\$ 9,754,704



City Council Report

Item: 6.
Category: Consent Calendar
Meeting Date: March 1, 2016

TITLE: Delegation of authority to the Recreation and Community Services Director to issue a request for proposals (RFP) to contract for t-shirt production and to award the subsequent contract to the most responsive bidder. (Resolution/Roll Call Vote)

RECOMMENDATION

It is recommended that the City Council adopt a resolution delegating authority to the Director of Recreation and Community Services to issue a request for proposals (RFP) to contract for t-shirt production and to award the contract to the most responsive bidder.

BACKGROUND

The Recreation and Community Services Department issued a request for proposals for t-shirt production in March 2013 and awarded a contract. The 2013 RFP allowed for a one year contract with the option to extend the agreement for up to two one year extensions. The agreement with the selected vendor was extended for the maximum allowed time frame and it is set to expire at the end of April 2016. Based on the volume of purchasing, it is anticipated that the formal bidding requirements will again be triggered as the dollar value of a bulk purchase will exceed the \$25,000 threshold outlined in Campbell Municipal Code Section 3.20.050. Consequently, in accordance with this policy, the purpose of this memorandum is to request Council authorization to issue a request for proposal and to delegate authority to the Director of Recreation and Community Services to award the contract to the most responsive bidder.

DISCUSSION

The Recreation and Community Services Department offers a variety of programming and special events that include t-shirts as part of the fee. The fees associated with the program or event cover the costs of all direct supplies including t-shirts. Approximately 3,000 shirts are ordered annually by the Recreation and Community Services Department. The Department utilizes the purchase of t-shirts to clearly identify City of Campbell staff working in programs or at special events, and t-shirts are also given to participants in programs such as summer camps, youth basketball leagues, and the annual Oktoberfest and Valentine Fun Runs. The cost of these shirts are covered by program fees.

Collectively, the Department expects that the purchase of t-shirts for all programs and events in the Recreation and Community Services Department will continue to exceed the \$25,000 threshold outlined in the City's purchasing policy and will require an RFP

process. The proposed RFP for the production of t-shirts is enclosed as Attachment 2. The proposed RFP schedule would be as follows:

Milestone	Date
Release of RFP	March 2, 2016
Deadline to submit questions	March 23, 2016, 5 p.m.
Deadline for notice of intent to bid	March 30, 2016, 5 p.m.
RFP Due Date	April 8, 2016, 12:00 p.m. (noon)

FISCAL IMPACT

Programs and events in the Recreation and Community Services Department are largely revenue-based programs where revenues exceed all direct costs. Sufficient funds are budgeted annually in the Recreation and Community Services Department to support the expected cost of all the t-shirts that are needed.

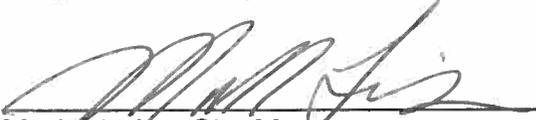
ALTERNATIVES

1. Modify the proposed RFP.
2. Provide other direction to staff.

Prepared by: 
Natasha Bissell, Recreation Services Manager

Reviewed by: 
Regina Maurantonio, Recreation & Community Services Director

Reviewed by: 
Jesse Takahashi, Finance Director

Approved by: 
Mark Linder, City Manager

Attachments:

- 1 – Council Resolution
- 2 – Request for Proposal

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
AUTHORIZING THE DIRECTOR OF RECREATION AND COMMUNITY SERVICES
TO ISSUE A REQUEST FOR PROPOSAL (RFP) FOR T-SHIRT PRODUCTION AND
TO AWARD A CONTRACT TO THE MOST RESPONSIVE BIDDER WITH
PURCHASING NOT TO EXCEED \$40,000**

WHEREAS, the programs and events offered by the Department of Recreation and Community Services are revenue based and associated expenses are funded in the annual Recreation and Community Services Budget; and

WHEREAS, the Department purchases a significant number of t-shirts as part of its regular programming; and

WHEREAS, the City of Campbell's Purchasing Policy requires a formal bidding process be used to award contracts greater than twenty-five thousand dollars; and

WHEREAS, it is anticipated that the Department's purchases will continue to exceed that dollar value annually:

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the Director of Recreation and Community Services to issue an RFP for the production of t-shirts for programs in the Recreation and Community Services Department and to award the contract to the most responsive bidder with purchasing not to exceed \$40,000.

PASSED AND ADOPTED this 1st day of March, 2016 by the following roll call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk



CITY OF CAMPBELL
Recreation & Community Services

REQUEST FOR PROPOSAL
T-SHIRTS
FOR RECREATION & COMMUNITY SERVICE PROGRAMS

Contact name: Natasha Bissell
Address: 1 W. Campbell Ave. #C-31, Campbell
Phone: 408-866-2771
Fax: 408-374-6965
E-mail address: natashab@cityofcampbell.com

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1.0 BACKGROUND

1.1 Overview

The City of Campbell, Recreation and Community Services Department (CITY) is seeking proposals from qualified vendors ("VENDOR") for the production of t-shirts and other apparel for Recreation & Community Service Program participants and staff. It is the intent of the City to select a qualified, experienced vendor partner capable of providing affordable and quality t-shirts on an as-need basis for all Recreation Programs. All vendors will be chosen through the RFP process.

CITY reserves the right to reject any and all proposals received as a result of this RFP. If a proposal is selected, it will be the most advantageous regarding price, quality of service, the Contractor's qualifications and capabilities to provide the specified service, and other factors which CITY may consider. CITY does not intend to award a contract fully on the basis of any response made to the proposal; CITY reserves the right to consider proposals for modifications at any time before a contract would be awarded, and negotiations would be undertaken with that provider whose proposal is deemed to best meet CITY's specifications and needs.

1.2 Terms and Conditions

- The selected company must be able to comply with the following terms and conditions:
- CITY is seeking guaranteed pricing for a 2-year contract (April 2016-April 2018) per shirt cost.
- CITY requires the ability to extend the term of the Agreement at the contracted fees, at CITY's option, for up to three consecutive one year periods.
- The City will have the right to terminate the selected company's services, in whole or in part, for convenience by providing thirty (30) days' written notice.
- Vendor must have a City of Campbell Business License
- All artwork design and modifications will remain the sole property with full copyright rights to the City of Campbell. Such rights are non transferrable to the vendor.
- Shirt quality and styles are specified in the Per Unit Shirt Cost in Section 4.6.
- Shirt orders are not limited to this proposal and additional orders may be placed with the selected vendor at agreed upon pricing at the time of order.

2.0 REQUEST FOR PROPOSAL TIMETABLE

2.1 Schedule and Deadlines

The following is a summary of the RFP schedule and deadlines:

March 2, 2016	Request for Proposal Published
March 23, 2016	Deadline for Questions and Objections
March 30, 2016	Deadline for Notice of Intent to Bid
April 8, 2016	RFP responses are due by 12:00 p.m. (Noon) City Hall City Clerk 70 N. First St., Campbell, CA 95008
April 19, 2016	Initiate Negotiations with Preferred Vendor

2.2 Deadline for Questions and Objections

To ensure fairness, the City requires that all questions be submitted via e-mail to recreation@cityofcampbell.com. All questions related to this RFP must be in writing and received no later than 5:00 p.m. PST, March 23, 2016. Indicate in the subject line of the e-mail: "Questions for T-Shirt RFP". Phone calls and faxed questions will not be accepted. Appropriate questions will be answered by the City in writing and distributed, via e-mail or fax, to all Proposers who have notified the City of their intent to submit a proposal.

2.3 Deadline for Notice of Intent to Bid

Upon receipt of this RFP, all companies who intend to submit a proposal are asked to notify the City of Campbell of your intent to submit a proposal by sending an e-mail to recreation@cityofcampbell.com. Notifications should include the company name, contact name and e-mail address and/or fax number and **should be received no later than 5 P.M. on Wednesday, March 30, 2016**. All communications from the City of Campbell to the prospective bidders will be via e-mail, based on your notification that your company intends to submit a proposal.

2.4 Proposal Due Date

Friday, April 8, 2016 by 12:00 P.M. (noon)

Sealed proposals, an original and two (2) copies, must be submitted, according to the timeline, via the U.S. postal service, Federal Express or other special delivery service, or by hand deliver to the City of Campbell, City Clerk.

No faxes, e-mails or otherwise open proposals will be accepted.

3.0 INSTRUCTIONS FOR COMPLETING PROPOSAL

3.1 Proposal Format

The entire proposal form, including all attachments, must be returned by the due date to the City Clerk at the address indicated on page two. Responses to the RFP must include a Table of Contents showing the beginning page number for each section. Responses which deviate from this format will be considered non-responsive. The Table of Contents shall be in the following format:

Section	Topic	Page Number
A	Introduction/Cover Letter	
B	Acknowledgement	
C	Vendor qualifications, and capabilities	
D	Fee Proposal	
E	References	

Provide any additional information regarding the proposed needs that will be useful to the City in evaluating your proposal. The proposal must include at least three (3) references of other customers to whom you have provided similar services. These references must include a contact person and telephone number.

3.2 Fee Proposal Instructions

The VENDOR must provide pricing in the Fee Proposal templates provided in Section 4.0. The VENDORS may also add rows on the Fee Proposal table as necessary to clearly communicate any further pricing distinctions or separately listed items. Please provide whatever attachments may be necessary to clarify your assumptions about a particular activity.

3.3 Basis for Cost of Proposal

There is no expressed or implied obligation of the City of Campbell to reimburse responding companies for any expenses incurred in preparing a response to this request for proposal.

3.4 Completeness

The VENDOR proposal must be complete and comply with all aspects of these specifications.

3.5 Proposal Binding

It will be assumed that all representations made in the proposal will be binding and that the organization has agreed to all requirements of the RFP.

3.6 Reservation of Rights

The City reserves the right to accept any proposal as a whole or in part. Individual items may be purchased separately if accepting a proposal in its entirety is not in the best interests of the City of Campbell. The City may, based on the responses to this RFP, select more than one vendor to fulfill the various objectives herein. The City also reserves the right to reject any and all proposals or to waive any errors, discrepancies, or irregularities.

3.7 Prime Contractor and Subcontractors

The CITY reserves the right to accept or reject any subcontractor the VENDOR may include in its proposal. The prime contractor and all subcontractors and related services must be clearly identified in a section in the front of the VENDOR proposal.

3.8 Proposal is Not Proprietary

All material submitted in response to the RFP will become the property of the City of Campbell. The City of Campbell reserves the right to retain all proposal submittals and to use any information in a submittal regardless of whether that VENDOR is selected.

3.9 Ownership and Collusion

FINANCIAL INTEREST BY CITY EMPLOYEES OR CONTRACTUAL SERVICE PROVIDERS: By signing and returning this proposal, the Proposer certifies that s/he has not, directly or indirectly, been collusive with any other Proposer or anyone else interested in this proposal, including, but not limited to, City employees and/or contractors. Additionally, the Proposer stipulates that no City officer, employee, or contractor shall be financially interested, either directly or indirectly, in any contract, sale, purchase, or lease to which the City is a party, and the Proposer further stipulates that no City officer or employee has any ownership in this company.

3.10 Acknowledgements

The undersigned understands and agrees that the conditions set forth in the instructions to Proposers, the terms and conditions and the specifications, together with the proposal and any other documents submitted in response to the foregoing, shall form a part of and be construed with the purchase order. Furthermore, the undersigned proposes to furnish to the City of Campbell goods and/or services as defined herein for the prices shown herein in accordance with the terms and conditions, and specifications attached hereto.

PROPOSER:

Company Name, Street Address of Company

Signature of Officer City, State, Zip

Printed Name of Officer Telephone Number / Fax Number

Title of Officer / Date Signed

4.0 FEE PROPOSAL

The City of Campbell expects that in any given year the Department as a whole would purchase between 1800-2500 youth t-shirts and 1500-2200 adult t-shirts. Shirt designs and colors vary by program or event.

4.1 Production Cost

Please define your production costs associated with any given order.

4.2 Minimum and Maximum Orders

Do you require minimum or maximum orders? Please explain.

4.3 Lead Time

What is your production lead time for any given order?

4.4 Screen Set-Up Fees

Do you charge Screen Set-Up fees on every order? If additional shirts are ordered after the initial order are the screen set-up fees charged again?
Please explain:

4.5 Delivery Fees

Do you charge delivery fees?
Please explain:

4.6 Per Unit Shirt Cost

Below lists a few of the larger orders placed throughout the year by our department. Please list pricing for two years for all items described below. In some instances we have provided opportunity to show price breakdowns. An additional sheet may accompany this quote sheet if additional explanation is needed to convey the pricing structure.

	Description	SHIRT COLOR	FRONT SCREEN PRINT COLORS	BACK SCREEN PRINT COLORS	Quantity Price Breaks	COST per shirt Year 1	COST per shirt Year 2
Adult Sports Leagues (max individual order 200)							
---	Gildan #2000	Color	1 color front + 1 color left sleeve	---	<u>1</u> to ___		
---	Gildan #2000	Color	1 color front + 1 color left sleeve	---	___ to ___		
---	Gildan #2000	Color	1 color front + 1 color left sleeve	---	___ to ___		
---	Gildan #2000	Color	1 color front + 1 color left sleeve	---	___ to ___		
---	Gildan #2000	Color	1 color front + 1 color left sleeve	---	___ to <u>200</u>		
Races							
Bulk Order 150-300 shirts	Sport Tek #ST351 Colorblock Competitor Tee	Black/varies	4 colors	1 color			
Bulk Order 150-400 shirts	Sport Tek #LST351 Colorblock Competitor Tee	Black/varies	4 colors	1 color			
Youth Basketball League							
---	Gildan #2000B	Color	2 colors	1 color	<u>1</u> to ___		
---	Gildan #2000B	Color	2 colors	1 color	___ to ___		
---	Gildan #2000B	Color	2 colors	1 color	___ to ___		
---	Gildan #2000B	Color	2 colors	1 color	___ to ___		
---	Gildan #2000B	Color	2 colors	1 color	___ to <u>200</u>		
---	Gildan #2000	Color	1 color	1 color	<u>1</u> to ___		
---	Gildan #2000	Color	1 color	1 color	___ to ___		
---	Gildan #2000	Color	1 color	1 color	___ to ___		
---	Gildan #2000	Color	1 color	1 color	___ to ___		
---	Gildan #2000	Color	1 color	1 color	___ to <u>200</u>		
Day Camp							
Bulk Order 1200-1600 shirts	Hanes 5370 (1200-1600 shirts in one order; shirt colors vary every 100-200 shirts)	Color	2 colors	1 color			
Bulk Order 50-200 shirts	Hanes 5170 (50-200 shirts in one order; shirt color varies every 12-72 shirts)	Color	2 colors	1 color			
Staff 24-48 shirts	Augusta #1790	Color	2 colors + 1 color left sleeve	---			
Staff 48-72 shirts	A4 #N3142	Color	2 colors + 1 color left sleeve	---			
Staff 156 - 240 shirts	Hanes 5170	Color	2 colors + 1 color left sleeve	---			

	Description	SHIRT COLOR	FRONT SCREEN PRINT COLORS	BACK SCREEN PRINT COLORS	Quantity Price Breaks	COST per shirt Year 1	COST per shirt Year 2
Day Camp Re-orders or smaller orders							
Re-orders	Hanes 5370	Color	2 colors	1 color	<u>1</u> to <u> </u>		
Re-orders	Hanes 5370	Color	2 colors	1 color	<u> </u> to <u> </u>		
Re-orders	Hanes 5370	Color	2 colors	1 color	<u> </u> to <u> </u>		
Re-orders	Hanes 5370	Color	2 colors	1 color	<u> </u> to <u> </u>		
Re-orders	Hanes 5370	Color	2 colors	1 color	<u> </u> to <u>200</u>		
Re-orders	Hanes 5170	Color	2 colors	1 color	<u>1</u> to <u> </u>		
Re-orders	Hanes 5170	Color	2 colors	1 color	<u> </u> to <u> </u>		
Re-orders	Hanes 5170	Color	2 colors	1 color	<u> </u> to <u> </u>		
Re-orders	Hanes 5170	Color	2 colors	1 color	<u> </u> to <u> </u>		
Re-orders	Hanes 5170	Color	2 colors	1 color	<u> </u> to <u>200</u>		
Aquatics							
	Hanes 5170	Color	1 color	1 color	<u>1</u> to <u> </u>		
	Hanes 5170	Color	1 color	1 color	<u> </u> to <u> </u>		
	Hanes 5170	Color	1 color	1 color	<u> </u> to <u> </u>		
	Hanes 5170	Color	1 color	1 color	<u> </u> to <u> </u>		
	Hanes 5170	Color	1 color	1 color	<u> </u> to <u>200</u>		

4.7 Additional Orders

How are additional orders outside the current scope priced?

Please explain:

4.8 Return Policy

In the event an order is completed incorrectly, what is your return policy?

Please explain:



City Council Report

Item: 7.
Category: Consent Calendar
Meeting Date: March 1, 2016

TITLE: Authorization to Enter into a Service Agreement for Citywide Tree Care Services (Resolution/Roll Call Vote)

RECOMMENDATION

That the City Council adopt the attached resolution authorizing the Public Works Director to enter into a service agreement with West Coast Arborists for citywide tree services.

BACKGROUND

There are approximately 12,500 trees in the City of Campbell's right-of-ways, parks, medians and open areas. Each fiscal year, Public Works (PW) plans, schedules, and budgets for tree trimming, tree removal, and tree planting services that are performed by City Staff or by City Contractors.

In large part, the City's tree care program has been focused on responding to service requests and staff observations of needed tree services throughout the City; the balance of resources was then focused on tree trimming services in programmed maintenance zones. It is estimated that it will take 15 years or more to complete the trimming of all City maintained trees.

In 2014, PW redirected existing staff to create a part-time tree crew to focus on service requests and to perform limited "block pruning" in residential areas. Block pruning consists of pruning trees for vehicle and pedestrian clearance with the work being performed only from the ground; crew members do not climb trees or use a bucket truck to prune.

In FY 2015, Council approved the reclassification of a vacated Park Maintenance Worker position to a City Arborist position; the City successfully completed the Arborist recruitment this past summer. By dedicating existing resources to a vibrant tree care program, City Staff is able to focus on responding to citizen service requests and residential block pruning - enabling resources to be used on contractual tree services that focus on large tree care and trees on major roadways. Additionally, with the reallocation of staff and the creation of citywide maintenance zones, staff estimates a complete citywide pruning cycle will be eight to nine years instead of the previous cycle estimate of 15 years or more.

DISCUSSION

State Law and the City of Campbell's Municipal Code (3.20.070) allow Campbell to "piggyback" on a competitive bid process conducted by other government agencies.

**Authorization to Enter into a Service Agreement
For Citywide Tree Care Services**

The City of Santa Clara conducted a competitive bid in January, 2016 for tree services similar to Campbell's needs and determined West Coast Arborists (WCA) to be the lowest responsible bidder (see Attachment 2).

The current process for procuring bids for tree services is done on an as requested basis, or when necessary tree work is observed by staff. Authorization to "piggyback" on the City of Santa Clara bid will reduce staff time and expedite delivery of citywide tree work; WCA will be able to provide much needed tree trimming services in concentrated areas at lower costs.

FISCAL IMPACT

The amount of the contract is \$65,000. Funding for contractual tree work was approved in the FY 2015-2016 Parks Maintenance Operating Budget.

ALTERNATIVES

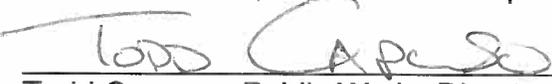
1. Do not approve the request to piggyback on the City of Santa Clara's contract and direct staff to advertise their own Request for Proposals. Staff does not recommend this, as this will result in duplication of efforts and delay the new service model.
2. Do not approve the request to piggyback on the City of Santa Clara's contract and direct staff to continue to bid tree work as the work is required. Staff does not recommend this, as this may result in higher costs.
3. Direct staff to complete citywide tree care without contractual services. Staff does not recommend this because staff is not certified for large tree care, operating near high voltage lines, or trained on other required equipment.

Prepared by:



Alex Mordwinow, Public Works Superintendent

Reviewed by:



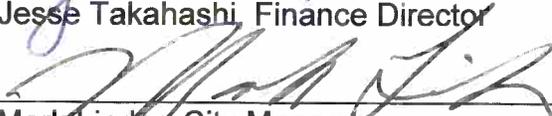
Todd Capurso, Public Works Director

Reviewed by:



Jesse Takahashi, Finance Director

Approved by:



Mark Linder, City Manager

Attachment:

1. Resolution
2. West Coast Arborist Bid

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ENTER INTO A SERVICE
AGREEMENT WITH WEST COAST ARBORISTS FOR CITYWIDE TREE SERVICES**

WHEREAS, the current Fiscal Year 2015/2016 Park Maintenance Services Operating Budget has appropriated funds for the care and maintenance of trees; and

WHEREAS, Campbell Municipal Code 3.20.070, has provisions which allow for the securing of services through other municipal agencies who have utilized bidding procedures consistent with the City of Campbell's formal contract procedures; and

WHEREAS, West Coast Arborists has been determined to be the lowest responsible bidder as a result of a competitive bid process conducted by the City of Santa Clara; and

WHEREAS, the Public Works Department would like to piggyback on the City of Santa Clara bid process and enter into an agreement with West Coast Arborists as the preferred vendor for tree care.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Campbell authorizes the Public Works Director to enter into a service agreement with West Coast Arborists for citywide tree services for the remainder of FY 2015-2016.

PASSED AND ADOPTED this 1st day of March, 2016 by the following roll call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk



February 4, 2016

City of Campbell
ATTN: Robert Siudzinski, City Arborist
Public Works Parks Maintenance Division
70 N. First Street
Campbell, CA 95008

RE: Tree Maintenance Agreement

Dear Mr. Siudzinski,

We are excited about the possibility of working for the City of Campbell performing tree maintenance services. WCA proposes an offer to "piggyback" on another city's formal competitive bid. Recently, the City of Santa Clara conducted a formal RFP for Tree Maintenance Services and WCA was awarded a new contract in January 2016. WCA agrees to provide similar tree care services to the City of Campbell consistent with the terms and conditions set forth in the City of Santa Clara's contract service agreement.

Please note that Santa Clara's Agreement contains a Cooperative Purchasing Provision that allows the other agencies to piggyback. Attached for your review are copies of Santa Clara's Agreement.

Additionally, the California Department of Industrial Relations published a new wage classification for Tree Maintenance Laborer which will impact not only WCA but every contractor performing similar maintenance services for public agencies. Please know that WCA, Inc. currently, and has historically, been compliant with the State's prevailing wages and the price schedule from Santa Clara reflects the new prevailing wages.

Your consideration in this matter is sincerely appreciated. Should you have any questions or require additional information, please do not hesitate to call me at (800) 521-3714.

Sincerely,

Victor M. Gonzalez
Vice President, Marketing

**AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
WEST COAST ARBORIST, INC.**

EXHIBIT A

SCOPE OF SERVICES

The Services to be performed for the City by the Contractor under this Agreement are tree maintenance to provide a full array of tree and arboriculture services.

Tree Pruning

Pruning includes all small, medium and large trees. Tree pruning will include crown cleaning, raising, and thinning. In accordance with the standards set forth by the International Society of Arboriculture Pruning Standards, best management practices and ANSI A300 Standards.

Tree and Stump Removal

The contractor must contact U.S.A. prior to each removal. Once U.S.A. is completed stumps will be ground to a depth of 18 inches. All holes will be backfilled with stump grindings and all extra debris will be cleaned and hauled away.

Stump Removal

The contractor must contact USA prior to each removal. Once USA is completed, stumps will be ground to a depth of 18 inches. All holes will be backfilled with stump grindings and all extra debris will be cleaned and hauled away.

Tree Planting

All plantings will include tree, labor, stakes, supports (guying), and round root barriers (when required by the City of Santa Clara). ANSI Z60.1 standards will apply to trees selected for purchase and installation.

Crew Rental

Standard maintenance crew consists of three (3) persons, one (1) chipper truck, one (1) aerial tower truck with chipper and all necessary saws and hand tools. Price based on hourly rate.

Emergency Crew Rental

Emergency crew will consist of a minimum of two (2) persons preferably three (3). The need for specialized equipment is based on nature of the emergency. Crew will be required to provide emergency on-call response for damaged trees as a result of storms, accidents or other reasons. Emergency calls may occur at any given time. Price based on hourly rate.

Tree Watering

Watering crew will consist of one (1) person and will be given instruction on trees that need to be watered.

Arborist Services

Tree inventory (Price Per tree based on a total inventory of 4,000 trees)

- Species diameter
- Location
- Condition
- Age
- Tagging
- Identify structure
- GPS and GIS capabilities

Arboriculture Reports

- Arborist review and report(s) based on specific tree conditions (usually where there are trees in common between a City park and the adjacent property).

**AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
WEST COAST ARBORIST, INC.**

EXHIBIT B

FEE SCHEDULE

In no event shall the amount billed to City by Contractor for services under this Agreement exceed eighty five thousand four hundred fifty dollars (\$85,450.00), subject to budget appropriations.

Tree Pruning

Size	Unit	Price
0-6"DBH	Per Tree	\$50.00
7-12"DBH	Per Tree	\$95.00
13-18"DBH	Per Tree	\$225.00
19-24"DBH	Per Tree	\$295.00
25-30"DBH	Per Tree	\$395.00
OVER 30"DBH	Per Tree	\$495.00

Tree and Stump Removal

Size	Unit	Price
7-12"DBH	Per Tree	\$295.00
13-18"DBH	Per Tree	\$495.00
19-24"DBH	Per Tree	\$650.00
25-30"DBH	Per Tree	\$950.00
OVER 30"DBH	Per Tree	\$1800.00

Stump Removal

Size	Unit	Price
0-6"DBH	Per Stump	\$95.00
7-12"DBH	Per Stump	\$145.00
13-18"DBH	Per Stump	\$195.00
19-24"DBH	Per Stump	\$255.00
25-30"DBH	Per Stump	\$355.00
OVER 30"DBH	Per Stump	\$455.00

Tree Planting

Size	Unit	Price
15 gallon tree	Per Tree	\$225.00
24 inch box tree	Per Tree	\$350.00
36 inch box tree	Per Tree	\$1200.00

Additional Services

Description	Unit	Price
Crew Rental	Per man hour	\$70.00
Emergency Crew Rental	Per man hour	\$105.00
Tree Watering	Per day	\$750.00
Arborist Services:		
Tree Inventory	Each	\$2.00
Arboriculture Reports	Per hour	\$150.00
Specialty Equipment Rental	Per hour	\$140.00

Cooperative Purchasing

It is intended that any other public agency (e.g., city, county, school district, public authority, public agency, municipality, and other political subdivision or public corporation) shall have the option to participate in any award made as a result of this solicitation at the same prices. The City of Santa Clara shall incur no financial responsibility in connection with any purchase by another public agency. The public agency shall accept sole responsibility for placing orders and making payments to the vendor.



City Council Report

Item: 8.
Category: Old Business
Meeting Date: March 1, 2016

TITLE: Ordinance 2197 Adding Chapter 8.38 (Medical Marijuana) to the Campbell Municipal Code Imposing an Express Ban on Marijuana Processing, Marijuana Delivery, and Marijuana Dispensaries in the City of Campbell (Ordinance Second Reading/Roll Call Vote)

RECOMMENDATION:

That the City Council approve the second reading of Ordinance 2197 adding Chapter 8.38 (Medical Marijuana) to the Campbell Municipal Code imposing an express ban on marijuana processing, marijuana delivery, and marijuana dispensaries in the City of Campbell.

BACKGROUND:

On January 19, 2016, the City Council held a public hearing to consider an ordinance that would prohibit the establishment and operation of marijuana processing, delivery, and dispensary activities and gave first reading of Ordinance 2197. Second reading of Ordinance 2197 was scheduled the February 2, 2016 City Council meeting. On February 2, 2016 Council requested a continuation of the second reading to the February 16, 2016 City Council meeting. On February 16, 2016 second reading was continued to the March 1, 2016 Council meeting. Second reading of Ordinance 2197 will amend the Campbell Municipal Code adding Chapter 8.38 (Medical Marijuana); add Section 8.38.010 (Legislative Findings and Statement of Purpose); add Section 8.38.020 (Definitions); add Section 8.38.030 (Prohibited Activities); add Section 8.38.040 (Public Nuisance); add Section 8.38.050 (Violations); add Section 8.38.070 (Severability); and amend Section 6.10.020. Ordinance 2197 will become effective 30 days following the date of the second reading.

According to the Attorney General's web site, seventeen initiatives dealing with marijuana have been submitted, fifteen of which have been issued a title and summary. Fourteen of these measures have been cleared for circulation. Of these five would completely preempt local regulation of all aspects of marijuana; one would preempt local regulation of medical marijuana only; two would prohibit banning sale, cultivation and distribution, but would allow some regulation if approved by the local voters; five would allow some regulation, but would prohibit a total ban; and one would allow limited regulation. All of the proposed measures would impose some limitations on local control.

A notice of Intent to Circulate a Petition for a marijuana initiative was received by the Clerk's Office on February 12, 2015 (Attachment 2). The City Attorney has reviewed the submitted documents and prepared a summary (Attachment 3). The City Attorney has noted that the submitted marijuana initiative does have a

The City Attorney has noted that the submitted marijuana initiative does have a provision superseding the existing zoning and essentially provides that any activity conducted by a licensee is expressly deemed "not to be inconsistent with federal law."

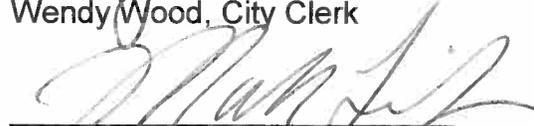
FISCAL IMPACT:

There is no fiscal impact associated with this action.

Prepared by:


Wendy Wood, City Clerk

Approved by:


Mark Linder, City Manager

Attachment 1 - Ordinance 2197

Attachment 2 - Intent to Circulate a Petition for a marijuana initiative

Attachment 3 – City Attorney's Title and Summary

ORDINANCE NO. 2197**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL, CALIFORNIA, REAFFIRMING AND IMPOSING AN EXPRESS BAN ON MARIJUANA PROCESSING, MARIJUANA DELIVERY, AND MARIJUANA DISPENSARIES IN THE CITY OF CAMPBELL**

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as Health & Safety Code Section 11362.5 *et seq.* and entitled "The Compassionate Use Act of 1996" referred to herein as the "CUA");

WHEREAS, the intent of the CUA was to enable seriously ill Californians to legally possess, use, and cultivate marijuana for medical use under state law once a physician has deemed the use beneficial to a patient's health;

WHEREAS, in 2003, the California Legislature adopted SB 420, the Medical Marijuana Program ("MMP"), codified as Health and Safety Code Section 11362.7 *et seq.*, which permits qualified patients and their primary caregivers to associate collectively or cooperatively to cultivate marijuana for medical purposes without being subject to criminal prosecution under the California Penal Code;

WHEREAS, neither the CUA nor the MMP require or impose an affirmative duty or mandate upon a local government to allow, authorize, or sanction the establishment of facilities that cultivate or process medical marijuana within its jurisdiction;

WHEREAS, in May 2013, the California Supreme Court issued its decision in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.*, et al., holding that cities have the authority to ban medical marijuana land uses;

WHEREAS, under the Federal Controlled Substances Act, codified in 21 U.S.C. Section 801 *et seq.*, the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need;

WHEREAS, on October 9, 2015, Governor Jerry Brown signed the "Medical Marijuana Regulation and Safety Act" ("Act"), which is comprised of the state legislative bills known as AB 243, AB 266, and SB 643, into law;

WHEREAS, the Act becomes effective January 1, 2016 and contains provisions that govern the cultivating, processing, transporting, testing, and distributing of medical cannabis to qualified patients. The Act also contains new statutory provisions that:

- Allow local governments to enact ordinances expressing their intent to prohibit the cultivation of marijuana and their intent not to administer a conditional permit program pursuant to Health & Safety Code Section 11362.777 for the cultivation of marijuana (Health & Safety Code § 11362.777(c)(4));

- Expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (Business & Professions Code § 19315(a));
- Expressly provide that the Act does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including but not limited to a local government's right to make and enforce within its limits all police regulations not in conflict with general laws (Business & Professions Code § 19316(c)); and
- Require a local government that wishes to prevent marijuana delivery activity, as defined in Business & Professions Code section 19300.5(m) of the Act, from operating within the local government's boundaries to enact an ordinance affirmatively banning such delivery activity (Business & Professions Code § 19340(a));

WHEREAS, many California cities, as well as the City of Campbell, have reported negative impacts of marijuana processing and distribution activities, including offensive odors, illegal sales and distribution of marijuana, trespassing, theft, violent robberies and robbery attempts, fire hazards, and problems associated with mold, fungus, and pests;

WHEREAS, marijuana plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors;

WHEREAS, in the case of multiple qualified patients who are in control of the same legal parcel, or parcels, of property, or in the case of collective or cooperative cultivation, or in the case of a caregiver growing for numerous patients, a very large number of plants could be cultivated on the same legal parcel, or parcels, within the City of Campbell ("City");

WHEREAS, the strong smell of marijuana creates an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery or armed robbery;

WHEREAS, the indoor cultivation of marijuana has potential adverse effects to the structural integrity of the building, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire which presents a clear and present danger to the building and its occupants;

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or

other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime;

WHEREAS, based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur, and continue to occur, in the City due to the establishment and operation of marijuana processing and distribution activities;

WHEREAS, Section 7 of Article 11 of the California Constitution and Section 2.04.010 of the Campbell Municipal Code provides the City Council with the authority to make and enforce all laws, rules and regulations with respect to not in conflict with general laws, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, under the Campbell Municipal Code ("CMC") every zoning district in the City of Campbell prohibits "[a]ny use inconsistent with state or federal law;"

WHEREAS, the cultivation, processing and distribution of medical marijuana is already prohibited in the City to pursuant to the aforementioned zoning provisions that prohibit "[a]ny use inconsistent with state or federal law;"

WHEREAS, based on the findings above, the potential establishment of the processing and distribution of medical marijuana in the City without an express ban on such activities poses a current and immediate threat to the public health, safety, and welfare in the City due to the negative impacts of such activities as described above;

WHEREAS, the issuance or approval of business licenses, subdivisions, use permits, variances, building permits, or any other applicable entitlement for marijuana processing, delivery, and/or distribution will result in the aforementioned threat to public health, safety, and welfare; and

WHEREAS, it is in the interest of the City, its residents, and its lawfully permitted businesses that the City adopts this ordinance to expressly confirm and reaffirm the prohibition on the establishment and operation of marijuana processing, delivery, and dispensary activities as well as the issuance of any use permit, variance, building permit, or any other entitlement, license, or permit for any such activity, except where the City is preempted by federal or state law from enacting a prohibition on any such activity or a prohibition on the issuance of any use permit, variance, building permit, or any other entitlement, license, or permit for any such activity.

NOW THEREFORE, the City Council of the City of Campbell does ordain as follows:

Section 1. The City Council of the City of Campbell hereby finds that the above recitals are true and correct and are incorporated into the substantive portion of this ordinance.

Section 2: The City Council hereby adds Chapter 8.38 entitled "Medical Marijuana" to Title 8 of Campbell Municipal Code to read as follows:

8.38.010 Legislative Findings and Statement of Purpose.

A. The City Council finds that the prohibitions on marijuana processing, marijuana delivery, and marijuana dispensaries are necessary for the preservation and protection of the public health, safety, and welfare for the City and its community. The City Council's prohibition of such activities is within the authority conferred upon the City Council in state law.

B. On October 9, 2015, the governor signed the "Medical Marijuana Regulation and Safety Act" ("Act") into law. The Act becomes effective January 1, 2016 and contains new statutory provisions that:

1. Allow local governments to enforce new and existing ordinances expressing their intent to prohibit the cultivation of marijuana and their intent not to administer a conditional permit program pursuant to Health & Safety Code section 11362.777 for the cultivation of marijuana (Health & Safety Code § 11362.777(c)(4));

2. Expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (Business & Professions Code § 19315(a));

3. Expressly provide that the Act does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including but not limited to a local government's right to make and enforce within its limits all police regulations not in conflict with general laws (Business & Professions Code § 19316(c)); and

4. Require a local government that wishes to prevent marijuana delivery activity, as defined in Business & Professions Code section 19300.5(m) of the Act, from operating within the local government's boundaries to enact an ordinance affirmatively banning such delivery activity (Business & Professions Code § 19340(a)).

C. The City Council finds that this Chapter: (1) acknowledges that existing provisions of Title 21 of the Campbell Municipal Code

already prohibit the cultivation, processing or dispensing of marijuana in the City and preclude a conditional permit program pursuant to Health & Safety Code section 11362.777 for the cultivation of marijuana in the City; (2) exercises its local authority to enact and enforce local regulations and ordinances, including those regarding the permitting, licensing, or other entitlement of the activities prohibited by this Chapter; (3) exercises its police power to enact and enforce regulations for the public benefit, safety, and welfare of the City and its community; and (4) expressly prohibits the delivery of marijuana in the City.

8.38.020 Definitions.

For purposes of this Chapter, the following definitions shall apply:

A. "Marijuana" means any or all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including marijuana infused in foodstuff or any other ingestible or consumable product containing marijuana. The term "marijuana" shall also include "medical marijuana" as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California or subject to the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act); and the term shall also include the substance defined as "cannabis" in section 19300.5 of the California Business and Professions Code or any successor statute thereto;

B. "Marijuana Processing" means any method used to prepare marijuana or its byproducts for commercial retail and/or wholesale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana related products and concentrates;

C. "Marijuana Delivery" shall have the same meaning as the term "delivery" defined in section 19300.5 of the California Business and Professions Code or any successor statute thereto;

D. "Marijuana Dispensary" or "Marijuana Dispensaries" means any business, office, store, facility, location, retail storefront or

wholesale component of any establishment, cooperative or collective that delivers (as defined in Business & Professions Code section 19300.5(m) or any successor statute thereto) whether mobile or otherwise, dispenses, distributes, exchanges, transmits, transports, sells or provides marijuana to any person for any reason, including members of any medical marijuana cooperative or collective consistent with the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California, or for the purposes set forth in California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act). The term shall include a "dispensary" as defined in section 19300.5 of the California Business and Professions Code or any successor statute thereto;

E. "Medical marijuana collective" or "cooperative or collective" means any group that is collectively or cooperatively cultivating and distributing marijuana for medical purposes that is organized in the manner set forth in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California or subject to the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

8.38.030 Prohibited Activities.

Marijuana Processing, Marijuana Delivery, and Marijuana Dispensaries shall be prohibited activities in the City, except where the City is preempted by federal or state law from enacting a prohibition on any such activity. No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, shall be approved or issued for the activities of Marijuana Processing, Marijuana Delivery, or the establishment or operation of a Marijuana Dispensary in the City, and no person shall otherwise establish or conduct such activities in the City, except where the City is preempted by federal or state law from enacting a prohibition on any such activity for which the use permit, variance, building permit, or any other entitlement, license, or permit is sought.

8.38.040 Public Nuisance.

Any violation of this chapter is hereby declared to be a public nuisance.

8.38.050 Violations.

Any violation of this chapter shall be punishable as provided in Chapter 6.10 Campbell Municipal Code or any successor provisions thereto.

8.38.070 Severability.

If any section, subsection, sentence or clause of this chapter is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

Section 3: Subparagraph (Q) of paragraph (6) of subsection (a) of section 6.10.020 of the Campbell Municipal Code is hereby amended to read (with underlining indicating new text):

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, 8.34, 8.38, 11.04, 11.08, 11.12, 11.16, 11.32, 13.04, or 14.02,

Section 4: The provisions of this ordinance are declaratory of existing law in the City of Campbell, and are intended to clarify and facilitate, and not to supersede the existing provisions contained in Title 21 of the Campbell Municipal Code.

Section 5: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared, invalid or unconstitutional.

Section 6: The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

Section 7: Effective Date. This ordinance shall take effect thirty (30) days after passage thereof.

Section 8: Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

PASSED AND ADOPTED this 1st day of March, 2016 by the following roll call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk

RECEIVED

FEB 12 2016

CITY CLERK'S OFFICE

I, Kale Schulte, hereby request that the city of Campbell provide a ballot title and summary for the attached proposed ballot measure.



2-12-16

Signed

Date

FEB 12 2016

Notice of Intent to Circulate Petition

CITY CLERK'S OFFICE

Notice is hereby given by the person(s) whose name appears hereon of their intention to circulate a petition within the City of Campbell for the purpose of amending and restating Campbell Municipal Code. A statement of the reasons of the proposed action as contemplated by the petition is as follows:

Regulation of medical cannabis collectives in the City of Campbell will allow qualified patients seeking medical cannabis for relief from a medical condition to obtain their medication in a controlled and safe environment. Moreover, regulation of medical cannabis collectives will put the City in control of the distribution process and protect citizens from the secondary impacts and effects associated with a ban on the legal sale of medical cannabis.

The Scripps Research Institute, California Pacific Medical Center, Columbia University, University of California, San Diego School of Medicine and many other research centers have conducted studies of the efficacy of cannabis and have reported that many patients with debilitating medical conditions have benefited from the use of cannabis. Some of the medical conditions treated include: nausea, vomiting, cachexia, cancer, premenstrual syndrome, unintentional weight loss, insomnia, lack of appetite, spasticity, neurogenic pain, movement disorders, asthma, glaucoma, epilepsy, Huntington's disease, HIV/AIDS, Parkinson's disease, ALS, PTSD and multiple sclerosis and psoriasis.

Twenty three states plus the District of Columbia have legalized medical cannabis or effectively decriminalized it and other states are considering similar measures. There is growing recognition that cannabis has valuable medicinal uses and bans on its use are counterproductive.

A well regulated medical cannabis distribution system, with clear operational standards, expectations, and limits will greatly reduce many of the problems created by forcing cannabis distribution into illicit channels.

When distributed responsibly, medical cannabis will not increase crime or fund undesirable activity. However, a ban on legitimate distribution that forces desperate patients into back-alley procurement to ease their suffering will endanger the safety of both patients and residents. The regulations proposed will provide the city, law enforcement, dispensary operators, and patients with a clear set of guidelines that must be adhered to. Strict limits on the number and location of dispensaries will ensure safe access for patients and prohibit dispensaries from operating in inappropriate areas.

When California voters approved the Compassionate Use Act of 1996, their intent was clear; individuals suffering from debilitating conditions that could be improved by the use of medical cannabis should have access to that relief in controlled, safe, and legal environment. This

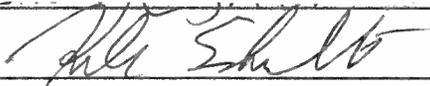
initiative provides a way for the City of Campbell to fulfill that intent and to enhance the quality of life for its residents.

Initiative Proponent- Kale Schulte

Address: _____

Phone: _____

E-mail: _____

Signature of Proponent: 

Date: 2-12-16

CAMPBELL MEDICAL MARIJUANA REGULATION AND SAFETY ACT OF 2016

The People of the City of Campbell do ordain as follows:

SECTION 1. TITLE

This initiative shall be known and may be cited as the Campbell Medical Marijuana Regulation and Safety Act of 2016.

SECTION 2. FINDINGS AND DECLARATIONS

The People of the City of Campbell find all of the following to be true:

A. We strongly support the right of seriously ill patients to use medical marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraines, or any other serious illness or condition for which marijuana provides relief.

B. We oppose the arrest, prosecution, and incarceration of persons legally-qualified under the Compassionate Use Act of 1996, codified as California Health & Safety Code Section 11362.5 and enacted through Proposition 215, the Medical Marijuana Program Act of 2004, as amended, codified as California Health & Safety Code Sections 11362.7 through 11362.83, inclusive, and enacted through Senate Bill 420, and the Medical Marijuana Regulation and Safety Act of 2016, codified as Business & Professions Code Sections 27, 101, and 205.1, California Government Code Section 9147.7, California Health & Safety Code Sections 11362.775 and 19300 through 19355, inclusive, California Labor Code Section 147.5, and California Revenue & Taxation Code Section 31020, by local, state, or federal law enforcement.

C. The cultivation and provision of medical marijuana should occur in a safe and orderly manner in order to protect patients and the community. In the absence of clear guidelines, there has been a lack of consistency in the permitting and regulation of medical marijuana cultivation and dispensing.

D. The people of the City of Campbell find and declare that we enact this initiative pursuant to the powers reserved to the State of California, the City of Campbell, and its people under the Tenth Amendment to the United States Constitution.

SECTION 3. ADDITION OF CHAPTER 5.56, "MEDICAL MARIJUANA REGULATION AND SAFETY," TO TITLE 5 OF THE CAMPBELL MUNICIPAL CODE, REVISED

Chapter 5.56, entitled "Medical Marijuana Regulation and Safety" is added to Title 5, entitled "Business Licenses and Regulations," of the Campbell Municipal Code, Revised and shall read as follows:

Chapter 5.56 – Medical Marijuana Regulation and Safety

Part A. Definitions.

Section 5.56.010. This act shall be known and may be cited as the Campbell Medical Marijuana Regulation and Safety Act of 2016.

Section 5.56.011. For purposes of this chapter, the following definitions shall apply:

(a) “Accrediting body” means a nonprofit organization that requires conformance to ISO/IEC 17025 requirements and is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement for Testing.

(b) “Applicant,” for purposes of Part D (commencing with Section 5.56.040), means the following:

(1) Owner or owners of a proposed facility, including all persons or entities having ownership interest other than a security interest, lien, or encumbrance on property that will be used by the facility.

(2) If the owner is an entity, “owner” includes within the entity each person participating in the direction, control, or management of, or having a financial interest in, the proposed facility.

(3) If the applicant is a publicly traded company, “owner” means the chief executive officer or any person or entity with an aggregate ownership interest of 5 percent or more.

(c) “Batch” means a specific quantity of medical cannabis or medical cannabis products that is intended to have uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.

(d) “Bureau” means the Bureau of Medical Marijuana Regulation within the California Department of Consumer Affairs.

(e) “Cannabinoid” or “phytocannabinoid” means a chemical compound that is unique to and derived from cannabis.

(f) “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from marijuana. “Cannabis” also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, “cannabis” does not mean “industrial hemp” as

defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

(g) “Cannabis concentrate” means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product’s potency. An edible medical cannabis product is not considered food, as defined by Section 109935 of the California Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.

(h) “Caregiver” or “primary caregiver” has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.

(i) “Certificate of accreditation” means a certificate issued by an accrediting body to a licensed testing laboratory, entity, or site to be registered in the state.

(j) “Chief” means Chief of the Bureau of Medical Marijuana Regulation within the California Department of Consumer Affairs.

(k) “Commercial cannabis activity” includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis product, except as set forth in Section 5.56.040, related to qualifying patients and primary caregivers.

(l) “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(m) “Delivery” means the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the bureau to a primary caregiver or qualified patient as defined in Section 11362.7 of the California Health and Safety Code, or a testing laboratory. “Delivery” also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed under this chapter, that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.

(n) “Dispensary” means a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to express authorization by local ordinance, medical cannabis and medical cannabis products as part of a retail sale.

(o) “Dispensing” means any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.

(p) “Distribution” means the procurement, sale, and transport of medical cannabis and medical cannabis products between entities licensed pursuant to this chapter.

(q) “Distributor” means a person licensed under this chapter to engage in the business of purchasing medical cannabis from a licensed cultivator, or medical cannabis products from a licensed manufacturer, for sale to a licensed dispensary.

(r) “Dried flower” means all dead medical cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

(s) “Edible cannabis product” means manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum. An edible medical cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the Health and Safety Code.

(t) “Identification program” means the universal identification certificate program for commercial medical cannabis activity authorized by the California Medical Marijuana Regulation and Safety Act.

(u) “Licensing authority” means the agency responsible for the issuance, renewal, or reinstatement of the license, or the agency authorized to take disciplinary action against the license.

(v) “Cultivation site” means a facility where medical cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, and that holds a valid license pursuant to this chapter.

(w) “Manufacturer” means a person that conducts the production, preparation, propagation, or compounding of manufactured medical cannabis, as described in subdivision (ae), or medical cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or medical cannabis products or labels or relabels its container, that holds a valid state license pursuant to this chapter, and that holds a valid local license or permit.

(x) “Testing laboratory” means a facility, entity, or site in the state that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state.

(2) Registered with the State Department of Public Health.

(y) “Transporter” means a person issued a license to transport medical cannabis or medical cannabis products in an amount above a threshold determined by the Bureau between facilities that have been issued a state license pursuant to this chapter.

(z) “Licensee” means a person issued a license under this chapter to engage in commercial cannabis activity.

(aa) "Live plants" means living medical cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.

(ab) "Lot" means a batch, or a specifically identified portion of a batch, having uniform character and quality within specified limits. In the case of medical cannabis or a medical cannabis product produced by a continuous process, "lot" means a specifically identified amount produced in a unit of time or a quantity in a manner that ensures its having uniform character and quality within specified limits.

(ac) "Manufactured cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.

(ad) "Manufacturing site" means a location that produces, prepares, propagates, or compounds manufactured medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.

(ae) "Medical cannabis," "medical cannabis product," or "cannabis product" means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of California the Health and Safety Code. For the purposes of this chapter, "medical cannabis" does not include "industrial hemp" as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

(af) "Nursery" means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis.

(ag) "Permit," "local license," or "local permit" means an official document granted by the City that specifically authorizes a person to conduct commercial cannabis activity in the City.

(ah) "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

(ai) "State license," "license," or "registration" means a state license issued by the Bureau.

(aj) "Topical cannabis" means a product intended for external use. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.

(ak) “Transport” means the transfer of medical cannabis or medical cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to this chapter.

Section 5.56.012. License classifications pursuant to this chapter are as follows:

(a) Type 1 = Cultivation; Specialty outdoor; Small – consisting of up to 5,000 square feet of canopy, or up to 50 noncontiguous plants.

(b) Type 1A = Cultivation; Specialty indoor; Small – consisting of up to 5,000 square feet of canopy, or up to 50 noncontiguous plants, using exclusively artificial lighting.

(c) Type 1B = Cultivation; Specialty mixed-light; Small – consisting of up to 5,000 square feet of canopy, or up to 50 noncontiguous plants, using a combination of artificial and natural lighting.

(d) Type 2 = Cultivation; Outdoor; Small – consisting of 5,001 to 10,000 square feet of canopy.

(e) Type 2A = Cultivation; Indoor; Small – consisting of 5,001 to 10,000 square feet of canopy, using exclusively artificial lighting.

(f) Type 2B = Cultivation; Mixed-light; Small – consisting of 5,001 to 10,000 square feet of canopy, using a combination of artificial and natural lighting.

(g) Type 3 = Cultivation; Outdoor; Medium – consisting of 10,001 square feet to one (1) acre of canopy.

(h) Type 3A = Cultivation; Indoor; Medium – consisting of 10,001 square feet to 22,000 square feet of canopy, using exclusively artificial lighting.

(i) Type 3B = Cultivation; Mixed-light; Medium – consisting of 10,001 square feet to 22,000 square feet of canopy, using a combination of artificial and natural lighting.

(j) Type 4 = Cultivation; Nursery.

(k) Type 6 = Manufacturer 1.

(l) Type 7 = Manufacturer 2.

(m) Type 8 = Testing.

(n) Type 10 = Dispensary.

(o) Type 11 = Distribution.

(p) Type 12 = Transporter.

Part B. Administration

Section 5.56.020. Protection of the public shall be the highest priority for the City in exercising its licensing, regulatory, and disciplinary functions under this chapter. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

Section 5.56.021. The City shall make and prescribe reasonable rules as may be necessary or proper to carry out the purposes and intent of this chapter and to enable it to exercise the powers and duties conferred upon it by this chapter, not inconsistent with any statute of this state, including particularly this chapter and Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. For the performance of its duties, the bureau has the power conferred by Sections 11180 to 11191, inclusive, of the California Government Code.

Section 5.56.022. Notice of any action of the licensing authority required by this chapter to be given may be signed and given by the director or an authorized employee of the department and may be made personally or in the manner prescribed by Section 1013 of the California Code of Civil Procedure.

Section 5.56.023.

(a) The City may convene an advisory committee to advise the City on the development of standards and regulations pursuant to this chapter, including best practices and guidelines to ensure qualified patients have adequate access to medical cannabis and medical cannabis products. The advisory committee members shall be determined by the city manager.

(b) The advisory committee members may include, but not be limited to, representatives of the medical marijuana industry, representatives of medical marijuana cultivators, appropriate local agencies, appropriate local law enforcement, physicians, environmental and public health experts, and medical marijuana patient advocates.

Section 5.56.024. The City may make or cause to be made such investigation as it deems necessary to carry out its duties under this chapter.

Section 5.56.025. For any hearing held pursuant to this chapter, the City may delegate the power to hear and decide to an administrative law judge. Any hearing before an administrative law judge shall be pursuant to the procedures, rules, and limitations prescribed in Chapter 5

(commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the California Government Code.

Section 5.56.026. In any hearing before the City pursuant to this chapter, the City may pay any person appearing as a witness at the hearing at the request of the City pursuant to a subpoena, his or her actual, necessary, and reasonable travel, food, and lodging expenses, not to exceed the amount authorized for state employees.

Section 5.56.027. The City may on its own motion at any time before a penalty assessment is placed into effect and without any further proceedings, review the penalty, but such review shall be limited to its reduction.

Part C. Enforcement

Section 5.56.030. Grounds for disciplinary action include:

(a) Failure to comply with the provisions of this chapter or any rule or regulation adopted pursuant to this chapter.

(b) Conduct that constitutes grounds for denial of licensure pursuant to Title 5 of the Campbell Municipal Code, Revised.

(c) Any other grounds contained in regulations adopted by the City pursuant to this chapter.

(d) Failure to comply with any state law, except as provided for in this chapter or other California law.

Section 5.56.031. The City may suspend or revoke licenses, after proper notice and hearing to the licensee, if the licensee is found to have committed any of the acts or omissions constituting grounds for disciplinary action. The disciplinary proceedings under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the California Government Code, and the City shall have all the powers granted therein.

Section 5.56.032. The City may take disciplinary action against a licensee for any violation of this chapter when the violation was committed by the licensee's agent or employee while acting on behalf of the licensee or engaged in commercial cannabis activity.

Section 5.56.033. Upon suspension or revocation of a license, the City shall inform the Bureau, who is previously tasked under the California Medical Marijuana Regulation and Safety Act (AB 266) with informing all other licensing authorities and the Department of Food and Agriculture.

Section 5.56.034. All accusations against licensees shall be filed by the City within five years after the performance of the act or omission alleged as the ground for disciplinary action; provided, however, that the foregoing provision shall not constitute a defense to an accusation alleging fraud or misrepresentation as a ground for disciplinary action. The cause for disciplinary action in such case shall not be deemed to have accrued until discovery, by the City, of the facts

constituting the fraud or misrepresentation, and, in such case, the accusation shall be filed within five years after such discovery.

Section 5.56.035. Nothing in this chapter shall be interpreted to supersede or limit state agencies from exercising their existing enforcement authority under the California Fish and Game Code, the California Water Code, the California Food and Agricultural Code, or the California Health and Safety Code.

Section 5.56.036.

(a) The actions of a licensee, its employees, and its agents that are (1) permitted pursuant to a license or permit issued by the City, and (2) conducted in accordance with the requirements of this chapter and regulations adopted pursuant to this chapter, are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law.

(b) The actions of a person who, in good faith, allows his or her property to be used by a licensee, its employees, and its agents, as permitted pursuant to a City license or permit following the requirements of the applicable local ordinances, are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law.

Section 5.56.037.

(a) A person engaging in commercial cannabis activity without a license required by this chapter shall be subject to civil penalties of up to twice the amount of the license fee for each violation, and the court may order the destruction of medical cannabis associated with that violation in accordance with Section 11479 of the California Health and Safety Code. Each day of operation shall constitute a separate violation of this section. All civil penalties imposed and collected pursuant to this section shall be deposited into the City's general treasury.

(b) If an action for civil penalties is brought against a licensee pursuant to this chapter by the City Attorney or City Prosecutor or the California Attorney General on behalf of the people, the penalty collected shall be deposited into the City's general treasury.

(c) Notwithstanding subdivision (a), criminal penalties shall continue to apply to an unlicensed person engaging in commercial cannabis activity in violation of this chapter, including, but not limited to, those individuals covered under Section 11362.7 of the California Health and Safety Code.

Part D. Licensing

Section 5.56.040.

(a) The City may issue licenses only to qualified applicants engaging in commercial cannabis activity pursuant to this chapter. Upon the date of implementation of regulations by the City, no person shall engage in commercial cannabis activity without possessing a permit or license from the City.

(b) Revocation of the City's license or permit shall terminate the ability of a medical cannabis business to operate within the City until the City reinstates or reissues the license or permit. The City shall notify the Bureau upon revocation of the City license or permit.

(c) Upon the Bureau's issuance of licenses under the California Medical Marijuana Regulation and Safety Act, a licensee shall be required to maintain a license issued by the Bureau subject to all of the requirements thereof. Revocation of a state license shall terminate the ability of a medical cannabis licensee to operate within the City until the Bureau reinstates or reissues the state license.

(d) Each licensee shall obtain a separate license for each location where it engages in commercial medical cannabis activity. However, transporters only need to obtain licenses for each physical location where the licensee conducts business while not in transport, or any equipment that is not currently transporting medical cannabis or medical cannabis products, permanently resides.

(e) Nothing in this chapter shall be construed to supersede or limit state agencies, including the State Water Resources Control Board and Department of Fish and Wildlife, from establishing fees to support their medical cannabis regulatory programs.

Section 5.56.041. A license issued pursuant to this Chapter section shall be valid for 12 months from the date of issuance. The license shall be renewed annually.

Section 5.56.042. No license shall be issued by the City for commercial cannabis activity in any zone in the City other than the commercial (P-O, C-1, C-2, and C-3), manufacturing (C-M and M-1), and Planned Development (P-D) zones, except that a dispensary may engage in delivery of medical cannabis to a qualified patient or primary caregiver at the residence of such qualified patient or primary caregiver. Any activity conducted by a licensee pursuant to this Chapter is expressly deemed not to be inconsistent with federal law as those terms are used in Section 21.12.030(F)(2) of the Campbell Municipal Code, Revised.

Part E. Medical Marijuana Regulation

Section 5.56.050.

(a) A person other than a licensed transporter shall not transport medical cannabis or medical cannabis products from one licensee to another licensee, unless otherwise specified in this chapter.

(b) All licensees holding cultivation or manufacturing licenses shall send all medical cannabis and medical cannabis products cultivated or manufactured to a distributor, as defined in Section 5.56.011, for quality assurance and inspection by the Type 11 licensee and for a batch testing by a Type 8 licensee prior to distribution to a dispensary. Those licensees holding a Type 10A license in addition to a cultivation license or a manufacturing license shall send all medical cannabis and medical cannabis products to a Type 11 licensee for presale inspection and for a batch testing by a Type 8 licensee prior to dispensing any product. The licensing authority shall

fine a licensee who violates this subdivision in an amount determined by the licensing authority to be reasonable.

(c) (1) Upon receipt of medical cannabis or medical cannabis products by a holder of a cultivation or manufacturing license, the Type 11 licensee shall first inspect the product to ensure the identity and quantity of the product and then ensure a random sample of the medical cannabis or medical cannabis product is tested by a Type 8 licensee prior to distributing the batch of medical cannabis or medical cannabis products.

(2) Upon issuance of a certificate of analysis by the Type 8 licensee that the product is fit for manufacturing or retail, all medical cannabis and medical cannabis products shall undergo a quality assurance review by the Type 11 licensee prior to distribution to ensure the quantity and content of the medical cannabis or medical cannabis product, and for tracking and taxation purposes by the state. Licensed cultivators and manufacturers shall package or seal all medical cannabis and medical cannabis products in tamper-evident packaging and use a unique identifier, as prescribed by the California Department of Food and Agriculture, when such unique identifiers are prescribed by the California Department of Food and Agriculture for the purpose of identifying and tracking medical cannabis or medical cannabis products. Medical cannabis and medical cannabis products shall be labeled as required by Section 5.56.056. All packaging and sealing shall be completed prior to medical cannabis or medical cannabis products being transported or delivered to a licensee, qualified patient, or caregiver.

(3) This section does not limit the ability of licensed cultivators, manufacturers, and dispensaries to directly enter into contracts with one another indicating the price and quantity of medical cannabis or medical cannabis products to be distributed. However, a Type 11 licensee responsible for executing the contract is authorized to collect a fee for the services rendered, including, but not limited to, costs incurred by a Type 8 licensee, as well as applicable state or local taxes and fees.

(d) Medical cannabis and medical cannabis products shall be tested by a registered testing laboratory, prior to retail sale or dispensing, as follows:

(1) Medical cannabis from dried flower shall, at a minimum, be tested for concentration, pesticides, mold, and other contaminants.

(2) Medical cannabis extracts shall, at a minimum, be tested for concentration and purity of the product.

(3) This chapter shall not prohibit a licensee from performing on-site testing for the purposes of quality assurance of the product in conjunction with reasonable business operations. On-site testing by the licensee shall not be certified by the State Department of Public Health.

(e) All commercial cannabis activity shall be conducted between licensees, when these are available.

Section 5.56.051.

- (a) A licensee shall keep accurate records of commercial cannabis activity.
- (b) All records related to commercial cannabis activity as defined by this Chapter shall be maintained for a minimum of seven years.
- (c) The City may examine the books and records of a licensee and inspect the premises of a licensee as the City deems necessary to perform its duties under this chapter. All inspections shall be conducted during standard business hours of the licensed facility or at any other reasonable time.
- (d) Licensees shall keep records identified by the licensing authorities on the premises of the location licensed. The City may make any examination of the records of any licensee. Licensees shall also provide and deliver copies of documents to the City upon request.
- (e) A licensee or its agent, or employee, that refuses, impedes, obstructs, or interferes with an inspection of the premises or records of the licensee pursuant to this section has engaged in a violation of this chapter.
- (f) If a licensee or an employee of a licensee fails to maintain or provide the records required pursuant to this section, the licensee shall be subject to a citation and fine of thirty thousand dollars (\$30,000) per individual violation.

Section 5.56.052.

- (a) A licensee may only hold a license in up to two separate license categories, as follows:
 - (1) Type 1, 1A, 1B, 2, 2A, or 2B licensees may also hold either a Type 6 or 7 state license.
 - (2) Type 6 or 7 licensees, or a combination thereof, may also hold either a Type 1, 1A, 1B, 2, 2A, or 2B state license.
 - (3) Type 6 or 7 licensees, or a combination thereof, may also hold a Type 10A state license.
 - (4) Type 10A licensees may also hold either a Type 6 or 7 state license, or a combination thereof.
 - (5) Type 1, 1A, 1B, 2, 2A, or 2B licensees, or a combination thereof, may also hold a Type 10A state license.
 - (6) Type 10A licensees may apply for Type 1, 1A, 1B, 2, 2A, or 2B state license, or a combination thereof.
 - (7) Type 11 licensees shall apply for a Type 12 state license, but shall not apply for any other type of state license.

(8) Type 12 licensees may apply for a Type 11 state license.

(9) A Type 10A licensee may apply for a Type 6 or 7 state license and hold a 1, 1A, 1B, 2, 2A, 2B, 3, 3A, 3B, 4 or combination thereof if, under the 1, 1A, 1B, 2, 2A, 2B, 3, 3A, 3B, 4 or combination of licenses thereof, no more than four acres of total canopy size of cultivation by the licensee is occurring throughout the state during the period that the respective licenses are valid.

(b) Except as provided in subdivision (a), a person or entity that holds a license is prohibited from licensure for any other activity authorized under this chapter, and is prohibited from holding an ownership interest in real property, personal property, or other assets associated with or used in any other license category.

Section 5.56.053. A licensee shall not also be licensed as a retailer of alcoholic beverages pursuant to Division 9 (commencing with Section 23000) of the California Business & Professions Code.

Section 5.56.054. This chapter shall not interfere with an employer's rights and obligations to maintain a drug and alcohol free workplace or require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of cannabis in the workplace or affect the ability of employers to have policies prohibiting the use of cannabis by employees and prospective employees, or prevent employers from complying with state or federal law.

Section 5.56.055.

(a) No license shall be issued for commercial cannabis activity to be conducted on premises that provides ingress or egress to its premises on any side of the location that (i) abuts, (ii) is across a street, alley or walk from, as measured at 90 degrees from the lot lines of the location, or (iii) has a common corner with any land zoned residential, except that an exit door required by the Campbell Municipal Code, Revised may be maintained for emergency egress only and must be locked from the exterior at all times. The above notwithstanding, this subsection shall not prohibit a licensee from locating across a street from, or having a common corner with, any land zoned residential if the licensee's premises are separated from that residential zone by a public thoroughfare with a minimum roadway width of 80 feet.

(b) No license shall be issued for commercial cannabis activity to be conducted within a 1,000-foot radius of a school, or within a 600-foot radius of a public park, public library, religious institution, child care facility, youth center, alcoholism, drug abuse recovery or treatment facility, or other commercial cannabis activity. The distance specified in this paragraph shall be the horizontal distance measured in a straight line from the property line of the school, public park, public library, religious institution, child care facility, youth center, alcoholism or drug abuse recovery or treatment facility, or other medical marijuana business, to the closest property line of the lot on which the medical marijuana business is located without regard to intervening structures. The distance requirements set forth in this subsection shall not apply to

those licensed health care and other facilities identified in California Health and Safety Code Section 11362.7(d)(1).

Section 5.56.056.

(a) Prior to delivery or sale at a dispensary, medical cannabis products shall be labeled and in a tamper-evident package. Labels and packages of medical cannabis products shall meet the following requirements:

(1) Medical cannabis packages and labels shall not be made to be attractive to children.

(2) All medical cannabis product labels shall include the following information, prominently displayed and in a clear and legible font:

(A) Manufacture date and source.

(B) The statement "SCHEDULE I CONTROLLED SUBSTANCE."

(C) The statement "KEEP OUT OF REACH OF CHILDREN AND ANIMALS" in bold print.

(D) The statement "FOR MEDICAL USE ONLY."

(E) The statement "THE INTOXICATING EFFECTS OF THIS PRODUCT MAY BE DELAYED BY UP TO TWO HOURS."

(F) The statement "THIS PRODUCT MAY IMPAIR THE ABILITY TO DRIVE OR OPERATE MACHINERY. PLEASE USE EXTREME CAUTION."

(G) For packages containing only dried flower, the net weight of medical cannabis in the package.

(H) A warning if nuts or other known allergens are used.

(I) List of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, servings per package, and the THC and other cannabinoid amount in milligrams for the package total.

(J) Clear indication, in bold type, that the product contains medical cannabis.

(K) Identification of the source and date of cultivation and manufacture.

(L) Any other requirement set by the Bureau.

(M) Information associated with the unique identifier issued by the Department of Food and Agriculture pursuant to Section 11362.777 of the California Health and Safety Code.

(b) Only generic food names may be used to describe edible medical cannabis products.

Part F. Licensed Distributors, Dispensaries, and Transporters

Section 5.56.060. A Type 11 licensee shall hold a Type 12, or transporter, license and register each location where product is stored for the purposes of distribution. A Type 11 licensee shall not hold a license in a cultivation, manufacturing, dispensing, or testing license category and shall not own, or have an ownership interest in, a facility licensed in those categories other than a security interest, lien, or encumbrance on property that is used by a licensee. A Type 11 licensee shall be bonded and insured at a minimum level established by the City, but in no event less than the minimum level required for persons delivering prescription drugs.

Section 5.56.061.

(a) The City shall not issue more than three (3) Type 10 licenses that are active and current at any time.

(b) A licensed dispensary shall implement sufficient security measures to both deter and prevent unauthorized entrance into areas containing medical cannabis or medical cannabis products and theft of medical cannabis or medical cannabis products at the dispensary. These security measures shall include, but not be limited to, all of the following:

(1) Preventing individuals from remaining on the premises of the dispensary if they are not engaging in activity expressly related to the operations of the dispensary.

(2) Establishing limited access areas accessible only to authorized dispensary personnel.

(3) Storing all finished medical cannabis and medical cannabis products in a secured and locked room, safe, or vault, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes, samples, or immediate sale.

(c) A dispensary shall notify the licensing authority and the appropriate law enforcement authorities within 24 hours after discovering any of the following:

(1) Significant discrepancies of more than five percent (5%) identified during inventory

(2) Diversion, theft, loss, or any criminal activity involving the dispensary or any agent or employee of the dispensary.

(3) The loss or unauthorized alteration of records related to cannabis, registered qualifying patients, primary caregivers, or dispensary employees or agents.

(4) Any other breach of security.

(d) Every dispensary must abide by the following operational controls, and failure to do so is grounds for revocation of its license:

(1) No dispensary may remain open and/or operating between the hours of 8 PM and 10 AM;

(2) No dispensary shall permit marijuana and/or alcohol consumption at the premises or in any area of the location used for parking any vehicle;

(3) No dispensary may permit entry of a minor unaccompanied by a parent or legal guardian on its premises;

(4) No dispensary shall permit any cannabis or cannabis products to be visible from the exterior of the premises; and

(5) No dispensary may illuminate any portion of its premises during closure hours by lighting that is visible from the exterior of the premises, except such lighting as is reasonably utilized for the security of the premises.

Section 5.56.062. A Type 12 licensee shall be bonded and insured at a minimum level established by the licensing authority.

Part G. Delivery

Section 5.56.070.

(a) Deliveries, as defined in this chapter, can only be made by a dispensary.

(b) Upon approval of the licensing authority, a licensed dispensary that delivers medical cannabis or medical cannabis products shall require all employees of a dispensary delivering medical cannabis or medical cannabis products shall carry a copy of the dispensary's current license authorizing those services with them during deliveries and the employee's government-issued identification, and shall present that license and identification upon request to state and local law enforcement, employees of regulatory authorities, and other state and local agencies enforcing this chapter.

(c) During delivery, the licensee shall maintain a physical copy of the delivery request and shall make it available upon request of the City and/or City law enforcement officers. The delivery request documentation shall comply with state and federal law regarding the protection of confidential medical information.

(d) The qualified patient or primary caregiver requesting the delivery shall maintain a copy of the delivery request and shall make it available, upon request, to the City and/or City law enforcement officers.

Part H. Licensed Manufacturers and Licensed Laboratories

Section 5.56.080. Licenses to be issued are as follows:

- (a) “Manufacturing level 1,” for manufacturing sites that produce medical cannabis products using nonvolatile solvents.
- (b) “Manufacturing level 2,” for manufacturing sites that produce medical cannabis products using volatile solvents. The City shall limit the number of licenses of this type to not more than two (2).
- (c) “Testing,” for testing of medical cannabis and medical cannabis products. Testing licensees shall have their facilities licensed according to regulations set forth by the California Medical Marijuana Regulation and Safety Act. A testing licensee shall not hold a license in another license category of this chapter and shall not own or have ownership interest in a facility licensed pursuant to this chapter.

Section 5.56.081.

- (a) For the purposes of testing medical cannabis or medical cannabis products, licensees shall use a licensed testing laboratory that has adopted a standard operating procedure using methods consistent with general requirements for the competence of testing and calibration activities, including sampling, using standard methods established by the International Organization for Standardization, specifically ISO/IEC 17020 and ISO/IEC 17025 to test medical cannabis and medical cannabis products that are approved by an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement.
- (b) An agent of a licensed testing laboratory shall obtain samples according to a statistically valid sampling method for each lot.
- (c) A licensed testing laboratory shall analyze samples according to either of the following:
 - (1) The most current version of the cannabis inflorescence monograph published by the American Herbal Pharmacopoeia.
 - (2) Scientifically valid methodology that is demonstrably equal or superior to paragraph (1), in the opinion of the accrediting body.
- (d) If a test result falls outside the specifications authorized by law or regulation, the licensed testing laboratory shall follow a standard operating procedure to confirm or refute the original result.
- (e) A licensed testing laboratory shall destroy the remains of the sample of medical cannabis or medical cannabis product upon completion of the analysis.

Section 5.56.081. A licensed testing laboratory shall not handle, test, or analyze medical cannabis or medical cannabis products unless the licensed testing laboratory meets all of the following:

- (a) Is registered by the State Department of Public Health.
- (b) Is independent from all other persons and entities involved in the medical cannabis industry.
- (c) Follows the methodologies, ranges, and parameters that are contained in the scope of the accreditation for testing medical cannabis or medical cannabis products. The testing lab shall also comply with any other requirements specified by the State Department of Public Health.
- (d) Notifies the State Department of Public Health within one business day after the receipt of notice of any kind that its accreditation has been denied, suspended, or revoked.
- (e) Has established standard operating procedures that provide for adequate chain of custody controls for samples transferred to the licensed testing laboratory for testing.

Section 5.56.082.

(a) A licensed testing laboratory shall issue a certificate of analysis for each lot, with supporting data, to report both of the following:

(1) Whether the chemical profile of the lot conforms to the specifications of the lot for compounds, including, but not limited to, all of the following:

- (A) Tetrahydrocannabinol (THC).
- (B) Tetrahydrocannabinolic Acid (THCA).
- (C) Cannabidiol (CBD).
- (D) Cannabidiolic Acid (CBDA).
- (E) The terpenes described in the most current version of the cannabis inflorescence monograph published by the American Herbal Pharmacopoeia.
- (F) Cannabigerol (CBG).
- (G) Cannabinol (CBN).
- (H) Any other compounds required by the State Department of Public Health.

(2) That the presence of contaminants does not exceed the levels that are the lesser of either the most current version of the American Herbal Pharmacopoeia monograph or the State

Department of Public Health. For purposes of this paragraph, contaminants includes, but is not limited to, all of the following:

(A) Residual solvent or processing chemicals.

(B) Foreign material, including, but not limited to, hair, insects, or similar or related adulterant.

(C) Microbiological impurity, including total aerobic microbial count, total yeast mold count, *P. aeruginosa*, *aspergillus spp.*, *s. aureus*, aflatoxin B1, B2, G1, or G2, or ochratoxin A.

(D) Whether the batch is within specification for odor and appearance.

(b) Residual levels of volatile organic compounds shall be below the lesser of either the specifications set by the United States Pharmacopeia (U.S.P. Chapter 467) or those set by the State Department of Public Health.

Section 5.56.083.

(a) Except as provided in this chapter, a licensed testing laboratory shall not acquire or receive medical cannabis or medical cannabis products except from a licensed facility in accordance with this chapter, and shall not distribute, sell, deliver, transfer, transport, or dispense medical cannabis or medical cannabis products, from which the medical cannabis or medical cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.

(b) A licensed testing laboratory may receive and test samples of medical cannabis or medical cannabis products from a qualified patient or primary caregiver only if he or she presents his or her valid recommendation for cannabis for medical purposes from a physician. A licensed testing laboratory shall not certify samples from a qualified patient or caregiver for resale or transfer to another party or licensee. All tests performed by a licensed testing laboratory for a qualified patient or caregiver shall be recorded with the name of the qualified patient or caregiver and the amount of medical cannabis or medical cannabis product received.

Part I. Cultivation.

Section 5.56.090.

(a) The cultivation of marijuana, whether grown commercially or individually, in any amount or quantity, shall not be allowed in the following areas:

(1) Outdoors within one hundred (100) feet of any occupied legal residential structure located on a separate parcel;

(2) Outdoors in a mobile home park as defined in Health and Safety Code Section 18214.1 within one hundred (100) feet of an occupied mobile home that is under separate ownership;

(3) In any location where the marijuana plants are visible from the public right of way or publicly traveled private roads.

(4) Outdoors within fifty (50) feet of a parcel under separate ownership.

(b) The distance between the above-listed uses in subsection (a) and marijuana that is being cultivated shall be measured in a straight line from the nearest point of the fence required in Section 5.56.091, or if the marijuana is cultivated indoors, from the nearest exterior wall of the building in which the marijuana is cultivated to the nearest boundary line of the property on which the facility, building, or structure, or portion of the facility, building, or structure in which the above-listed use occurs is located. The distance in subsections (a)(2) and (a)(3) to any residential structure shall be measured from the fence required in Section 5.56.091 to the nearest exterior wall of the residential structure.

Section 5.56.091.

(a) It is declared to be unlawful for any person owning, leasing, occupying, or having charge or possession of any parcel of land within the City to cause or allow such parcel of land to be used for the outdoor or indoor cultivation of marijuana plants for medicinal purposes in excess of the limitations imposed by the California Health & Safety Code.

(b) The indoor or outdoor cultivation of marijuana shall not subject residents of neighboring parcels who are of normal sensitivity to objectionable odors.

(c) The use of light assistance for the outdoor cultivation of marijuana shall not exceed a maximum of six hundred (600) watts of lighting capacity per one hundred (100) square feet of growing area.

(d) All lights used for the cultivation of marijuana shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they are placed.

(e) The indoor or outdoor cultivation of marijuana shall not exceed the noise level standards as set forth in the Campbell Municipal Code, Revised.

(f) The indoor or outdoor cultivation of marijuana shall not utilize water that has been or is illegally diverted from any stream, creek, or river.

(g) The indoor or outdoor cultivation of marijuana shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water.

(h) All marijuana grown outdoors must be within a secure fence at least six (6) feet in height that fully encloses the immediate garden area. The fence must include a lockable gate that is locked at all times when a qualified patient or caregiver is not in the immediate area. Said fence shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth except shade cloth may be used on the inside of the fence.

(i) All buildings where marijuana is cultivated or stored shall be properly secured to prevent unauthorized entry.

(j) Nothing in this Section shall be construed as a limitation on the City's authority to abate any violation which may exist from the cultivation of marijuana plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure building.

Part J. Privacy

Section 5.56.100.

(a) Information identifying the names of patients, their medical conditions, or the names of their primary caregivers received and contained in records kept by the City for the purposes of administering this chapter are confidential and shall not be disclosed pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), except as necessary for authorized employees of the State of California or any city, county, or city and county to perform official duties pursuant to this chapter.

(b) Information identifying the names of patients, their medical conditions, or the names of their primary caregivers received and contained in records kept by the bureau for the purposes of administering this chapter shall be maintained in accordance with Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the California Health and Safety Code, Part 2.6 (commencing with Section 56) of Division 1 of the California Civil Code, and other state and federal laws relating to confidential patient information.

(c) Nothing in this section precludes the following:

(1) Employees of the City notifying state or local agencies about information submitted to the agency that the employee suspects is falsified or fraudulent.

(2) Notifications from the City to state or local agencies about apparent violations of this chapter or applicable local ordinance.

(3) Verification of requests by state or local agencies to confirm licenses and certificates issued by the regulatory authorities or other state agency.

(4) Provision of information requested pursuant to a court order or subpoena issued by a court or an administrative agency or local governing body authorized by law to issue subpoenas.

(d) Information shall not be disclosed by the City beyond what is necessary to achieve the goals of a specific investigation, notification, or the parameters of a specific court order or subpoena.

SECTION 4. FINDINGS REGARDING RIGHTS TO PRIVACY

The People of the City of Campbell find and declare that Section 3 of this act, which adds Section 5.56.100 to the Campbell Municipal Code, Revised, thereby imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the People of the City of Campbell make the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest: the limitation imposed under this act is necessary for purposes of compliance with the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Sec. 1320d et seq.), the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1 of the California Civil Code), and the Insurance Information and Privacy Protection Act (Article 6.6 (commencing with Section 791) of Part 2 of Division 1 of the California Insurance Code).

SECTION 5. SEVERABILITY

The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.



CITY OF CAMPBELL
City Attorney's Office

PLEASE RESPOND TO:

P.O. Box 481
Santa Cruz, CA 95061
TEL 831.423.8383
FAX 831.438.0104

Initiative Measure to be Submitted Directly to the Voters

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

MEDICAL MARIJUANA REGULATION IN CAMPBELL. INITIATIVE ORDINANCE. The initiative would add Chapter 5.56 to the Campbell Municipal Code, establishing a framework to regulate distributors, dispensaries, transporters and testing laboratories for medical cannabis and medical cannabis products ("commercial cannabis activity") in the City of Campbell. The ordinance would require the City to prescribe reasonable rules to govern commercial cannabis activity that are consistent with the proposed ordinance and applicable state laws. In order to assist in developing these regulations, the City may convene an advisory committee, the members of which shall be appointed by the city manager. Once the regulations have been adopted, no one can engage in commercial cannabis activity without obtaining an annual permit from the City. The ordinance declares that any activity conducted by a licensee under the ordinance is expressly deemed not to be inconsistent with federal law as those terms are used in section 21.12.030(F)(2) of the Campbell Municipal Code, and limits commercial cannabis activity to the City's Professional Office, Commercial, Industrial and Planned Development zoning districts, with the exception that a dispensary could deliver medical cannabis to a qualified patient or a primary caregiver at their residence. The ordinance establishes distance requirements from the entrances and exits of properties used for commercial cannabis activity and residentially zoned property, as well as establishing distance requirements from schools, parks, libraries, religious institutions, child care facilities, youth centers, alcohol and drug treatment facilities, and other commercial cannabis activities. All products would be required to be tested at a registered laboratory for concentration and impurities; and dispensaries would be required to impose security measures such as establishing areas limited to dispensary personnel, and storing their products in a locked room or safe. Hours of operation would be limited to 10:00 a.m. to 8:00 p.m. No alcohol could be sold; and no cannabis products or alcohol could be used on the site. No lighting is allowed when the business is closed, except as may be necessary for security. Deliveries could only be performed by a dispensary. The ordinance also establishes requirements for record keeping, and labeling and packaging of products. Additional distance requirements would apply to properties used for cultivation of marijuana. Cultivation is not to be visible from a public street; and the operations are not supposed to subject persons of normal sensitivity to objectionable odors. Provisions also restrict lighting, noise, water usage, and storage, and provide for fencing. The ordinance declares that the identities and conditions of patients and the identities of caregivers are to be considered private. The ordinance provides guidelines for revocation of licenses, as well as penalties for operating without a license.

MEMORANDUM



City of Campbell
City Clerk's Office

To: Honorable Mayor and City Council

Date: February 26, 2016

From: Wendy Wood, City Clerk *WV*

Via: Mark Linder, City Manager

Subject: Desk Item #8 – Revised Notice of Intent to Circulate a Petition for a Marijuana Initiative

On February 25, 2016, the Clerk's Office received a revised Notice of Intent to Circulate a Petition for a Marijuana Initiative, from Kale Schulte. The City Attorney is reviewing the revisions and will provide a title and summary within 15 days of the receipt of the request.

Attached are the submitted documents.

RECEIVED

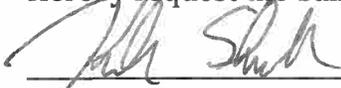
FEB 25 2016

CITY CLERK'S OFFICE

February 25th, 2016

I Kale Schulte,

Hereby request the ballot, title and summary for the attached proposed initiative.



Kale Schulte

2-25-16
Date

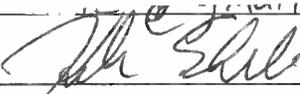
initiative provides a way for the City of Campbell to fulfill that intent and to enhance the quality of life for its residents.

Initiative Proponent- Kale Schulte

Address: 1725 S. Bascom Ave

Phone: _____

E-mail: _____

Signature of Proponent: 

Date: 2-25-16

RECEIVED

FEB 25 2016

Notice of Intent to Circulate Petition

CITY CLERK'S OFFICE

Notice is hereby given by the person(s) whose name appears hereon of their intention to circulate a petition within the City of Campbell for the purpose of amending and restating Campbell Municipal Code. A statement of the reasons of the proposed action as contemplated by the petition is as follows:

Regulation of medical cannabis collectives in the City of Campbell will allow qualified patients seeking medical cannabis for relief from a medical condition to obtain their medication in a controlled and safe environment. Moreover, regulation of medical cannabis collectives will put the City in control of the distribution process and protect citizens from the secondary impacts and effects associated with a ban on the legal sale of medical cannabis.

The Scripps Research Institute, California Pacific Medical Center, Columbia University, University of California, San Diego School of Medicine and many other research centers have conducted studies of the efficacy of cannabis and have reported that many patients with debilitating medical conditions have benefited from the use of cannabis. Some of the medical conditions treated include: nausea, vomiting, cachexia, cancer, premenstrual syndrome, unintentional weight loss, insomnia, lack of appetite, spasticity, neurogenic pain, movement disorders, asthma, glaucoma, epilepsy, Huntington's disease, HIV/AIDS, Parkinson's disease, ALS, PTSD and multiple sclerosis and psoriasis.

Twenty three states plus the District of Columbia have legalized medical cannabis or effectively decriminalized it and other states are considering similar measures. There is growing recognition that cannabis has valuable medicinal uses and bans on its use are counterproductive.

A well regulated medical cannabis distribution system, with clear operational standards, expectations, and limits will greatly reduce many of the problems created by forcing cannabis distribution into illicit channels.

When distributed responsibly, medical cannabis will not increase crime or fund undesirable activity. However, a ban on legitimate distribution that forces desperate patients into back-alley procurement to ease their suffering will endanger the safety of both patients and residents. The regulations proposed will provide the city, law enforcement, dispensary operators, and patients with a clear set of guidelines that must be adhered to. Strict limits on the number and location of dispensaries will ensure safe access for patients and prohibit dispensaries from operating in inappropriate areas.

When California voters approved the Compassionate Use Act of 1996, their intent was clear; individuals suffering from debilitating conditions that could be improved by the use of medical cannabis should have access to that relief in controlled, safe, and legal environment. This

FEB 25 2016

CITY CLERK'S OFFICE

CAMPBELL MEDICAL MARIJUANA REGULATION AND SAFETY ACT OF 2016

The People of the City of Campbell do ordain as follows:

SECTION 1. TITLE

This initiative shall be known and may be cited as the Campbell Medical Marijuana Regulation and Safety Act of 2016.

SECTION 2. FINDINGS AND DECLARATIONS

The People of the City of Campbell find all of the following to be true:

- A. We strongly support the right of seriously ill patients to use medical marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraines, or any other serious illness or condition for which marijuana provides relief.
- B. We oppose the arrest, prosecution, and incarceration of persons legally-qualified under the Compassionate Use Act of 1996, codified as California Health & Safety Code Section 11362.5 and enacted through Proposition 215, the Medical Marijuana Program Act of 2004, as amended, codified as California Health & Safety Code Sections 11362.7 through 11362.83, inclusive, and enacted through Senate Bill 420, and the Medical Marijuana Regulation and Safety Act of 2016, codified as Business & Professions Code Sections 27, 101, and 205.1, California Government Code Section 9147.7, California Health & Safety Code Sections 11362.775 and 19300 through 19355, inclusive, California Labor Code Section 147.5, and California Revenue & Taxation Code Section 31020, by local, state, or federal law enforcement.
- C. The cultivation and provision of medical marijuana should occur in a safe and orderly manner in order to protect patients and the community. In the absence of clear guidelines, there has been a lack of consistency in the permitting and regulation of medical marijuana cultivation and dispensing.
- D. The people of the City of Campbell find and declare that we enact this initiative pursuant to the powers reserved to the State of California, the City of Campbell, and its people under the Tenth Amendment to the United States Constitution.

SECTION 3. ADDITION OF CHAPTER 5.56, "MEDICAL MARIJUANA REGULATION AND SAFETY," TO TITLE 5 OF THE CAMPBELL MUNICIPAL CODE, REVISED

Chapter 5.56, entitled "Medical Marijuana Regulation and Safety" is added to Title 5, entitled "Business Licenses and Regulations," of the Campbell Municipal Code, Revised and shall read as follows:

Chapter 5.56 – Medical Marijuana Regulation and Safety**Part A. Definitions.**

Section 5.56.010. This act shall be known and may be cited as the Campbell Medical Marijuana Regulation and Safety Act of 2016.

Section 5.56.011. For purposes of this chapter, the following definitions shall apply:

(a) “Accrediting body” means a nonprofit organization that requires conformance to ISO/IEC 17025 requirements and is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement for Testing.

(b) “Applicant,” for purposes of Part D (commencing with Section 5.56.040), means the following:

(1) Owner or owners of a proposed facility, including all persons or entities having ownership interest other than a security interest, lien, or encumbrance on property that will be used by the facility.

(2) If the owner is an entity, “owner” includes within the entity each person participating in the direction, control, or management of, or having a financial interest in, the proposed facility.

(3) If the applicant is a publicly traded company, “owner” means the chief executive officer or any person or entity with an aggregate ownership interest of 5 percent or more.

(c) “Batch” means a specific quantity of medical cannabis or medical cannabis products that is intended to have uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.

(d) “Bureau” means the Bureau of Medical Marijuana Regulation within the California Department of Consumer Affairs.

(e) “Cannabinoid” or “phytocannabinoid” means a chemical compound that is unique to and derived from cannabis.

(f) “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from marijuana. “Cannabis” also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, “cannabis” does not mean “industrial hemp” as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

- (g) “Cannabis concentrate” means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product’s potency. An edible medical cannabis product is not considered food, as defined by Section 109935 of the California Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.
- (h) “Caregiver” or “primary caregiver” has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.
- (i) “Certificate of accreditation” means a certificate issued by an accrediting body to a licensed testing laboratory, entity, or site to be registered in the state.
- (j) “Chief” means Chief of the Bureau of Medical Marijuana Regulation within the California Department of Consumer Affairs.
- (k) “Commercial cannabis activity” includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis product, except as set forth in Section 5.56.040, related to qualifying patients and primary caregivers.
- (l) “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- (m) “Delivery” means the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the bureau to a primary caregiver or qualified patient as defined in Section 11362.7 of the California Health and Safety Code, or a testing laboratory. “Delivery” also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed under this chapter, that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.
- (n) “Dispensary” means a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to express authorization by local ordinance, medical cannabis and medical cannabis products as part of a retail sale.
- (o) “Dispensing” means any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.
- (p) “Distribution” means the procurement, sale, and transport of medical cannabis and medical cannabis products between entities licensed pursuant to this chapter.
- (q) “Distributor” means a person licensed under this chapter to engage in the business of purchasing medical cannabis from a licensed cultivator, or medical cannabis products from a licensed manufacturer, for sale to a licensed dispensary.

(r) “Dried flower” means all dead medical cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

(s) “Edible cannabis product” means manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum. An edible medical cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the Health and Safety Code.

(t) “Identification program” means the universal identification certificate program for commercial medical cannabis activity authorized by the California Medical Marijuana Regulation and Safety Act.

(u) “Licensing authority” means the agency responsible for the issuance, renewal, or reinstatement of the license, or the agency authorized to take disciplinary action against the license.

(v) “Cultivation site” means a facility where medical cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, and that holds a valid license pursuant to this chapter.

(w) “Manufacturer” means a person that conducts the production, preparation, propagation, or compounding of manufactured medical cannabis, as described in subdivision (ae), or medical cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or medical cannabis products or labels or relabels its container, that holds a valid state license pursuant to this chapter, and that holds a valid local license or permit.

(x) “Testing laboratory” means a facility, entity, or site in the state that offers or performs tests of medical cannabis or medical cannabis products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state.

(2) Registered with the State Department of Public Health.

(y) “Transporter” means a person issued a license to transport medical cannabis or medical cannabis products in an amount above a threshold determined by the Bureau between facilities that have been issued a state license pursuant to this chapter.

(z) “Licensee” means a person issued a license under this chapter to engage in commercial cannabis activity.

(aa) “Live plants” means living medical cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.

(ab) “Lot” means a batch, or a specifically identified portion of a batch, having uniform character and quality within specified limits. In the case of medical cannabis or a medical cannabis product produced by a continuous process, “lot” means a specifically identified amount produced in a unit of time or a quantity in a manner that ensures its having uniform character and quality within specified limits.

(ac) “Manufactured cannabis” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.

(ad) “Manufacturing site” means a location that produces, prepares, propagates, or compounds manufactured medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.

(ae) “Medical cannabis,” “medical cannabis product,” or “cannabis product” means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of California the Health and Safety Code. For the purposes of this chapter, “medical cannabis” does not include “industrial hemp” as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

(af) “Nursery” means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis.

(ag) “Permit,” “local license,” or “local permit” means an official document granted by the City that specifically authorizes a person to conduct commercial cannabis activity in the City.

(ah) “Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

(ai) “State license,” “license,” or “registration” means a state license issued by the Bureau.

(aj) “Topical cannabis” means a product intended for external use. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.

(ak) “Transport” means the transfer of medical cannabis or medical cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to this chapter.

Section 5.56.012. License classifications pursuant to this chapter are as follows:

(a) Type 1 = Cultivation; Specialty outdoor; Small – consisting of up to 5,000 square feet of canopy, or up to 50 noncontiguous plants.

(b) Type 1A = Cultivation; Specialty indoor; Small – consisting of up to 5,000 square feet of canopy, or up to 50 noncontiguous plants, using exclusively artificial lighting.

(c) Type 1B = Cultivation; Specialty mixed-light; Small – consisting of up to 5,000 square feet of canopy, or up to 50 noncontiguous plants, using a combination of artificial and natural lighting.

(d) Type 2 = Cultivation; Outdoor; Small – consisting of 5,001 to 10,000 square feet of canopy.

(e) Type 2A = Cultivation; Indoor; Small – consisting of 5,001 to 10,000 square feet of canopy, using exclusively artificial lighting.

(f) Type 2B = Cultivation; Mixed-light; Small – consisting of 5,001 to 10,000 square feet of canopy, using a combination of artificial and natural lighting.

(g) Type 3 = Cultivation; Outdoor; Medium – consisting of 10,001 square feet to one (1) acre of canopy.

(h) Type 3A = Cultivation; Indoor; Medium – consisting of 10,001 square feet to 22,000 square feet of canopy, using exclusively artificial lighting.

(i) Type 3B = Cultivation; Mixed-light; Medium – consisting of 10,001 square feet to 22,000 square feet of canopy, using a combination of artificial and natural lighting.

(j) Type 4 = Cultivation; Nursery.

(k) Type 6 = Manufacturer 1.

(l) Type 7 = Manufacturer 2.

(m) Type 8 = Testing.

(n) Type 10 = Dispensary.

(o) Type 11 = Distribution.

(p) Type 12 = Transporter.

Part B. Administration

Section 5.56.020. Protection of the public shall be the highest priority for the City in exercising its licensing, regulatory, and disciplinary functions under this chapter. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

Section 5.56.021. The City shall make and prescribe reasonable rules as may be necessary or proper to carry out the purposes and intent of this chapter and to enable it to exercise the powers and duties conferred upon it by this chapter, not inconsistent with any statute of this state, including particularly this chapter and Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. For the performance of its duties, the bureau has the power conferred by Sections 11180 to 11191, inclusive, of the California Government Code.

Section 5.56.022. Notice of any action of the licensing authority required by this chapter to be given may be signed and given by the director or an authorized employee of the department and may be made personally or in the manner prescribed by Section 1013 of the California Code of Civil Procedure.

Section 5.56.023.

(a) The City may convene an advisory committee to advise the City on the development of standards and regulations pursuant to this chapter, including best practices and guidelines to ensure qualified patients have adequate access to medical cannabis and medical cannabis products. The advisory committee members shall be determined by the city manager.

(b) The advisory committee members may include, but not be limited to, representatives of the medical marijuana industry, representatives of medical marijuana cultivators, appropriate local agencies, appropriate local law enforcement, physicians, environmental and public health experts, and medical marijuana patient advocates.

Section 5.56.024. The City may make or cause to be made such investigation as it deems necessary to carry out its duties under this chapter.

Section 5.56.025. For any hearing held pursuant to this chapter, the City may delegate the power to hear and decide to an administrative law judge. Any hearing before an administrative law judge shall be pursuant to the procedures, rules, and limitations prescribed in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the California Government Code.

Section 5.56.026. In any hearing before the City pursuant to this chapter, the City may pay any person appearing as a witness at the hearing at the request of the City pursuant to a subpoena, his or her actual, necessary, and reasonable travel, food, and lodging expenses, not to exceed the amount authorized for state employees.

Section 5.56.027. The City may on its own motion at any time before a penalty assessment is placed into effect and without any further proceedings, review the penalty, but such review shall be limited to its reduction.

Part C. Enforcement

Section 5.56.030. Grounds for disciplinary action include:

- (a) Failure to comply with the provisions of this chapter or any rule or regulation adopted pursuant to this chapter.
- (b) Conduct that constitutes grounds for denial of licensure pursuant to Title 5 of the Campbell Municipal Code, Revised.
- (c) Any other grounds contained in regulations adopted by the City pursuant to this chapter.
- (d) Failure to comply with any state law, except as provided for in this chapter or other California law.

Section 5.56.031. The City may suspend or revoke licenses, after proper notice and hearing to the licensee, if the licensee is found to have committed any of the acts or omissions constituting grounds for disciplinary action. The disciplinary proceedings under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the California Government Code, and the City shall have all the powers granted therein.

Section 5.56.032. The City may take disciplinary action against a licensee for any violation of this chapter when the violation was committed by the licensee's agent or employee while acting on behalf of the licensee or engaged in commercial cannabis activity.

Section 5.56.033. Upon suspension or revocation of a license, the City shall inform the Bureau, who is previously tasked under the California Medical Marijuana Regulation and Safety Act (AB 266) with informing all other licensing authorities and the Department of Food and Agriculture.

Section 5.56.034. All accusations against licensees shall be filed by the City within five years after the performance of the act or omission alleged as the ground for disciplinary action; provided, however, that the foregoing provision shall not constitute a defense to an accusation alleging fraud or misrepresentation as a ground for disciplinary action. The cause for disciplinary action in such case shall not be deemed to have accrued until discovery, by the City, of the facts constituting the fraud or misrepresentation, and, in such case, the accusation shall be filed within five years after such discovery.

Section 5.56.035. Nothing in this chapter shall be interpreted to supersede or limit state agencies from exercising their existing enforcement authority under the California Fish and Game Code, the California Water Code, the California Food and Agricultural Code, or the California Health and Safety Code.

Section 5.56.036.

(a) The actions of a licensee, its employees, and its agents that are (1) permitted pursuant to a license or permit issued by the City, and (2) conducted in accordance with the requirements of this chapter and regulations adopted pursuant to this chapter, are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law.

(b) The actions of a person who, in good faith, allows his or her property to be used by a licensee, its employees, and its agents, as permitted pursuant to a City license or permit following the requirements of the applicable local ordinances, are not unlawful under state law and shall not be an offense subject to arrest, prosecution, or other sanction under state law, or be subject to a civil fine or be a basis for seizure or forfeiture of assets under state law.

Section 5.56.037.

(a) A person engaging in commercial cannabis activity without a license required by this chapter shall be subject to civil penalties of up to twice the amount of the license fee for each violation, and the court may order the destruction of medical cannabis associated with that violation in accordance with Section 11479 of the California Health and Safety Code. Each day of operation shall constitute a separate violation of this section. All civil penalties imposed and collected pursuant to this section shall be deposited into the City's general treasury.

(b) If an action for civil penalties is brought against a licensee pursuant to this chapter by the City Attorney or City Prosecutor or the California Attorney General on behalf of the people, the penalty collected shall be deposited into the City's general treasury.

(c) Notwithstanding subdivision (a), criminal penalties shall continue to apply to an unlicensed person engaging in commercial cannabis activity in violation of this chapter, including, but not limited to, those individuals covered under Section 11362.7 of the California Health and Safety Code.

Part D. Licensing

Section 5.56.040.

(a) The City may issue licenses only to qualified applicants engaging in commercial cannabis activity pursuant to this chapter. Upon the date of implementation of regulations by the City, no person shall engage in commercial cannabis activity without possessing a permit or license from the City.

(b) Revocation of the City's license or permit shall terminate the ability of a medical cannabis business to operate within the City until the City reinstates or reissues the license or permit. The City shall notify the Bureau upon revocation of the City license or permit.

(c) Upon the Bureau's issuance of licenses under the California Medical Marijuana Regulation and Safety Act, a licensee shall be required to maintain a license issued by the Bureau subject to all of the requirements thereof. Revocation of a state license shall terminate the ability of a

medical cannabis licensee to operate within the City until the Bureau reinstates or reissues the state license.

(d) Each licensee shall obtain a separate license for each location where it engages in commercial medical cannabis activity. However, transporters only need to obtain licenses for each physical location where the licensee conducts business while not in transport, or any equipment that is not currently transporting medical cannabis or medical cannabis products, permanently resides.

(e) Nothing in this chapter shall be construed to supersede or limit state agencies, including the State Water Resources Control Board and Department of Fish and Wildlife, from establishing fees to support their medical cannabis regulatory programs.

Section 5.56.041. A license issued pursuant to this Chapter section shall be valid for 12 months from the date of issuance. The license shall be renewed annually.

Section 5.56.042. No license shall be issued by the City for commercial cannabis activity in any zone in the City other than the commercial (P-O, C-1, C-2, and C-3), manufacturing (C-M and M-1), and Planned Development (P-D) zones, except that a dispensary may engage in delivery of medical cannabis to a qualified patient or primary caregiver at the residence of such qualified patient or primary caregiver. Any activity conducted by a licensee pursuant to this Chapter is expressly deemed not to be inconsistent with federal law as those terms are used in Section 21.12.030(F)(2) of the Campbell Municipal Code, Revised.

Part E. Medical Marijuana Regulation

Section 5.56.050.

(a) A person other than a licensed transporter shall not transport medical cannabis or medical cannabis products from one licensee to another licensee, unless otherwise specified in this chapter.

(b) All licensees holding cultivation or manufacturing licenses shall send all medical cannabis and medical cannabis products cultivated or manufactured to a distributor, as defined in Section 5.56.011, for quality assurance and inspection by the Type 11 licensee and for a batch testing by a Type 8 licensee prior to distribution to a dispensary. Those licensees holding a Type 10A license in addition to a cultivation license or a manufacturing license shall send all medical cannabis and medical cannabis products to a Type 11 licensee for presale inspection and for a batch testing by a Type 8 licensee prior to dispensing any product. The licensing authority shall fine a licensee who violates this subdivision in an amount determined by the licensing authority to be reasonable.

(c) (1) Upon receipt of medical cannabis or medical cannabis products by a holder of a cultivation or manufacturing license, the Type 11 licensee shall first inspect the product to ensure the identity and quantity of the product and then ensure a random sample of the medical cannabis or medical cannabis product is tested by a Type 8 licensee prior to distributing the batch of medical cannabis or medical cannabis products.

(2) Upon issuance of a certificate of analysis by the Type 8 licensee that the product is fit for manufacturing or retail, all medical cannabis and medical cannabis products shall undergo a quality assurance review by the Type 11 licensee prior to distribution to ensure the quantity and content of the medical cannabis or medical cannabis product, and for tracking and taxation purposes by the state. Licensed cultivators and manufacturers shall package or seal all medical cannabis and medical cannabis products in tamper-evident packaging and use a unique identifier, as prescribed by the California Department of Food and Agriculture, when such unique identifiers are prescribed by the California Department of Food and Agriculture for the purpose of identifying and tracking medical cannabis or medical cannabis products. Medical cannabis and medical cannabis products shall be labeled as required by Section 5.56.056. All packaging and sealing shall be completed prior to medical cannabis or medical cannabis products being transported or delivered to a licensee, qualified patient, or caregiver.

(3) This section does not limit the ability of licensed cultivators, manufacturers, and dispensaries to directly enter into contracts with one another indicating the price and quantity of medical cannabis or medical cannabis products to be distributed. However, a Type 11 licensee responsible for executing the contract is authorized to collect a fee for the services rendered, including, but not limited to, costs incurred by a Type 8 licensee, as well as applicable state or local taxes and fees.

(d) Medical cannabis and medical cannabis products shall be tested by a registered testing laboratory, prior to retail sale or dispensing, as follows:

(1) Medical cannabis from dried flower shall, at a minimum, be tested for concentration, pesticides, mold, and other contaminants.

(2) Medical cannabis extracts shall, at a minimum, be tested for concentration and purity of the product.

(3) This chapter shall not prohibit a licensee from performing on-site testing for the purposes of quality assurance of the product in conjunction with reasonable business operations. On-site testing by the licensee shall not be certified by the State Department of Public Health.

(e) All commercial cannabis activity shall be conducted between licensees, when these are available.

Section 5.56.051.

(a) A licensee shall keep accurate records of commercial cannabis activity.

(b) All records related to commercial cannabis activity as defined by this Chapter shall be maintained for a minimum of seven years.

(c) The City may examine the books and records of a licensee and inspect the premises of a licensee as the City deems necessary to perform its duties under this chapter. All inspections shall be conducted during standard business hours of the licensed facility or at any other reasonable time.

(d) Licensees shall keep records identified by the licensing authorities on the premises of the location licensed. The City may make any examination of the records of any licensee. Licensees shall also provide and deliver copies of documents to the City upon request.

(e) A licensee or its agent, or employee, that refuses, impedes, obstructs, or interferes with an inspection of the premises or records of the licensee pursuant to this section has engaged in a violation of this chapter.

(f) If a licensee or an employee of a licensee fails to maintain or provide the records required pursuant to this section, the licensee shall be subject to a citation and fine of thirty thousand dollars (\$30,000) per individual violation.

Section 5.56.052.

(a) A licensee may only hold a license in up to two separate license categories, as follows:

(1) Type 1, 1A, 1B, 2, 2A, or 2B licensees may also hold either a Type 6 or 7 state license.

(2) Type 6 or 7 licensees, or a combination thereof, may also hold either a Type 1, 1A, 1B, 2, 2A, or 2B state license.

(3) Type 6 or 7 licensees, or a combination thereof, may also hold a Type 10A state license.

(4) Type 10A licensees may also hold either a Type 6 or 7 state license, or a combination thereof.

(5) Type 1, 1A, 1B, 2, 2A, or 2B licensees, or a combination thereof, may also hold a Type 10A state license.

(6) Type 10A licensees may apply for Type 1, 1A, 1B, 2, 2A, or 2B state license, or a combination thereof.

(7) Type 11 licensees shall apply for a Type 12 state license, but shall not apply for any other type of state license.

(8) Type 12 licensees may apply for a Type 11 state license.

(9) A Type 10A licensee may apply for a Type 6 or 7 state license and hold a 1, 1A, 1B, 2, 2A, 2B, 3, 3A, 3B, 4 or combination thereof if, under the 1, 1A, 1B, 2, 2A, 2B, 3, 3A, 3B, 4 or combination of licenses thereof, no more than four acres of total canopy size of cultivation by the licensee is occurring throughout the state during the period that the respective licenses are valid.

(b) Except as provided in subdivision (a), a person or entity that holds a license is prohibited from licensure for any other activity authorized under this chapter, and is prohibited from

holding an ownership interest in real property, personal property, or other assets associated with or used in any other license category.

Section 5.56.053. A licensee shall not also be licensed as a retailer of alcoholic beverages pursuant to Division 9 (commencing with Section 23000) of the California Business & Professions Code.

Section 5.56.054. This chapter shall not interfere with an employer's rights and obligations to maintain a drug and alcohol free workplace or require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of cannabis in the workplace or affect the ability of employers to have policies prohibiting the use of cannabis by employees and prospective employees, or prevent employers from complying with state or federal law.

Section 5.56.055.

No license shall be issued for commercial cannabis activity to be conducted on premises that provides ingress or egress to its premises on any side of the location that (i) abuts, (ii) is across a street, alley or walk from, as measured at 90 degrees from the lot lines of the location, or (iii) has a common corner with any land zoned residential, except that an exit door required by the Campbell Municipal Code, Revised may be maintained for emergency egress only and must be locked from the exterior at all times. The above notwithstanding, this subsection shall not prohibit a licensee from locating across a street from, or having a common corner with, any land zoned residential if the licensee's premises are separated from that residential zone by a public thoroughfare with a minimum roadway width of 80 feet.

Section 5.56.056.

(a) Prior to delivery or sale at a dispensary, medical cannabis products shall be labeled and in a tamper-evident package. Labels and packages of medical cannabis products shall meet the following requirements:

- (1) Medical cannabis packages and labels shall not be made to be attractive to children.
- (2) All medical cannabis product labels shall include the following information, prominently displayed and in a clear and legible font:
 - (A) Manufacture date and source.
 - (B) The statement "SCHEDULE I CONTROLLED SUBSTANCE."
 - (C) The statement "KEEP OUT OF REACH OF CHILDREN AND ANIMALS" in bold print.
 - (D) The statement "FOR MEDICAL USE ONLY."
 - (E) The statement "THE INTOXICATING EFFECTS OF THIS PRODUCT MAY BE DELAYED BY UP TO TWO HOURS."

(F) The statement “THIS PRODUCT MAY IMPAIR THE ABILITY TO DRIVE OR OPERATE MACHINERY. PLEASE USE EXTREME CAUTION.”

(G) For packages containing only dried flower, the net weight of medical cannabis in the package.

(H) A warning if nuts or other known allergens are used.

(I) List of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, servings per package, and the THC and other cannabinoid amount in milligrams for the package total.

(J) Clear indication, in bold type, that the product contains medical cannabis.

(K) Identification of the source and date of cultivation and manufacture.

(L) Any other requirement set by the Bureau.

(M) Information associated with the unique identifier issued by the Department of Food and Agriculture pursuant to Section 11362.777 of the California Health and Safety Code.

(b) Only generic food names may be used to describe edible medical cannabis products.

Part F. Licensed Distributors, Dispensaries, and Transporters

Section 5.56.060. A Type 11 licensee shall hold a Type 12, or transporter, license and register each location where product is stored for the purposes of distribution. A Type 11 licensee shall not hold a license in a cultivation, manufacturing, dispensing, or testing license category and shall not own, or have an ownership interest in, a facility licensed in those categories other than a security interest, lien, or encumbrance on property that is used by a licensee. A Type 11 licensee shall be bonded and insured at a minimum level established by the City, but in no event less than the minimum level required for persons delivering prescription drugs.

Section 5.56.061.

(a) The City shall not issue more than three (3) Type 10 licenses that are active and current at any time.

(b) A licensed dispensary shall implement sufficient security measures to both deter and prevent unauthorized entrance into areas containing medical cannabis or medical cannabis products and theft of medical cannabis or medical cannabis products at the dispensary. These security measures shall include, but not be limited to, all of the following:

(1) Preventing individuals from remaining on the premises of the dispensary if they are not engaging in activity expressly related to the operations of the dispensary.

(2) Establishing limited access areas accessible only to authorized dispensary personnel.

(3) Storing all finished medical cannabis and medical cannabis products in a secured and locked room, safe, or vault, and in a manner as to prevent diversion, theft, and loss, except for limited amounts of cannabis used for display purposes, samples, or immediate sale.

(c) A dispensary shall notify the licensing authority and the appropriate law enforcement authorities within 24 hours after discovering any of the following:

(1) Significant discrepancies of more than five percent (5%) identified during inventory

(2) Diversion, theft, loss, or any criminal activity involving the dispensary or any agent or employee of the dispensary.

(3) The loss or unauthorized alteration of records related to cannabis, registered qualifying patients, primary caregivers, or dispensary employees or agents.

(4) Any other breach of security.

(d) Every dispensary must abide by the following operational controls, and failure to do so is grounds for revocation of its license:

(1) No dispensary may remain open and/or operating between the hours of 8 PM and 10 AM;

(2) No dispensary shall permit marijuana and/or alcohol consumption at the premises or in any area of the location used for parking any vehicle;

(3) No dispensary may permit entry of a minor unaccompanied by a parent or legal guardian on its premises;

(4) No dispensary shall permit any cannabis or cannabis products to be visible from the exterior of the premises; and

(5) No dispensary may illuminate any portion of its premises during closure hours by lighting that is visible from the exterior of the premises, except such lighting as is reasonably utilized for the security of the premises.

Section 5.56.062. A Type 12 licensee shall be bonded and insured at a minimum level established by the licensing authority.

Part G. Delivery

Section 5.56.070.

(a) Deliveries, as defined in this chapter, can only be made by a dispensary.

(b) Upon approval of the licensing authority, a licensed dispensary that delivers medical cannabis or medical cannabis products shall require all employees of a dispensary delivering medical cannabis or medical cannabis products shall carry a copy of the dispensary's current license authorizing those services with them during deliveries and the employee's government-issued identification, and shall present that license and identification upon request to state and local law enforcement, employees of regulatory authorities, and other state and local agencies enforcing this chapter.

(c) During delivery, the licensee shall maintain a physical copy of the delivery request and shall make it available upon request of the City and/or City law enforcement officers. The delivery request documentation shall comply with state and federal law regarding the protection of confidential medical information.

(d) The qualified patient or primary caregiver requesting the delivery shall maintain a copy of the delivery request and shall make it available, upon request, to the City and/or City law enforcement officers.

Part H. Licensed Manufacturers and Licensed Laboratories

Section 5.56.080. Licenses to be issued are as follows:

(a) "Manufacturing level 1," for manufacturing sites that produce medical cannabis products using nonvolatile solvents.

(b) "Manufacturing level 2," for manufacturing sites that produce medical cannabis products using volatile solvents. The City shall limit the number of licenses of this type to not more than two (2).

(c) "Testing," for testing of medical cannabis and medical cannabis products. Testing licensees shall have their facilities licensed according to regulations set forth by the California Medical Marijuana Regulation and Safety Act. A testing licensee shall not hold a license in another license category of this chapter and shall not own or have ownership interest in a facility licensed pursuant to this chapter.

Section 5.56.081.

(a) For the purposes of testing medical cannabis or medical cannabis products, licensees shall use a licensed testing laboratory that has adopted a standard operating procedure using methods consistent with general requirements for the competence of testing and calibration activities, including sampling, using standard methods established by the International Organization for Standardization, specifically ISO/IEC 17020 and ISO/IEC 17025 to test medical cannabis and medical cannabis products that are approved by an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement.

(b) An agent of a licensed testing laboratory shall obtain samples according to a statistically valid sampling method for each lot.

(c) A licensed testing laboratory shall analyze samples according to either of the following:

(1) The most current version of the cannabis inflorescence monograph published by the American Herbal Pharmacopoeia.

(2) Scientifically valid methodology that is demonstrably equal or superior to paragraph (1), in the opinion of the accrediting body.

(d) If a test result falls outside the specifications authorized by law or regulation, the licensed testing laboratory shall follow a standard operating procedure to confirm or refute the original result.

(e) A licensed testing laboratory shall destroy the remains of the sample of medical cannabis or medical cannabis product upon completion of the analysis.

Section 5.56.081. A licensed testing laboratory shall not handle, test, or analyze medical cannabis or medical cannabis products unless the licensed testing laboratory meets all of the following:

(a) Is registered by the State Department of Public Health.

(b) Is independent from all other persons and entities involved in the medical cannabis industry.

(c) Follows the methodologies, ranges, and parameters that are contained in the scope of the accreditation for testing medical cannabis or medical cannabis products. The testing lab shall also comply with any other requirements specified by the State Department of Public Health.

(d) Notifies the State Department of Public Health within one business day after the receipt of notice of any kind that its accreditation has been denied, suspended, or revoked.

(e) Has established standard operating procedures that provide for adequate chain of custody controls for samples transferred to the licensed testing laboratory for testing.

Section 5.56.082.

(a) A licensed testing laboratory shall issue a certificate of analysis for each lot, with supporting data, to report both of the following:

(1) Whether the chemical profile of the lot conforms to the specifications of the lot for compounds, including, but not limited to, all of the following:

(A) Tetrahydrocannabinol (THC).

(B) Tetrahydrocannabinolic Acid (THCA).

(C) Cannabidiol (CBD).

(D) Cannabidiolic Acid (CBDA).

(E) The terpenes described in the most current version of the cannabis inflorescence monograph published by the American Herbal Pharmacopoeia.

(F) Cannabigerol (CBG).

(G) Cannabinol (CBN).

(H) Any other compounds required by the State Department of Public Health.

(2) That the presence of contaminants does not exceed the levels that are the lesser of either the most current version of the American Herbal Pharmacopoeia monograph or the State Department of Public Health. For purposes of this paragraph, contaminants includes, but is not limited to, all of the following:

(A) Residual solvent or processing chemicals.

(B) Foreign material, including, but not limited to, hair, insects, or similar or related adulterant.

(C) Microbiological impurity, including total aerobic microbial count, total yeast mold count, *P. aeruginosa*, *aspergillus* spp., *s. aureus*, aflatoxin B1, B2, G1, or G2, or ochratoxin A.

(D) Whether the batch is within specification for odor and appearance.

(b) Residual levels of volatile organic compounds shall be below the lesser of either the specifications set by the United States Pharmacopeia (U.S.P. Chapter 467) or those set by the State Department of Public Health.

Section 5.56.083.

(a) Except as provided in this chapter, a licensed testing laboratory shall not acquire or receive medical cannabis or medical cannabis products except from a licensed facility in accordance with this chapter, and shall not distribute, sell, deliver, transfer, transport, or dispense medical cannabis or medical cannabis products, from which the medical cannabis or medical cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.

(b) A licensed testing laboratory may receive and test samples of medical cannabis or medical cannabis products from a qualified patient or primary caregiver only if he or she presents his or her valid recommendation for cannabis for medical purposes from a physician. A licensed testing laboratory shall not certify samples from a qualified patient or caregiver for resale or transfer to another party or licensee. All tests performed by a licensed testing laboratory for a qualified patient or caregiver shall be recorded with the name of the qualified patient or caregiver and the amount of medical cannabis or medical cannabis product received.

Part I. Cultivation.

Section 5.56.090.

(a) The cultivation of marijuana, whether grown commercially or individually, in any amount or quantity, shall not be allowed in the following areas:

(1) Outdoors within one hundred (100) feet of any occupied legal residential structure located on a separate parcel;

(2) Outdoors in a mobile home park as defined in Health and Safety Code Section 18214.1 within one hundred (100) feet of an occupied mobile home that is under separate ownership;

(3) In any location where the marijuana plants are visible from the public right of way or publicly traveled private roads.

(4) Outdoors within fifty (50) feet of a parcel under separate ownership.

(b) The distance between the above-listed uses in subsection (a) and marijuana that is being cultivated shall be measured in a straight line from the nearest point of the fence required in Section 5.56.091, or if the marijuana is cultivated indoors, from the nearest exterior wall of the building in which the marijuana is cultivated to the nearest boundary line of the property on which the facility, building, or structure, or portion of the facility, building, or structure in which the above-listed use occurs is located. The distance in subsections (a)(2) and (a)(3) to any residential structure shall be measured from the fence required in Section 5.56.091 to the nearest exterior wall of the residential structure.

Section 5.56.091.

(a) It is declared to be unlawful for any person owning, leasing, occupying, or having charge or possession of any parcel of land within the City to cause or allow such parcel of land to be used for the outdoor or indoor cultivation of marijuana plants for medicinal purposes in excess of the limitations imposed by the California Health & Safety Code.

(b) The indoor or outdoor cultivation of marijuana shall not subject residents of neighboring parcels who are of normal sensitivity to objectionable odors.

(c) The use of light assistance for the outdoor cultivation of marijuana shall not exceed a maximum of six hundred (600) watts of lighting capacity per one hundred (100) square feet of growing area.

(d) All lights used for the cultivation of marijuana shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they are placed.

(e) The indoor or outdoor cultivation of marijuana shall not exceed the noise level standards as set forth in the Campbell Municipal Code, Revised.

(f) The indoor or outdoor cultivation of marijuana shall not utilize water that has been or is illegally diverted from any stream, creek, or river.

(g) The indoor or outdoor cultivation of marijuana shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water.

(h) All marijuana grown outdoors must be within a secure fence at least six (6) feet in height that fully encloses the immediate garden area. The fence must include a lockable gate that is locked at all times when a qualified patient or caregiver is not in the immediate area. Said fence shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth except shade cloth may be used on the inside of the fence.

(i) All buildings where marijuana is cultivated or stored shall be properly secured to prevent unauthorized entry.

(j) Nothing in this Section shall be construed as a limitation on the City's authority to abate any violation which may exist from the cultivation of marijuana plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure building.

Part J. Privacy

Section 5.56.100.

(a) Information identifying the names of patients, their medical conditions, or the names of their primary caregivers received and contained in records kept by the City for the purposes of administering this chapter are confidential and shall not be disclosed pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), except as necessary for authorized employees of the State of California or any city, county, or city and county to perform official duties pursuant to this chapter.

(b) Information identifying the names of patients, their medical conditions, or the names of their primary caregivers received and contained in records kept by the bureau for the purposes of administering this chapter shall be maintained in accordance with Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the California Health and Safety Code, Part 2.6 (commencing with Section 56) of Division 1 of the California Civil Code, and other state and federal laws relating to confidential patient information.

(c) Nothing in this section precludes the following:

(1) Employees of the City notifying state or local agencies about information submitted to the agency that the employee suspects is falsified or fraudulent.

(2) Notifications from the City to state or local agencies about apparent violations of this chapter or applicable local ordinance.

(3) Verification of requests by state or local agencies to confirm licenses and certificates issued by the regulatory authorities or other state agency.

(4) Provision of information requested pursuant to a court order or subpoena issued by a court or an administrative agency or local governing body authorized by law to issue subpoenas.

(d) Information shall not be disclosed by the City beyond what is necessary to achieve the goals of a specific investigation, notification, or the parameters of a specific court order or subpoena.

SECTION 4. FINDINGS REGARDING RIGHTS TO PRIVACY

The People of the City of Campbell find and declare that Section 3 of this act, which adds Section 5.56.100 to the Campbell Municipal Code, Revised, thereby imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the People of the City of Campbell make the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest: the limitation imposed under this act is necessary for purposes of compliance with the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Sec. 1320d et seq.), the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1 of the California Civil Code), and the Insurance Information and Privacy Protection Act (Article 6.6 (commencing with Section 791) of Part 2 of Division 1 of the California Insurance Code).

SECTION 5. SEVERABILITY

The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Not to get preachy, but it probably shouldn't be this way. We're talking about a semi-thankless profession, in which solitude is the biggest bonus. Tips are nice, but odds are you won't clock more than \$100 per night. Not to mention, you're wearing down your own vehicle, and opportunities for career advancement are slim.

“

In 2014 alone, at least 20 pizza delivery drivers were shot in the US.

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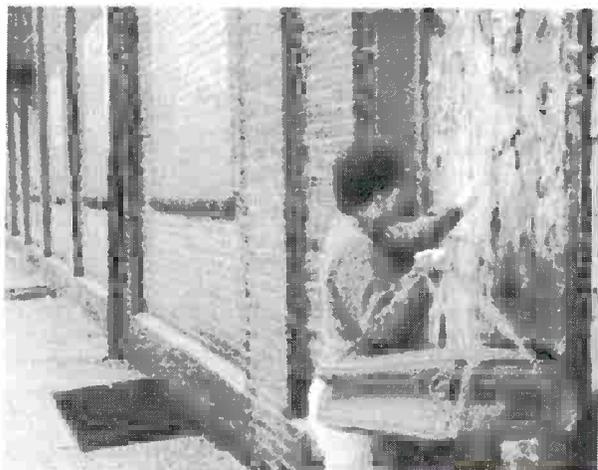
Compounding all these lowlights is a high risk of bodily harm; the Bureau of Labor Statistics routinely ranks pizza delivery as one of America's most dangerous jobs. Facing this kind of risk, how can we possibly expect people to go out there and drive our food around?

In some sense, it's remarkable that jacking delivery drivers is a relatively new crime. It's only been in the past decade or so that reports started funneling in; over the last few years these incidents have skyrocketed. In 2014 alone, at least 20 pizza delivery drivers were shot in the US. Ronald Strehle, a crime prevention officer with the Dayton (OH) Police Department, says things first started to go south back in 2010.

“Over the course of one summer, we saw [driver] robberies go up by 400 percent,” he says. He speculates that word of mouth was spreading fast among would-be criminals: pizza drivers are soft targets. They're alone, presumably unarmed, carrying cash and food. You can also snag yourself a car!

Pizza Delivery: Street Smart

Posted on [February 17, 2014](#) by [Nora Caley](#)



Pizza delivery can be dangerous, but there is some good news. The job is not as dangerous as people think, and technology can help make the work safer.

Although pizza delivery is often mentioned as one of the ten most dangerous occupations, no such list exists. According to the U.S. Bureau of Labor Statistics, out of 4,609 fatal work injuries recorded in

the United States in 2011, 759 of those deaths were among driver/sales workers and truck drivers. Pizza delivery drivers would indeed be included in that category, says Andrew Kato, an economist with the Occupational Safety and Health Statistics program of the BLS. But the segment also includes, for example, drivers who pick up or deliver laundry on a regular route.

"We are not aware of anyone who has data with such a specific occupational coding system that they would be able to identify specifically pizza delivery personnel," Kato says.

Still, a glance at daily headlines prove it's not the safest job in the world. The way the National Institute for Occupational Safety and Health (NIOSH) explains it, factors that put drivers at risk include working with the public, working with cash, working alone, working at night and working in high-crime areas. In addition, pizza delivery drivers risk being injured or killed in traffic accidents, or even slipping on the stairs of a customer's home.

Operators know they have to do more than tell drivers to carry less than \$20 and to turn back if a delivery address looks suspicious. Mark Scriven, district manager for delivery and takeout for Austin, Texas-based Gatti's Pizza, says 50 to 55 percent of delivery orders are paid with credit cards. That decreases the amount of cash the drivers carry, making them less of a crime target. For the cash orders, the safe box and the point of sale system have controls. "A screen pops up, and you can't get the ticket for another delivery unless you drop the money," Scriven says.

Table 1. Fatal occupational injuries by event or exposure, California, 2012-2013

Event or exposure ⁽¹⁾	2012 ⁽²⁾	2013 ^(p)	
	Number	Number	Percent
Total	375	385	100
Violence and other injuries by persons or animals	80	76	20
Intentional injury by person	71	69	18
Intentional injury by other person	43	41	11
Shooting by other person--intentional	32	30	8
Stabbing, cutting, slashing, piercing	4	5	1
Hitting, kicking, beating, shoving	4	3	1
Self-inflicted injury--intentional	28	28	7
Shooting--intentional self-harm	7	13	3
Hanging, strangulation, asphyxiation--intentional self-harm	14	8	2
Jumping from building or other structure--intentional self-harm	—	3	1
Injury by person--unintentional or intent unknown	4	4	1
Self-inflicted injury--unintentional or intent unknown	4	3	1
Drug overdose--intent unknown	—	3	1
Animal and insect related incidents	5	3	1

CAMPBELL DELIVERY PATIENTS

Patient Name	Street number	Address	Unit #	Phone Number
Removed for Privacy	Removed for Privacy	Sharp Ave Campbell, Ca, 95008	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	White Oaks Rd, Campbell,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Redding Rd, Campbell, Ca,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Bascom Ave Campbell,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	S Bascom Ave Campbell, Ca, 95008	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Shelly Ave Campbell, Ca,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	El Soyo Ave Campbell,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Fewtrell Drive Campbell, Ca,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Ridgeley Dr. Campbell, Ca,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	S. Bascom Ave	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	S. Bascom Ave.	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Union Av ,Campbell,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Union Av Campbell,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Union Ave	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	S. Bascom Ave Campbell, Ca, 95008	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Union Ave, Campbell, Ca,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Union Ave	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Vizcaya Circle, Campbell, Ca,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Curtner Ave Campbell,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Union Ave	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Union Ave	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Union Ave	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Union Ave	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Manchester Ave Campbell, 95008	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Dover Way Campbell, Ca, 95008	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Curtner Ave, Campbell, Ca,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Duncanville Ct. Campbell, Ca, 95008	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Michael Dr. ,Campbell,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Apricot Ave	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	s 3rd st, Campbell,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	S 2nd st campbell,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Orchard Oak Cl Campbell,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Orchard Oak Cl. Campbell,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	W. Latimer Ave	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Orchard Oak Cir, Campbell,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	N 2nd st Campbell, Ca, 95008	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	3rd Street Campbell, Ca, 95008	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	ECampbell Ave , Campbell,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Watson Dr. Campbell,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Tapestry Ct, campbell, Ca	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	North 1st Street	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	E. Latimer Campbell, Ca, 95008	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Sunnyside ave Campbell, Ca, 95008	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	East Latimer Ave, Ca,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Rail Way Ave	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Railway Ave	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	E. Hamilton Ave, campbell	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Monica Lane Campbell, Ca, 95008	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Gilman Ave. Campbell, Ca,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Almarida Dr Campbell, Ca,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Almarida Dr Campbell	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	almarida Dr.	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Hawthorne Campbell, Ca, 95008	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Maple Ave Campbell, Ca, 95008	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Harrison Campbell, Ca, 95008	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Cove Drive, Campbell, Ca, 95003	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Eesex way, Campbell, Ca	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	W Latimer Ave. Campbell,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	West Latimer Ave Campbell, Ca, 95008	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Palo Santo Dr, Campbell,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Villarita Dr. Campbell Ca,	Removed for Privacy	Removed for Privacy
Removed for Privacy	Removed for Privacy	Villarita Dr, Campell, Ca,	Removed for Privacy	Removed for Privacy



City Council Report

Item: 9.
Category: New Business
Meeting Date: March 1, 2016

TITLE: Adoption of a Resolution to approve selection of the Envision Campbell Plan consultant, changes to the Scope of Work for consultant services necessary to facilitate preparation of the Plan, Environmental Impact Report, and Zoning Ordinance, and authorization for the City Manager to negotiate, award and execute the contract with De Novo Planning Group. (Resolution/Roll Call Vote)

RECOMMENDATION

That the City Council adopts the attached Resolution authorizing the following actions regarding the preparation of the Envision Campbell Plan:

1. Approve the selection of De Novo Planning Group to facilitate the preparation of the Envision Campbell Plan; and
2. Approve the Scope of Work changes for consultant services; and
3. Authorize the City Manager to award the contract to De Novo Planning Group and enter into a Professional Service Agreement.

BACKGROUND

City Council Meetings

The City Council approved its Fiscal Year 2015/2016 priorities with a project to commence a comprehensive update to the City's General Plan, now referred to as the "Envision Campbell Plan." To help fund the update, the Council's approved Fiscal Year 2016 Budget included first year funding for the update effort.

To commence the Envision Campbell process, the City Council held a June 2, 2015 Study Session to receive a staff report on what an update process would entail and to learn best practices utilized by other regional communities (**Attachment 2**). The Council agreed to form a General Plan Advisory Committee (GPAC) comprised of residents geographically dispersed throughout the community to which the City Manager began the process to recruit members.

At the July 7, 2015 City Council meeting, the Council discussed the duration of the update with one Council member expressing an opinion that the update should be commenced as soon as possible claiming that a 2 ½ year process is too long. The Council Member also requested information on the GPAC's roles and responsibilities, the functions of the GPAC, the GPAC members' overall knowledge of policies and ordinances, the Council's roles and responsibilities, and the general public's involvement.

On August 18, 2015, the City Council received a report to discuss the anticipated update duration, the GPAC selection, the GPAC roles and responsibilities, the GPAC utilization, staff's roles and responsibilities, the general public participation, and the draft Request for Proposal (RFP) to solicit proposals from consultants who would lead and prepare the Envision Campbell Plan (**Attachment 3**). Although the Council spoke about the GPAC's utilization and responsibilities at that meeting, the majority of the discussion focused on the Council's ability to have a more active role in the GPAC discussions and ultimate recommendations as well as the GPAC's selection. The Council was pleased to understand that monthly updates would be presented at Council meetings and expressed a desire to have GPAC meetings open to the general public (although there was no consensus confirming that desire). Unfortunately, the Council was unable to offer substantive comment on the draft RFP resulting in its continuance. Lastly, one Council Member expressed an opinion that the update process should begin with a "purpose statement" rather than a community vision.

On September 15, 2015, the Council received a report on the GPAC meetings, the draft RFP, the selection of a Council Subcommittee, and a Purpose Statement (**Attachment 4**). The Council was able to accept the draft RFP without changes and authorized the City Manager to distribute the document. The Council also selected a Council Subcommittee consisting of then Mayor Cristina and Council Member Gibbons (currently Vice Mayor) to review the proposals, interview the consultants, and recommend their selection back to the City Council for consideration. Due to the late hour of the meeting, the Council continued the GPAC meetings discussion and the Purpose Statement.

On September 18, 2015, the RFP (**Attachment 5**) was distributed to 27 consultant firms who specialize in preparation of General Plans and associated environmental documents. The deadline to submit the proposals was October 30, 2015.

At the October 6, 2015 City Council meeting, the Council discussed if the GPAC meetings should be open to the public, the extent in which the public would participate at GPAC meetings if made public, how the GPAC alternates would participate, and the acceptance of a Purpose Statement reflecting what the City wishes to achieve in a new General Plan (**Attachment 6**). The Council agreed that the GPAC meetings should be open to the public. However, the Council also agreed that the public would not participate in the GPAC discussions in order to provide sufficient time for the GPAC to work with the consultant. The Council also created a Purpose Statement with the understanding that the GPAC would review it and then forward a recommendation back to the City Council for formal acceptance (**Attachment 7**).

Proposals

The deadline to submit the proposals was October 30, 2015. Despite the fact that the City distributed the RFP to 27 consultant firms, no proposals were received near the end of the deadline. As a result, staff distributed an October 27, 2015 letter extending the deadline to November 13, 2015. Given this extension, the City received four (4) proposals from consultant firms consisting of:

Dyett & Bhatia, 755 Sansome St., San Francisco, CA ([Web Link](#))

MIG, 800 Hearst Ave., Berkeley, CA ([Web Link](#))
Opticos Design, 2100 Milvia St., Berkeley, CA ([Web Link](#))
De Novo Planning Group, 1020 Suncastr Ln., El Dorado Hills, CA ([Web Link](#))

All four proposals were distributed to the Council Subcommittee on November 16, 2015 for review (**Attachment 8**). The proposals were also distributed to the remaining three Council Members in hard copy in order to keep the entire Council involved in the process. However, the Council Subcommittee's role was to review the four proposals and select the most qualified for interview and ultimate recommendation back to the City Council.

The Subcommittee met over the course of a month to compare/contrast the four proposals and to discuss which of the four should be interviewed. To facilitate the Subcommittee's review, staff prepared and distributed a comparison matrix (**Attachment 9**). Following a thorough review of the four consultant firms, the Subcommittee agreed that Opticos Design and De Novo Planning Group were the preferred consultants to interview. The other two firms were rejected due to redundancies in their proposals, difficult to understand proposals, typographical errors, and overall approach (i.e., one firm believed in limited GPAC participation).

Interviews and Recommendation

The Subcommittee met on several occasions to prepare/compare interview questions. On December 18, 2015, the Subcommittee authorized staff to distribute a letter to the two selected consultants informing them of their selection and included information to be folded into their presentations (**Attachment 10**). The interviews were set for January 15, 2016 and the letter included interview questions so the consultants made efficient use of their time to perfect their presentations.

The Subcommittee conducted interviews on January 15, 2016 and the two consultants offered contrasting approaches to update the City's General Plan.

Opticos design offered an approach that would apply specific policies and programs to individual neighborhoods that respected the individuality/uniqueness of the neighborhood. In essence, the Envision Campbell Plan would consist of numerous "Area Plans" in an easy to read document limited to no more than 100 pages. A Zoning Ordinance would then apply a form-based code approach to implement the Plan. The Zoning Ordinance was not included in their scope or budget.

De Novo Planning Group offered an approach more in line with the existing General Plan format in an easy to read, current format. In addition to the seven mandated elements of a General Plan, they would include an Economic Development & Feasibility element, a Community Services & Facilities element, a Health & Wellness element, a Sustainability element, and an Implementation element. The Zoning Ordinance was included in their scope and budget.

Although both consultant presentations were creative in their approach, the Subcommittee was more comfortable with De Novo Planning Group for a variety of reasons. In particular, the Subcommittee felt the project manager had the energy necessary to engage the GPAC

and facilitate the process, the Envision Campbell Plan would be in-line with the structure of the existing General Plan so as to achieve familiarity, and the Plan would include added elements to further expand the community's vision. As a result of the interview process, the Subcommittee met on January 21, 2016 and decided to recommend De Novo Planning Group as their preferred consultant.

Although De Novo Planning Group was preferred, the Subcommittee felt that the transportation and economic subconsultants should be replaced. One subconsultant was W-Trans who routinely performs work in the City. While they are a reputable firm with consistent work quality, the Subcommittee felt that a consultant firm that didn't have as much experience working in Campbell could offer a fresh perspective to the circulation network challenges. The Subcommittee also felt that De Novo's economist subconsultant (BAE) was challenging to understand his approach to land use and economic ramifications. Therefore, staff contacted De Novo Planning Group to determine if they could select two new subconsultants to which they agreed. They have offered either Fehr & Peers and Kittleson & Associates as the transportation consultants, and New Economics & Advisory as the new economics/fiscal firm alternates.

DISCUSSION

There are three issues for City Council consideration which involve:

- Consider the Subcommittee recommendation in order to officially select the City's consultant; and
- Confirm that the Scope of Work remains in-line with Council expectations; and
- Authorize the City Manager to enter into an agreement with the selected consultant.

Subcommittee Recommendation

The Subcommittee recommends De Novo Planning Group as the preferred consultant to facilitate the preparation of the Envision Campbell Plan for the reasons discussed in the background section of this report. The Subcommittee also recommends changing out two of the subconsultants from the De Novo Planning team, to which the consultant has agreed.

De Novo Planning Group demonstrated that they have the experience and expertise necessary to prepare the Envision Campbell Plan, as emphasized as the most important requirement of the City Council. In the interview presentation, they provided examples of their firm's strengths and collaborative team experience (**Attachment 11**). They also displayed confidence that they will be an involved consultant, taking on a quasi-staff role in the update process to the extent that they may need to have a dedicated work station when at City Hall. Another advantage with the firm is that their two principals will be the project managers so they will be able to immediately make the "executive" decisions when required to do so without delay. Lastly, they were confident that the project will be completed within the specified budget and would not return with budget adjustments.

In addition, their costs associated with preparation of the Envision Campbell Plan, Climate Action Plan, Environmental Impact Report and Zoning Ordinance were anticipated in the City’s original estimates.

Scope of Work Changes

The City Council’s approved Scope of Work was included in the RFP (**Attachment 4**). This represented the City’s best estimate on what an update process could involve and the level of commitment necessary to cover all of the issues and involve the public. Because there was discussion on the need to accelerate the Envision Campbell Plan preparation process at the Council level, the Subcommittee asked the two consultants to submit revised scopes to determine if they could reduce the process to two (2) years. De Novo Planning Group submitted the following matrix comparing what was required in the City’s proposed Scope of Work and what they could achieve:

schedule, community participation, and GPAC

CITY OF CAMPBELL GENERAL PLAN UPDATE



Meeting Type	Listed in Proposal	Potential Revisions to Scope of Work to Achieve 2-year Schedule
Visioning Workshops	3	Either no change, or reduce to 2
Land Use Workshops	2	Eliminate. Use GPAC to develop land use map, and address Land Use during Visioning Workshops
Community Workshops	6	Reduce to 1-2 “openhouse” style workshops as GPAC nears completion
GPAC Meetings	26	Reduce to 15-19 meetings
Joint PC/CC Joint Workshops	10	Reduce to approx. 6
City Commission Meetings (Parks and Rec, Civic, etc)	6	Option 1: Reduce or eliminate Option 2: Place reps on GPAC
Planning Commission Hearings	8	Likely reduce to 2 in light of joint workshops
City Council Hearings	10	Likely reduce to 2 in light of joint workshops

On February 5, 2016, the Subcommittee met to discuss the desire to alter the Scope of Work in order to recommend the changes to the City Council for consideration. The premise of the changes was to expedite the update process and include the following (**Attachment 12**):

- Merge the land use and community workshops into 30 GPAC meetings
- Created five (5) neighborhood community workshops
- Created one (1) community-wide workshop
- Conduct one (1) joint workshop between three groupings of City Boards, Commissions, and Committees
- Conduct two (2) joint meetings between the City Council and Planning Commission
- Conduct four (4) public hearings with the Planning Commission
- Conduct six (6) public hearings with the City Council

The total meetings recommended by the Subcommittee equal 51 as compared to the originally approved Scope of Work of 71. The Subcommittee's recommendation will achieve a processing time reduction and still provide ample opportunity for the entire Campbell community to be involved. In addition to the 51 meetings, there will be monthly status reports presented to the City Council.

The Subcommittee also included a task to require the consultant to identify three alternatives to City land uses in order to understand the ranges of magnitude (or impact) the land uses will have to the economy, traffic/circulation, water availability, air quality, community services, housing, etc. (i.e., the overall effect). They felt that the alternatives would be arranged into three categories of low, medium and high. When considering this work task suggestion, this level of analysis would be more appropriately included in the environmental study that will then serve as a recommendation to the preferred land use plan contained in the Envision Campbell Plan.

City Manager Authorization

Once the Scope of Work modifications are finalized, staff will fold the approved scope into the City's standard Professional Services Agreement. The Agreement will be reviewed by the City Attorney prior to distribution to the consultant who, in turn, will have their legal counsel review the agreement. There are typically questions related to insurance and errors/omissions that staff works through between both counsels. In the end, the City Council's decision will authorize the City Manager to negotiate, award and execute the agreement with the consultant. There is no need for the agreement to be returned to the City Council.

FISCAL IMPACT

De Novo Planning Group estimated the cost to prepare the Envision Campbell Plan, Environmental Impact Report, and Climate Action Plan to be \$871,985. In addition, the consultant estimated the preparation of the Zoning Ordinance to be \$87,380. Understanding that the Scope of Work will reduce the project duration and quantity of meetings, the City would expect a reduction in project costs.

Funding for the project is subsidized through General Plan Maintenance fees collected as part of every Building Permit issuance. Within the Fiscal Year 2015-2016 budget, the City dedicated \$350,000 in the first year of an anticipated three year process. From this

amount, the City has spent \$5,000 for the Silicon Valley Talent Partnership to fund preparation of the Envision Campbell application (app) for mobile devices.

The City currently has approximately \$656,000 in General Plan Maintenance fees collected to date and estimates another \$46,000 will be collected by the end of the fiscal year. Currently, the City collects approximately \$135,000 per year with the current work load volumes. Staff remains confident that the maintenance fees will cover the entire costs to prepare the Envision Campbell Plan, the Environmental Impact Report and the Climate Action Plan at the end of the project cycle.

Because the Council Subcommittee is uncertain what is needed in the form of a Zoning Ordinance, the recommended Scope of Work defers refinement of that scope until such time as the City moves closer to finalizing the Envision Campbell Plan. In this regard, the extent of Zoning Ordinance revisions and presumably the type of Zoning Ordinance preferred may alter the costs necessary to prepare the document. Staff will need to assess the amount of General Plan maintenance monies at that time to determine sufficient coverage.

ALTERNATIVES

1. Modify the Scope of Work at the meeting.
2. Request the Sub-Committee to bring back an alternative Scope of Work.
3. Select another consultant to prepare the Envision Campbell Plan, and return to the Sub-Committee to reconsider the Scope of Work.

Attachments:

1. Draft City Council Resolution
2. June 2, 2015 City Council Study Session Report
3. August 18, 2015 City Council Report
4. September 15, 2015 City Council Report
5. September 18, 2015 Request for Proposal (RFP)
6. October 6, 2015 City Council Report
7. Council conceptually approved Purpose Statement
8. Proposals distribution memorandum, dated November 16, 2015
9. Staff prepared comparison matrix of proposals
10. Consultant invitation letters for interview, dated December 18, 2015
11. De Novo Planning Group PowerPoint presentation
12. Draft Subcommittee revised Scope of Work – Additional Changes Needed

Prepared by: _____


Paul Kermoyan, Community Development Director

Approved by: _____


Mark Linder, City Manager

RESOLUTION NO. _____

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL APPROVING THE SELECTION OF DE NOVO PLANNING GROUP AS THE CONSULTANT TO FACILITATE PREPARATION OF THE ENVISION CAMPBELL PLAN (GENERAL PLAN), THE ENVIRONMENTAL IMPACT REPORT, CLIMATE ACTION PLAN, ZONING ORDINANCE, MODIFYING THE SCOPE OF WORK, AND AUTHORIZING THE CITY MANAGER TO COMPLETE THE PROFESSIONAL SERVICES AGREEMENT AND NEGOTIATE, AWARD, AND EXECUTE THE CONTRACT.

WHEREAS, the City Council established a priority to update the General Plan from its 2015/2016 Council Priority Setting Session in early 2015 and created a budget to help fund the update process in the Fiscal Year 2015/2016 Budget that went into effect on July 1, 2015; and

WHEREAS, on September 15, 2015, the City Council approved the draft Request for Proposal (RFP) to hire a consultant, they appointed a Council Subcommittee consisting of then Mayor Cristina and Council Member Gibbons (currently Vice Mayor) to review the proposals, interview the consultants, and forward their recommendation back to the City Council for consideration; and

WHEREAS, on September 18, 2015, the RFP was distributed and subsequently extended to provide a submittal deadline of November 13, 2015 to receive proposals; and

WHEREAS, the City received four proposals from consultants with three of the firms located within the Bay Area and one consultant located east of Sacramento; and

WHEREAS, all four proposals were distributed in hard copy form to the entire City Council, they remain available in the Planning Division for public review, and they are imbedded as links within the staff report; and

WHEREAS, the Council Subcommittee met shortly thereafter to review the proposals and decided to interview two of the consultants which included De Novo Planning Group and Opticos Design thereby instructing staff to distribute a letter inviting them to interview which was mailed on December 18, 2015; and

WHEREAS, on January 15, 2016 the Council Subcommittee conducted interviews and was impressed with both consultant firms, expressing a preference for De Novo Planning Group for the following reasons – the energy and availability of the project manager, their level of involvement, the Envision Campbell Plan will be in-line with the current format of the City's General Plan, and their overall approach; and

WHEREAS, the Council Subcommittee requested that two of the sub consultants from the De Novo Planning Group team be replaced with different sub consultants to which the consultant agreed; and

WHEREAS, the Council Subcommittee worked on modifications of the Council approved Scope of Work in order to help expedite the update process and recommend those changes to the Council for approval; and

WHEREAS, the City Council held a public meeting on March 1, 2016 to consider the recommendations of the Council Subcommittee on a consultant to facilitate preparation of the Envision Campbell Plan and the Scope of Work changes; and

WHEREAS, the City Council understands that approval of the recommended changes will then authorize the City Manager to complete a Professional Services Agreement and enter into an agreement with the consultant, thereby incorporating the revised Scope of Work, with project costs that will not exceed \$871,985; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Campbell hereby accepts the recommendations of the Council Subcommittee and authorizes the City Manager to award the contract to De Novo Planning Group and enter into a Professional Services Agreement.

PASSED AND ADOPTED this _____ day of _____, 2016, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

APPROVED: _____
Jason T. Baker, Mayor

ATTEST: _____
Wendy Wood, City Clerk

MEMORANDUM**City of Campbell**

To: Mayor Cristina and Council Members **Date:** June 2, 2015

From: Paul Kermoyan, Community Development Director
Aki Snelling, Planning Manager

Via: Mark Linder, City Manager

Subject: **Study Session – Comprehensive General Plan Update Process**

OVERVIEW**Purpose of the Study Session**

The state of the economy has accelerated growth within the Bay Area which has stimulated commercial and office development, created new jobs, and produced new housing opportunities above most projections, especially within the past five years. As a result, the area's roadway network has been taxed by increased traffic, underutilized properties have been converted to more intensive developments, the population continues to grow, schools are becoming more impacted, and the adequacy of natural resources (i.e., open space, air quality, water consumption) continue to be a topic of "sustainability" discussion.

The area's growth has equally been felt within the City of Campbell where community members and City leaders have questioned the vision of the City's future. Understanding that the City's General Plan represents the City's long-range guide to decisions regarding physical growth and development, the provision of public services and facilities, and the conservation and enhancement of natural resources, some have questioned if the General Plan still reflects the community's values.

General Plans are typically 20-year policy documents because that length of time represents where one can reasonably project a foreseeable and desired state or community vision. Following a three year process, the City adopted its current General Plan on November 6, 2001. It is now a 14 year old policy document. Due to its age and the noticeable changes of the community and environment, the City Council decided that it was time to update the General Plan to serve as a new visioning tool for the next 15 to 20 years.

The purpose of this study session is to outline a possible process for the preparation of a General Plan update and to broadly discuss to what level the General Plan needs to be modified.

The General Plan Structure

Under California State Law, every city and county must adopt a comprehensive, long term general plan, and the general plan must be comprehensive in that it covers a local jurisdiction's entire planning area, and address a broad range of issues associated with a city's or county's development. As a state-mandated document, it basically serves as a "constitution" that cities and counties must follow as the underlying basis and rationale for a city's ability to make its long-term decisions.

There are seven required elements, or subject categories, which must be addressed in all comprehensive general plans, including Land Use, Circulation, Housing, Conservation, Open Space, Noise and Safety. The City of Campbell 2001 General Plan includes these elements, but has combined some elements together, including Land Use and Transportation (Circulation) and Conservation and Natural Resources (Noise). Although these seven are mandated, the City is free to add more elements to carry forward particular community goals and values. For example, a City could include a Sustainability Element which involves maintaining a culture of stewardship to enhance the natural environment, economic interests, and quality of life for present and future generations.

When viewing the structure of a General Plan, it is important to note that each Element relies on other Elements when forming goals, policies and implementation measures. This may be why the City previously chose to group Elements together, such as the Land Use and Transportation Element. Understanding this relationship, updating a General Plan can become quite complex because it is difficult to update one Element without affecting the goals of another. A simpler way to look at this is a hypothetical desire to increase the projected build-out of housing units. At the surface, it is easy to conclude that only the Land Use Element needs to be updated because that section directly responds to land use density, which equates to more units. However, when a community adds more housing, then the streets need to be able to handle the growing population (e.g., Transportation Element), the amount of open space and parkland needs to support the population's demand (e.g., Open Space, Parks and Public Facilities Element), the natural resources need to support the growing population (e.g., Conservation and Natural Resources Element) and the amount of emergency services needs to be readily available (e.g., Health and Safety Element).

The above understanding may help the City Council form a broad opinion of the extent such an update will involve. In staff's opinion, this effort will involve a comprehensive update to the City's General Plan.

Looking Back - Year 2001 General Plan Update Process

On May 21, 1998, the City Council held a joint study session with the Planning Commission on the preparation of the General Plan Update. During the study session, the Council provided direction to utilize the City's Strategic Plan adopted in 1994, the results of a Community Survey conducted in 1997, and a Community Design Study completed in 1991

that offered recommendations on methods to enhance Campbell's community form, as foundations for the development of the General Plan Update policies. The Council also requested the formation of a Task Force to oversee the preparation of draft General Plan Update policies.

In November of 1998, the City Council appointed an 11-member Task Force consisting of representatives from the City Council, one representative from each of the Boards and Commissions and five representatives at large. Members were selected from neighborhoods throughout the City to ensure a diverse range of viewpoints. The Task Force members included Jeanette Watson (City Council member and Chair), Matthew Dean (Vice Mayor and Vice Chair), Don Hebard (At-large member), Barbara Johnson (At-large member), Linda Andrianos (Parks and Recreation Commissioner), Don Burr (At-large member), Lisa McIntyre (Civic Improvement Commissioner), Barbara Conant (At-large member), Laura Taylor Moore (Historic Preservation Board), Elizabeth Gibbons (Planning Commissioner) and Harry Oberhelman (At large member), who met approximately once a month over an approximately two-year period. It is estimated, therefore, that they conducted approximately 24 meetings.

Although the record is unclear as to the exact use of the Task Force, it appears that they analyzed community-wide and neighborhood issues, they solicited input from the public, and they collected comments from the City Council, Planning Commission, Parks and Recreation Commission, Historic Preservation Board, the Civic Improvement Commission and the Bicycle and Pedestrian Committee. Based on known community issues and comments collected at large, the Task Force provided recommendations for the preparation of a draft General Plan that consisted of goals, policies, and strategies typically found in most General Plans. The draft document was then reviewed by the City Council and Planning Commission at a joint meeting held on September 5, 2000. It appears that this was the completion of the Task Force's work.

The conclusion of the September 5, 2000 Study Session included direction to City staff to hold a series of additional meetings with affected property owners and with the City's Boards and Commissions. As a result, staff conducted an October 9, 2000 public meeting where approximately 1,200 property owners were invited to learn about the General Plan Update recommendations and to solicit comments. Approximately 30 persons attended this meeting and the majority of concerns voiced involved those instances where land use changes were recommended.

From that point forward, the City focused on environmental issues resulting in the City Council's decision to prepare an Environmental Impact Report (EIR) based on significant identifiable environmental effects, including traffic/circulation impacts.

While the EIR was being prepared, the City conducted two community outreach meetings on April 30 and May 4, 2001. Over 100 people attended the first meeting, and approximately 30 people attended the second. The meetings were held "open house" style

to allow for citizen involvement and to facilitate communication. The meetings also served as the “scoping meetings” to identify issues and evaluate the Draft EIR (DEIR).

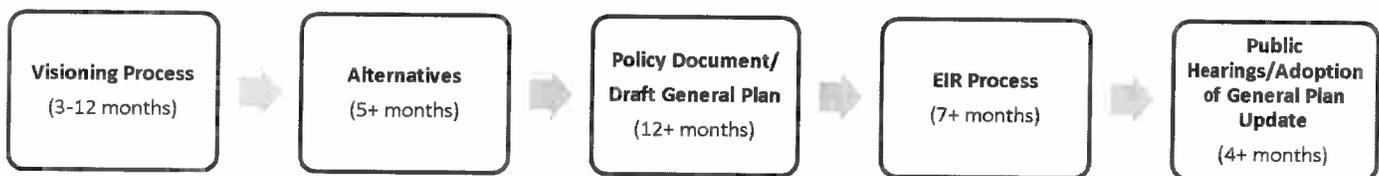
Staff received positive feedback regarding the format of the meetings. Noticing for these community outreach meetings included 1,300 mailings to affected property owners and businesses, web page and cable channel notices, front page articles and public notices in the Campbell Express and Campbell Reporter, and Chamber of Commerce e-mail alert notices.

Following these meetings, the General Plan Update and DEIR were completed. On October 8, 2001, Planning Commission public hearing for the DEIR was held. This was followed by the Planning Commission public hearing of October 23, 2001 for a recommendation to adopt the General Plan Update and Final EIR. On November 6, 2001, the City Council received the Commission’s recommendation and adopted the General Plan Update and Final EIR.

Update Process Currently Implemented By Other Cities

The typical process for many cities preparing comprehensive general plan updates includes:

- Visioning (involves use of a GPAC)
- Alternatives identification
- Policy development process
- Implementation Strategies process
- Complete Draft General Plan
- EIR preparation
- Public Hearings/Adoption of General Plan Update



However, it should be noted that each phase in the process is not mutually exclusive of another, since preparation work and analysis occur between phases and overlap each other. For example, compilation and analyses of the background/existing conditions begins in the early stages of the General Plan Update process and may run through the identification and confirmation of City goals process.

Staff’s survey of cities indicates that Cupertino, Morgan Hill, Gilroy and Union City are all essentially following this process in their comprehensive general plan updates, with differences in the amount of time being dedicated to the different phases. The differences between phases are due to various factors, such as Council member changes (Cupertino)

and number of community and general plan advisory committee meetings (Union City, Gilroy, Morgan Hill).

Visioning Process – The first step in the process of preparing a general plan update typically involves a “Visioning Process” to develop future guiding objectives a community aims to achieve. A benefit of involving the Campbell community early on in establishing visions for the future is that it provides a road map for a City Council appointed advisory committee and consultant to begin drafting draft goals, policies and implementation strategies with an understanding of what the community is seeking to achieve. The “community” could be a balanced mix of members representing the advisory committee and/or inviting the entire Campbell community to the various meetings that take place in a general plan update.

Preparation of the 2001 Campbell General Plan Update also began with the development of a “vision” of themes upon which the goals and policies of the General Plan were formed. These themes included:

- A safe, clean, comfortable and healthy environment
- A physically connected and involved community with a strong sense of identity
- Attractive residential neighborhoods and business districts
- Friendly, small-town atmosphere
- Fiscally self-reliant government with effective basic municipal services

Staff’s survey of other surrounding communities and one in southern California that are currently in the process of preparing comprehensive general plan updates revealed that they too developed a “vision” at the onset of the update process. Below is a comparison table of surveyed communities in the general plan update process providing information about their visioning process:

City	Length of Visioning Process	Advisory Committee	Community Meeting	Meeting Facilitator (consultant)
Cupertino	4 months	No	Yes	Yes
Union City	5 months	Yes (15 members)	Yes	Yes
Morgan Hill	6 months	Yes (17 members)	Yes	Yes
Gilroy	3 months	Yes (24 members)	Yes	Yes
Westminster	5 months	Yes (21 members)	Yes	Yes

Of the above mentioned cities, the Visioning Process took approximately three to six months to complete. However, this process can be quite involved and has been known to take upwards of 12 months to complete, such as the Community Vision document prepared by the City of Carpinteria (Attachment 1). In that city, they formed five project teams (i.e., a Task Force) covering:

- Community Identity
- Collaborative Government
- Land Use and Growth Management

- Traffic, Transportation, and Infrastructure
- Recreation and the Arts

Each team developed a Vision Statement covering their particular topic which carved the way to develop individual categories within the broader subject area. Preliminary goals, strategies, required actions and recommendations were also formed at this level, although not fully vetted. Following the visioning process, that City then began the general plan update. The Cities of Morgan Hill, Gilroy and Westminister held study sessions with both the Planning Commission and City Council to review and refine their vision themes and guiding principles before moving on to the next step.

Once the visioning process concludes, a community visioning document is prepared for adoption by the City Council. This document is then used to begin the comprehensive update process. In certain respects, the visioning process essentially involves identifying, developing and prioritizing a community's major ideas and themes that will then be used to update each element of a general plan.

All of the surveyed communities held community-wide meetings at the visioning phase that involved activities and/or exercises assisted by a professional meeting facilitator (city's chosen consultant) to engage the attendees in identifying the community's issues, assets, opportunities, and challenges. However, some communities, such as Gilroy, Union City and Morgan Hill, also relied upon their General Plan Advisory Committees (GPAC) for input on vision themes.

It is still uncertain if the Visioning process should be facilitated by a consultant or by staff. If the City were to hire a consultant, said consultant could either be specialized in this type of project or could be the same consultant hired to work with the GPAC to prepare the General Plan update. The City Council should consider this and provide staff guidance.

Use of a General Plan Advisory Committee (GPAC) – The GPAC, as an “ad hoc” committee, is typically formed at the on-set of the Visioning Process, and then continues its work through most or all of the general plan update process. The GPAC essentially provides continual community involvement through the general plan update process by allowing selected members of the community (usually City Council-appointed) to serve on it (which may or may not include elected officials and/or City-appointed board/commission members) and who represent the diversity of the community. GPACs are comprised of approximately 15 – 25 members, who usually meet on a monthly basis first through the Visioning process and then followed by the general plan update process, terminating at the development of the draft general plan update or till the general plan update is adopted. Additionally, GPACs work independently from community outreach meetings, by working closely with City staff and the City's consultant during their meetings. Therefore, they provide a supplemental means of community input separate from the community input received at community outreach meetings. As previously discussed, the creation of a GPAC is a suggested way to involve the community in a controlled and focused setting.

The GPAC's purpose is essentially to provide staff and the consultant with insight into the community's values, expectations and concerns, as well as policy direction and advisory comments to assist the City's consultant in drafting recommended goals, policies and strategies for the Visioning document and the general plan update. GPAC's assistance in identifying critical community issues and potential resolutions is the reason why GPACs are also important. Further, GPACs serve as key information disseminators in a community to not only "spread the word" about the general plan update, but to also provide feedback during GPAC meetings about particular concerns and/or issues in the community they hear about and feel should be addressed in the general plan update.

The GPAC meetings are typically facilitated by a consultant (or potentially by staff), and include focused discussions on particular topics and/or elements. The Visioning document could be written by individual team members of the entire GPAC, City staff, or a Facilitator consultant depending on the City Council's desired process. Although the GPAC meetings may be publicly noticed, these meetings are characteristically held only to allow the the GPAC to work on the visioning document. Following the preparation of a draft visioning document, a City-wide community meeting would be encouraged prior to forwarding the document to the Planning Commission for recommendation to the City Council.

Of the cities surveyed, all included a GPAC in the update process (except for the City of Cupertino). Cupertino decided not to form a GPAC and, instead, held several (approximately 30 to date) outreach meetings with various stakeholders, neighborhood/community citizen groups, property owners and developers. Below are the cities which formed GPACs with information regarding number of members and type of members appointed:

City	Number of Members	Member Representation	Appointed by Council?	Meetings
Union City	15	One member from the City Council and each board/commission, chamber of commerce; business community rep; community citizens at-large	Yes, although at-large members chosen by staff to balance out the group (female/male, youth/elderly, etc.)	10 – 12 meetings total planned; meet on as needed basis (not every month)
Gilroy	24	Two City Council and Planning Commission members; rep from 4 other commissions (Bike/Ped, Arts & Culture, Youth, Parks and Recreation); chamber of commerce, builder groups (3); school district; environmental group; 10 at-large (not the same usual active community members)	Yes	Monthly meetings
Morgan Hill	17	No elected officials or appointed board/commission members. Council made a conscious decision to keep this as a community-based group.	Yes	Monthly meetings

		Members were representatives from developer firms, housing industry, real estate, church groups, and active community citizens		
Sunnyvale	15	No Council members, two Planning Commissioners, community members at-large	Yes	As needed basis

Staff’s discussion with representatives from these cities revealed key lessons learned from forming the GPACs:

- Balance out the group to ensure that it represents the diversity of the community (female/male, youth/elderly, etc).
- Consider having no elected officials or appointed board/commission members to keep it community-based.
- Keep the group to a manageable size – preferably between 15 and 25.
- Decide who will choose the members. Will they be Council-appointed?
- Will there be applications and postings citywide to find at-large community citizens to participate?
- Ensure that any youth group members will still be students through the end of the general plan update process (no senior students for this multi-year update).
- Consider appointment of committee members who are active community members that can “spread the word” on the general plan update process.
- Consider having alternates that do not participate, but attend in the event some members cannot complete their duties during the process.
- Consider creating “by-laws” for attendance. What are repercussions if some members do not attend regularly, if there should be alternates, if elected officials and board/commission members will be terming out during the process.

In following past practice from the 2001 General Plan Update process and in keeping with the process most other cities are using in their general plan updates, formation of a GPAC is beneficial to ensuring public participation throughout the process.

The City of Campbell could consider forming a GPAC consisting of up to 25 members (any more may be considered unmanageable) representing the diversity of Campbell appointed by Council. If the Council would like a more community-based committee, the Council could consider appointing only community members at-large without any elected and/or appointed officials (as Morgan Hill consciously did). Applications could be advertised on the city’s website, city channel, NextDoor, and/or other means of city communication. Further, an outside facilitator (typically the city’s consultant) could facilitate these meetings, which are typically held monthly.

Identification/Confirmation of Goals Process – Once the Visioning document is completed, the next step in a general plan update essentially involves the GPAC’s development of goals to address the vision’s conclusions. Although the GPAC will begin this process, community meetings will help test if the draft goals are representative of the visioning

document. Such meetings can be facilitated by the city's chosen consultant, and include interactive participatory activities to allow the community to express preferred ideas and opinions of the draft material. This process will need to be carefully supervised to avoid duplicating efforts of the visioning process. On-line forums may also be employed to provide comments on the development of conceptual alternatives.

Community input from outreach meetings, comments from on-line services, the GPAC and stakeholder meetings, and guidance from Planning Commission and City Council study sessions, provides the city's consultant and staff with feedback to subsequently develop different goals for evaluation. From this evaluation, the City typically chooses preferred goals for each general plan element.

This process can typically take five or more months to complete depending upon the number and complexity of community concerns that need to be addressed, and the number of meetings that will need to be held.

Policy Development – At the Policy Development phase, the GPAC will establish policies that are intended to respond to the draft goals. Cities incorporate input from community-wide meetings, in addition to feedback received from the Planning Commission and City Council. The Cities of Morgan Hill and Westminister held community-wide meetings for input on Policy development. The Policy development phase takes about six (6) months to complete depending upon the number of community, GPAC, and study session meetings.

Implementation Strategies Development – At the Implementation Strategies phase, the GPAC will determine which strategies will best implement the draft policies already reviewed by the community, Planning Commission and City Council. The Implementation Strategies development process takes about six (6) months to complete depending upon the number of community, GPAC and study sessions.

Environmental Impact Report Process – The preparation of a comprehensive general plan update also requires the preparation of an Environmental Impact Report (EIR) in accordance with the California Environmental Quality Act (CEQA), since significant impacts may occur as a result of the goals, policies and strategies of the general plan update. Because a new General Plan will recalibrate new growth scenarios within the community, impacts on transportation, city services, resource management and recreational opportunities (to name a few) is likely to occur.

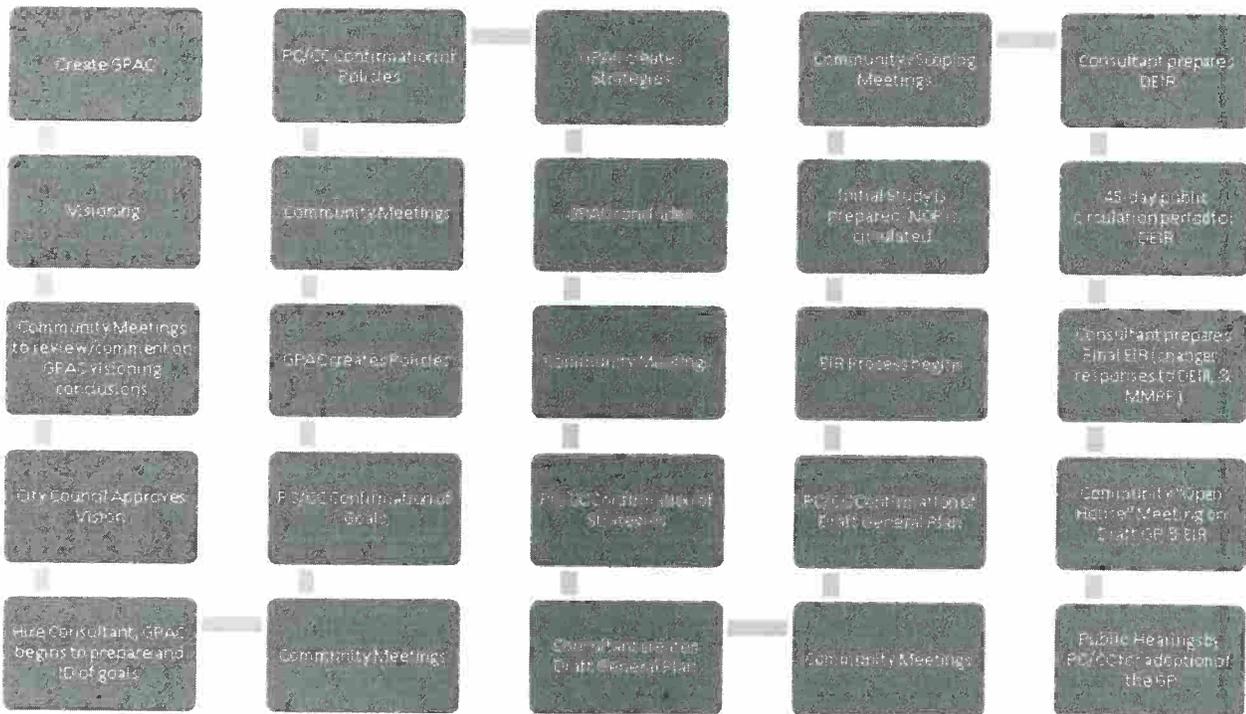
Once the draft General Plan is prepared, the City's consultant will then prepare a Draft EIR (DEIR). The DEIR is essentially the technical document that incorporates all of the analyses determining whether the update will potentially have significant impacts, and how to mitigate those impacts if possible. The DEIR is required to be circulated for a 45-day public review period to allow the City to receive public comments and questions that must be addressed in a Final EIR. The DEIR is also circulated to all adjacent jurisdictions and all agencies and utility companies servicing the community for commenting.

Following the 45-day review period, the consultant prepares responses to any comments and questions received, incorporates necessary changes, and prepares a Mitigation Monitoring and Reporting Program (MMRP), that together become the Final EIR. The process to complete the EIR process typically takes a minimum of seven or more months to complete.

All of the surveyed cities are also preparing a Program EIR, which allows future developments to “tier off” of their environmental reviews from the EIR if they are within the scope of work already analyzed in the Program EIR. The advantage of the Program EIR essentially allows future development whose scope of work is analyzed in the Program EIR to either not require additional environmental review or to require lesser environmental review than the EIR.

Public Hearing/Adoption of the General Plan Update – The last phase of the process involves the public hearings and adoption of the general plan update. Cities typically anticipate approximately four or more months for this process to allow for approximately two Planning Commission and two City Council public hearings to review and consider the adoption of the General Plan Update with the Final EIR.

Flow Chart of the Possible General Plan Update Process



The above flow chart illustrates the possible process the City could undertake for a general plan update. While it should be noted that different cities may choose to have lesser or more community meetings and study sessions, and/or may choose to utilize their GPACs till the adoption of their general plan updates, the proposed chart indicates a typical process for the general plan update.

Inclusion of Other General Plan Elements

As mentioned earlier, the City is required by state law to include seven elements in the General Plan consisting of Land Use, Circulation, Housing, Open Space, Conservation, Health/Safety, and Noise. In comprehensively updating this General Plan, the City may look at including other elements to further the adopted community vision.

The cities listed below are undertaking additional elements in their general plan updates:

City	Additional Element(s)
Union City	Health, Economic Development
Gilroy	Economic Development
Westminster	Community Design
Marin County	Sustainability

Other elements may also include:

- Social Development
- Sustainability/Climate Action Plan (CAP may also be integrated into different elements rather than as a separate element)

If the Council would like to consider adding additional elements above the required seven state-mandated, there are a couple of ways to realize this desire. The first is to provide that direction now. The advantage would be that the staff has clear direction that additional elements are needed for the City’s updated General Plan. The disadvantage is that such decision may be inconsistent with community vision through the public participation process.

In staff’s opinion, many of the public concerns that staff have heard concerning Campbell’s growth could already be placed in separate elements of a General Plan. In this regard, pre-judging what elements are in the public’s best interest may be appropriate.

Involving the Community

The Campbell community, which consists of residents, property owners and business owners alike, are important stakeholders in the development of the General Plan and their involvement in the update process is required. In certain respects, the public’s involvement in the Visioning process provides the initial framework in which development of general ideas and themes are drafted. The extent to which the public is involved during the

preparation of the draft General Plan, following the preparation of the Community Vision document, varies.

Community Outreach Meetings – A fundamental component of a General Plan update is to provide community citizens with the greatest means and opportunities to participate in the planning and decision-making process. Although it is not recommended that the public be involved in the GPAC meetings since the GPAC represents the broader balanced population of the community, community-wide public outreach meetings will be held at nearly every phase of the update process. For example, at least one community-wide meeting will occur once a draft Visioning document is prepared. This will allow the community to provide input on the draft “visions” for the future and on issues, assets and opportunities that could potentially affect the community. The sequence between development of draft visions, goals, policies, and strategies will equally be followed by a community-wide meeting between each of the phases.

Study Sessions – Study sessions with the City Council and other boards and commissions also typically take place during this process to allow for input and direction by city officials, following the community-wide meetings. Because the City Council and appointed bodies are technically public meetings, there will be multiple “community-wide” meetings when all meetings are factored.

For the recently surveyed cities, community outreach meetings have been a part of each phase of the process as shown below, except for the City of Gilroy. That city planned for only four community-wide outreach meetings during their update process:

City	Visioning Phase	Land Use Alternatives	Policy Document/Draft General Plan	Prior to General Plan Adoption
Cupertino	Yes	Yes	Yes (Planned)	Yes (Planned)
Union City	Yes	Yes (Planned)	Yes (Planned)	Yes (Planned)
Gilroy	Yes	Yes	Yes (Planned)	No
Morgan Hill	Yes	Yes	Yes (Planned)	Yes (Planned)

Key lessons learned from these communities on the outreach meetings include:

- Reach out to particular community groups that play a key role in the community (e.g. Gilroy reached out to its Hispanic community). Campbell has the Downtown associations and the San Tomas Area Neighborhood groups.
- Where on-line comment tools are used, ensure that the consultant is able to manage the website and can synthesize the information obtained.
- Consider how community outreach will be done. Will city-wide postcards be used throughout the community for every meeting? (Cupertino spends approximately \$8,000 each time a community-wide post card is sent out).
- Ensure that these other types of community outreach media are built into your process and cost.
- Test the community activities/exercises for the community meetings to ensure that attendees will provide valuable input. One city used Peak Democracy on-line tools

for the community meeting that proved to be more helpful than the consultant's exercises. Gilroy found that using lego building blocks as "hands-on" exercises helped to engage the attendees.

- Do "Roadside" community meetings – hold community meetings in various areas of town to try and reach out to as many citizens as possible. This has proven helpful in the City of Westminster in Southern California.

Best practices for effective community outreach were also analyzed by the City's *Innovation Academy Team*. The *Campbell Innovation Academy Team* stressed three major practices as a strategy to emphasize the importance of maintaining communication through the update process:

1. Provide an educational component so that the public understands what it means to update the General Plan.
 - Give high level information about what items are included in the General Plan and that all of the policies and changes in the community must be in line with the General Plan – in essence, the General Plan acts as the City's business plan.
2. Create a branding/marketing strategy for how to be involved and frame the topic thoughtfully for the audience (i.e., don't call it, "General Plan Update").
 - Provide training for staff at all levels of the organization so that everyone understands the process and can answer questions (create 150 influencers just with our staff).
 - Be clear and concise in all outreach and marketing.
3. Clearly outline process or timeline and what will be included in the outreach including alternative methods to participate.
 - Provide a centralized, easily accessible location for project information to be located. Keep it updated regularly, using language that can be easily digestible and photos.
 - Utilize Peak Democracy's "Open Town Hall" online tool.
 - Maintain an email distribution list and send communications, meeting announcements, invitation for input, at key points (use Constant Contact to manage list, capture analytics).
 - Cultivate "Community Influencers" to help spread the word and gather input from their communities (toolkits for facilitated sessions).
 - Community Cafes – coordinate mixed focus groups (intentionally mixed with people from various stakeholder groups).
 - Do Interactive Outreach where people are – at the farmer's market, ask people to put post-it notes with what Campbell means to them onto vision boards.

Use of Technology

The City is prepared to develop a webpage devoted to the General Plan Update process (beginning in the Visioning process) and utilize on-line services, such as Peak Democracy and Open Town Hall, for additional means to perform public outreach, provide information and receive community input. Staff is also actively pursuing the development of a General Plan Update application ("app") that the public can download and the City can make available materials for greater public outreach.

Cost and Schedule

The cost and schedule for a General Plan update will largely depend upon the process and scheduling the Council desires (i.e., use of consultant for visioning), the consultants chosen for the preparation of the General Plan and EIR process (i.e., are they the same for the visioning), and the tools to implement during the process (i.e., on-line tools and oversight).

Below are comparisons from surveyed cities that are currently in the process of their comprehensive General Plan update that include the costs, scheduling and consultants chosen for their services. It appears that many of the cities currently anticipate a 2 – 3 ½ year process for completion of the comprehensive general plan updates. Further, many cities are proposing a 20 – 25 year horizon for their general plans, thus using the 2040 date in their branding of the process. Bay area cities are also using the 2040 date as it lines up with regional plans such as Plan Bay Area.

City	Total Cost of GP/EIR	GP Process Initiated	Schedule	"Branding" Name	Length of General Plan	Consultant
Union City	\$750,000	June 2014	3 years	Union City 2040	24 years	Mintier/Harnish (GP) Rincon (EIR)
Cupertino	\$1.35 million	November 2012	2 ½ to 3 years	Cupertino Community Vision 2040	25 years	MIG (GP) Placeworks (EIR)
Morgan Hill	\$850,000	December	3 ½ years	Morgan Hill 2035	19 years	Placeworks (GP/EIR)
Gilroy	\$876,000	Fall 2013	2 ½ years	None	25 years	Mintier/Harnish (GP) EMC Planning (EIR)
Sunnyvale*	\$570,000	2008/2009	7 years**	Horizon 2035	20 years	PMC (EIR) Staff (GP)
Westminster (southern California)	\$1 million	Spring 2014	2 – 3 years	Westminster General Plan. Opportunity. Community. Progress.	25 years	Placeworks (GP/EIR)

*Sunnyvale's General Plan Update is only for Land Use/Transportation only; they have not conducted a comprehensive general plan update in approximately 30 years

** Sunnyvale's General Plan Update was intended to be a 2-year process, but due to a revitalized traffic analysis, community input, Council changes and staffing changes, the process has been elongated.

Based upon these comparisons, the City of Campbell's comprehensive general plan update could expect to cost between \$750,000 - \$850,000 with a time frame of approximately 2 – 2 ½ years.

Key lessons learned from conversations with these cities include the following:

- Build in a contingency amount to the total cost in the event additional work/meetings are needed
- Remember to add in staff time for preparations, review and editing (including city attorney's time/fees)
- Set strict deadlines with chosen consultants to perform work at each stage/phase

- Consider potential election changes in Council members within the process

NEXT STEPS

As a result of this study session, Staff has identified below key questions for the Council to provide guidance and direction:

1. *Visioning Process* – Does the City Council agree with holding a Visioning Process first to initiate the City’s General Plan Update? If so, what types of community engagement strategies would the Council prefer to utilize for this process – community-wide meetings, on-line services (Peak Democracy, Open Town Hall), study session, formation of a general plan advisory committee?
 - Visioning process
 - Alternatives process
 - Policy document/Draft General Plan
 - EIR process
 - Public Hearings/Adoption of General Plan Update
2. *Naming the Update Process* – There is an opportunity to rename the General Plan Update process so it is clearly understandable to the community at-large (recommendation from the Campbell Innovation Academy). The rename should occur at the Visioning stage. What name does the City Council suggest?
3. *Community Advisory Boards* – Would the Council like to authorize formation of a community advisor board as part of the General Plan Update process? If so, how many persons should be on the board and what should the composition of the board be? What would the role of the community advisor board be? Should the board be composed of at-large community members only, or a mix of at-large and City Council and/or City Board and Commission members? Should the board be Council-appointed? Should the City implement an application and selection process for Council to choose the at-large members? Would the Council like to appoint alternates?
4. *Community Outreach Meetings* – Does the Council prefer having community outreach meetings as part of every phase of the City’s General Plan Update process? Would the Council prefer to have a meeting facilitator (City’s consultant) at every community outreach meeting? Should city-wide mailings be used to outreach to the community? Should meetings be held in multiple locations (“roadside show” approach)?
5. *Community Outreach Tools* – Is the Council supportive of using on-line tools to provide greater community outreach and participation, such a Peak Democracy and Open Town Hall, for the entire process?
6. *Branding Name* – Would the City Council like to develop a “branding name” for the General Plan Update to engage the community, rather than refer to the “General Plan Update?”

7. *Other Elements* – Would the City Council like to add a Sustainability/Climate Action Plan element? Are there any other elements the Council supports adding?
8. *Cost and Schedule* – Is there a particular cost and schedule the Council envisions adhering to for the preparation of the General Plan Update? Also, would the Council support a horizon length of 25 years (2040) in keeping with the regional plans? Should the Council build in staff time into the cost of the General Plan Update? When would the Council like for staff to initiate the process to send out Request for Qualifications and Requests for Proposals from general plan/EIR consultants?
9. *EIR* – Would the City Council like to prepare a Program EIR that could allow for future developments to “tier off” their environmental reviews from this EIR?



City Council Report

Item:
Category: New Business
Meeting Date: August 18, 2015

TITLE: Receive report on City Council questions relative to the General Plan Advisor Committee (GPAC) roles and responsibilities, the General Plan update process approach, approve the GPAC Bylaws, and review a draft Request for Proposal (RFP) to hire a consultant (PLN2012-207)

RECOMMENDATION

Staff recommends that the City Council take the following action:

1. **Receive a Report**, on the use of the GPAC, including their roles and responsibilities, and to confirm the City Council's agreement and understanding of their use.
2. **Approve the attached By-Laws**, thereby establishing operational procedures, participation expectations and rules of conduct to foster a productive environment for the Committee to be successful.
3. **Review the draft RFP, and Provide Staff Direction.** Staff intends to return to the Council once all comments are incorporated from Council and individual departments.

BACKGROUND

At the July 7, 2015 City Council meeting, Council Member Gibbons expressed an opinion that a majority of the Council was supportive that an update to the General Plan would only require a "tweaking" and not a complete rewrite as she recalled from the June 2, 2015 Council Study Session. Her reading of the GPAC application announcement referred to a 2 ½ year update process and because of this length, she felt that staff misunderstood what City Council expectations were.

Following Council Member Gibbons' update processing duration recollection, she expressed an opinion that it is important for the Council to understand:

- GPAC's role and responsibility
- Functions of the GPAC
- GPAC members overall knowledge of policies and ordinances

- Council's role and responsibility
- The involvement of the general public

In conclusion, Council Member Gibbons requested that staff return to the Council with a report explaining the above including a shortened process schedule. Mayor Cristina indicated that although he had a completely different understanding of what was just mentioned, he agreed to receive a staff report. As a result, the Council's request was scheduled for the August 18, 2015 meeting.

The June 2, 2015 Study Session staff report explained many of the questions that were raised at the July 7 meeting on a broader scale (**Attachment 1**). However, it appears that many of the suggestions within the June 2, 2015 Study Session may be unwarranted based on recent Council decisions and conversation. For example, the Council expressed a preference to incorporate a visioning process as part of the GPAC's facilitated review rather than a separate process. This suggestion was based on the need to expedite the update process.

Council Member Gibbons also suggested that prior to the establishment of a vision, a "purpose statement" should be created to explain why an update is required. The Council as a whole should discuss how the two might differ and when the two should occur in the process. For example, the Council may be the body to form the "purpose statement" since it was the City Council who determined that an update to the General Plan was warranted. In this regard, there had to be a reason(s) that prompted such a decision. If those reasons can be articulated, then the purpose of the update process should be clear.

While there is benefit in understanding particulars with a General Plan update, the process and schedule will be established once a consultant is selected. Consultants have the expertise to provide such information because their services are focused on the job at hand and they have experience process such projects in numerous municipalities. Following the Council's identification of what the purpose of the update is and the areas in need of update as determined by the GPAC, the Consultant will be able to have an improved understanding of the level of work required for an update.

DISCUSSION

The following discussion focuses on the duration of a General Plan update, how the GPAC was selected, the roles and responsibilities of the GPAC, how the GPAC will be utilized, the roles and responsibilities of staff, and how the general public will be involved.

Duration

Council concerns regarding staff's characterization that the update process would be considered a "comprehensive update" stemmed from an opinion that such an update would involve a complete replacement of the General Plan and that would take an

inordinate amount of time. Because members of the Council clarified that the General Plan would only involve “tweaking” of things that may need refinement and preservation of other things that are working, that process should not take as much time as a complete rewrite.

Staff has remained in complete agreement that there are numerous General Plan goals, policies and strategies that will be preserved. Staff also agrees that others will involve “tweaking” while others will be completely new. All in all, each of the General Plan elements will involve some level of refurbishing which was referred to in the June 2, 2015 Study Session staff report as a “comprehensive update.” Essentially, a comprehensive update typically means that the entire General Plan document will be under consideration and not just one element (which would be considered a focused update).

Every element of the General Plan includes numerous goals, policies, and implementation strategies. Per staff’s review of Council Member comments from the June 2, 2015 Study Session, staff remains correct that the update will involve a comprehensive review since many of the Council’s comments touch on each and every element of the General Plan (**Attachment 2**).

One conversation theme that remains constant is the recognition that there are many things that work well and some that will involve refinement. The extent of those refinements, factoring in any new elements that may be added, will influence the update’s duration. In this regard, only Council Member Gibbons expressed a desire to expedite the process, recently noting that 2 ½ years would be overly long. Council Member Resnikoff felt that the amount of time was really out of the control of the City Council and stated that hopefully it would not take 3 years but it may. Mayor Cristina felt that the anticipated schedule identified on page 15 of the June 2, 2015 staff report (giving a range between 2 to 7 years for many cities) was relatively low given his experience working with local government. Given that discussion, the City’s GPAC application stated that the process could take “approximately 2 ½ years” since it is very difficult to gauge. Nevertheless, the process may take longer and it may be shorter.

GPAC Selection

The June 2, 2015 City Council Study Session staff report explained the use of a General Plan Advisory Committee (GPAC) to work with the City Council selected Consultant and staff to help prepare updates to the General Plan. The Council considered a “GPAC” as a more manageable approach to involve community members’ participation in drafting changes to the General Plan. In order to optimize community involvement, the Council felt that the selection process should target a wide sample of individuals who were geographically spaced throughout the entire community so that no one neighborhood was overly represented. It was also viewed important to have a broad demographic of individuals who made up different ages and experiences living and working within the Campbell community.

In terms of the quantity of GPAC members, the Council agreed that the group should consist of no more than 18 community members, excluding elected and appointed officials, who would be appointed by the City Manager. The City Manager reviewed the applications with the Community Development Director and compared the conceptual selections. That list was then compared to a list from a City Council subcommittee, consisting of Mayor Cristina and Council Member Resnikoff, in order to select members. In the end, the City Manager appointed the 17 GPAC members and three alternates (in case of vacancies) on July, 9, 2015 (**Attachment 3**).

GPAC Roles and Responsibilities

A GPAC is an ad-hoc committee consisting of a diverse group of community members, widely dispersed throughout the community and manageably sized, to represent community interests as a whole. The “role” of this Committee is to work directly with the Consultant to collectively draft new and/or revised goals, policies and strategies for the General Plan. In certain respects, they will be advisory to the City Council who will inevitably be the decision-maker of recommendations from the GPAC.

The “responsibility” of the Committee members is to first become familiar with current goals, policies, strategies, area plans, and zoning standards in order to form a baseline understanding of current City planning tools. An email briefly describing this responsibility was distributed to the GPAC on July 30, 2015 (**Attachment 4**). It is also the responsibility of the Committee to consistently participate in scheduled meetings and to administer civility and cooperation in their respective roles. In this regard, “Bylaws” were created for City Council review and approval (**Attachment 5**). Essentially, if members are missing meetings resulting in inconsistent participation or they create a consistent disruption to the productivity of the Committee, the City Manager would have the ability to replace the individual with an alternate.

GPAC Utilization

At the June 2, 2015 Study Session, City Council Members discussed how the GPAC should be used and expressed comfort that the Committee would not be the “end all” in terms of the final General Plan product. The Council also agreed that they would select the Consultant to facilitate and lead the update process with the GPAC. Although it may be preferable to include a question in the Request for Proposals (RFP) distributed to hire a Consultant on how best to utilize the GPAC, it makes sense to sequentially process one Element at a time.

Staff sees the Consultant facilitating the GPAC’s discussion starting with what the Council has already discussed such as 1) what is working well now, 2) what may need further refinement (i.e., requires tweaking), 3) what is not working well and needs major work, and 4) what needs to be added that is not currently within the General Plan. The Consultant should have sufficient experience preparing General Plans to take the GPAC’s responses to then draft the document’s many sections. These sections would

then be returned to the GPAC to ensure that the Consultant accurately captured the conversation.

Meeting minutes will be created and returned to the GPAC at the following meeting for review and approval. After the minutes are approved, staff will post them on-line for public review.

The starting point should be the Land Use Element since this seems to be the basis for which all other Elements respond. Basically, the GPAC and Consultant would work on each Element, eventually returning to the City Council (via the Planning Commission) for the ultimate acceptance (not formal approval) prior to moving on to the next Element. The reason why staff does not suggest a “formal approval” at that interval is because there may be subsequent Elements created that require modification of the Element that was previously accepted.

On a monthly basis, staff suggests that a “status report” be provided to the Council regarding the GPAC’s progress. If issues raise uncertainty that require broader policy direction, that would be the time to keep the GPAC/Consultant on track. Although a status report is beneficial for Council connection to the update process, any direction provided could be viewed as influencing the process. Therefore, a sensitive balanced approach to providing any direction should be agreed by the Council prior to the project’s commencement.

Staff Roles and Responsibilities

City staff has formed an internal Staff Advisory Committee (SAC) consisting of the Recreation and Community Services Director, the Public Works Director, the Chief of Police, the Finance Director, the Community Development Director and the City Manager. Their role is to monitor the discussion between the GPAC and Consultant to ensure that suggested policy changes will be consistent with the staff’s ability to support said changes and that they will not conflict with other policy direction that staff is more familiar with than either the Consultant or GPAC. If the SAC identifies conflicts, a memorandum will be provided to the Consultant for greater discussion with the GPAC. The memorandum will also be posted on-line for public review.

The Community Development Department will be responsible for managing the Consultant contract, providing information to the GPAC, providing updates to the City Council via various staff reports, coordinating meetings with the SAC, providing public noticing, and posting information on the City’s website. Additional responsibilities may be required that are unknown at this time.

General Public Participation

As discussed in the June 2, 2015 Study Session Report, the general public will be involved at a variety of levels, both directly and indirectly. Directly speaking, the public will be able to:

- Attend Commission and Council “status report” meetings.
- Attend Study Sessions when they are warranted.
- Attend Community Outreach meetings as strategically planned per the Consultant’s recommended schedule.
- Attend meetings on the environmental document.
- Attend Commission and Council public hearings on the formal Plan adoption.

Indirectly speaking, the public will also be to:

- Follow the GPAC’s progress, where minutes of the meetings will be posted on the City’s Website.
- Review staff reports and memorandums to the GPAC, Planning Commission and City Council that will be posted on-line.
- Access Peak Democracy Inc. Open Town Hall, which is a cloud-based online civic engagement platform that augments and diversifies public participation in ways that enable government leaders to increase public trust in their governance.
- Utilize a City created “application” that can be downloaded on an electronic device, where it would link the user to the City’s webpage.

Request for Proposal (RFP)

The City Council decided that they would be the appropriate body to hire the General Plan Consultant who will work with the GPAC. Because time is of the essence, staff has prepared a draft Request for Proposal (RFP) for Council review (**Attachment 6**). Staff requests that the Council review the format of the RFP and provide input. Staff then intends to meet internally with the Staff Advisory Committee (SAC) to input additional information and then return to the City Council for formal approval of the RFP prior to distribution to outside consulting firms. Specific questions discussed at the Council’s June 2, 2015 Study Session are incorporated.

NEXT STEPS

1. The City Council should review and approve the GPAC’s by-laws.
2. Staff will prepare a draft Request for Proposal (RFP) and present it at the Council’s September 1, 2015 meeting.
3. Following approval of the RFP, staff will distribute it to various Consultants who specialize in General Plan updates.

Attachments:

1. June 2, 2015 City Council Study Session Staff Report
2. June 2, 2015 City Council Comments – bulleted from video review
3. GPAC Members

4. Email to GPAC requesting review of existing City documents
5. GPAC Draft By-Laws
6. Draft RFP

Prepared by: _____
Paul Kermoyan, Community Development Director

Approved by: _____
Mark Linder, City Manager



City Council Report

Item:
Category: New Business
Meeting Date: September 15, 2015

TITLE: Authorize the City Manager to distribute a Request for Proposal (RFP) to qualified consultants to prepare the Envision Campbell Plan, select a City Council subcommittee to review the submitted proposals and conduct interviews with selected consulting firms, approve a Purpose Statement for the Envision Campbell Plan, and clarify the need to conduct General Plan Advisory Committee (GPAC) meetings as public meetings (PLN2012-207). (Resolution/Roll Call Vote).

RECOMMENDATION

Staff recommends that the City Council take the following action:

1. **Clarify the GPAC meetings**, as being either open or closed to the public.
2. **Adopt a Resolution to authorize the City Manager** to distribute a Request for Proposal RFP to qualified consultants necessary to prepare the Envision Campbell Plan, an EIR and an optional Zoning Ordinance update.
3. **Select the City Council Subcommittee** members who will be responsible to review the submitted proposals and conduct interviews of the selected consulting firms prior to forwarding a recommendation to the City Council of the most qualified firm.
4. **Approve a Purpose Statement**, articulating what the Envision Campbell Plan's purpose will be prior to the commencement of the visioning and update process.

BACKGROUND

At the City Council's August 18, 2015 meeting, the Council received a report on the "Envision Campbell" General Plan update, in particular the use of the GPAC in an effort to reach agreement on their roles and responsibilities, and the review of a draft Request for Proposal (RFP) to hire a Consultant to lead the update process. Although the Council spoke about the GPAC's utilization and responsibilities at that meeting, the majority of the discussion focused on the Council's ability to have a more active role in the GPAC discussions and ultimate recommendations as well as the GPAC's selection. As a result of the deliberation, the Council agreed that the GPAC selection was properly

accomplished and that the GPAC should work independently without Council influence. However, there remains an expectation that the GPAC's recommendations will be forwarded to the entire City Council at various milestones and that monthly updates will be provided to the Council at regularly scheduled meetings.

The Council also discussed if the GPAC meetings should be open to the public, to which staff did not receive a consensus opinion. In this regard, staff is bringing this matter back to the Council for formal understanding.

Further, the Council was unable to offer substantive comment on the draft RFP. However, Council Member Resnikoff requested confirmation that any selection would be based on qualifications rather than cost. The Council also discussed that a subcommittee should be appointed to review the proposal and ultimately interview the qualified consultants prior to forwarding a recommendation to the City Council. Therefore, staff is recommending that the Council select the subcommittee.

Lastly, Council Member Gibbons requested at the July 7, 2015 meeting that the Envision Campbell process should begin with a "purpose statement" rather than a community vision. Because the City Council was the body to initiate the update process, staff felt it was necessary to have the Council create the purpose statement which will then help lead the process from the beginning.

DISCUSSION

The Envision Campbell update to the General Plan involves several preliminary steps that remain outstanding prior to selecting a consulting firm. This report seeks to obtain Council direction as staff continues the initial stages of the update process.

GPAC Meetings

The GPAC represents a diverse group of Campbell residents who will represent the community as a whole and who will work with a City Council selected consulting firm to draft General Plan goals, policies and strategies. This group will meet monthly with the quantity of meetings unknown at this point. Ideally, it would benefit the process if they could meet twice a month for no longer than two hours each meeting. It is expected that the GPAC will return to the City Council at critical milestones in order to obtain direction or acceptance of their recommendations. It is also expected that staff will present monthly status reports at regularly scheduled Council meetings in order to keep the public up to date with the project's progress.

At the August 18, 2015 Council meeting, there was some discussion as to the opportunity to allow the public to attend these meetings. Although there was not much discussion on the matter, staff heard from two Council Members that they would be open to that ability. Staff is attempting to obtain clarification from the entire Council that the public would be able to attend the meetings for scheduling purposes. Assuming the

public can attend, the Council should consider if such participation could elongate the process that the Council has been in agreement should be expedited or create a confrontational/influential environment that would disrupt the committee dynamic. Conversely, the Council should also consider if such participation could improve the public's participation thereby creating more acceptable policies.

Request for Proposal (RFP)

Staff included a draft RFP in the August 18, 2015 Council staff report in order to obtain comment prior to returning the document for City Council approval. Staff received one suggestion that involved ensuring that the selection process would favor qualifications over cost. Staff has made this change and also incorporated suggestions from the Public Works Department to include:

- Mention that the City intends to prepare a Cambrian Area Plan
- Reference to NATCO standards
- Included meetings with the Bicycle and Pedestrian Advisory Committee
- Experience looking at Vehicle Miles Traveled versus Level of Service
- Included a question relative to a Sustainability Element

Staff is seeking Council acceptance of the attached RFP and City Manager authorization to distribute the document to consulting firms.

Council Sub-Committee

The City Council agreed that they should be the body to review the proposals and ultimately select the consulting firm. It was suggested that a Council sub-committee be responsible for reviewing the proposal and conduct the interviews prior to forwarding a recommendation to the City Council for approval. Because the sub-committee has not been formed, staff is requesting such selection at this meeting.

Purpose Statement

The City Council agreed with Council Member Gibbons that a "purpose statement" be created prior to commencing on the Envision Campbell update process. Selecting such a statement can be challenging so staff has provided some examples in order to facilitate the Council's discussion.

- The Envision Campbell Plan is Campbell's fundamental land use and public service policy document which reveals how the City will grow and conserve its resources.
- The Envision Campbell Plan contains policies on character and design, land use, open space, and the natural environment, business and economics, public services, neighborhood vitality, transportation, and growth issues in an effort to plan for Campbell's future.

The above represents general ideas that will assist the Council's discussion. Staff suggests that individual Council Members bring their top three purpose statements to the meeting.

NEXT STEPS

Once the Council approves the RFP, staff will distribute the document to consulting firms in order to solicit proposals. At the close of the submittal period, staff will convene the sub-committee to review the proposals and then invite the most qualified firms for interviews.

Attachments:

1. Resolution authorizing the distribution of an RFP
2. Draft RFP

Prepared by: _____
Paul Kermoyan, Community Development Director

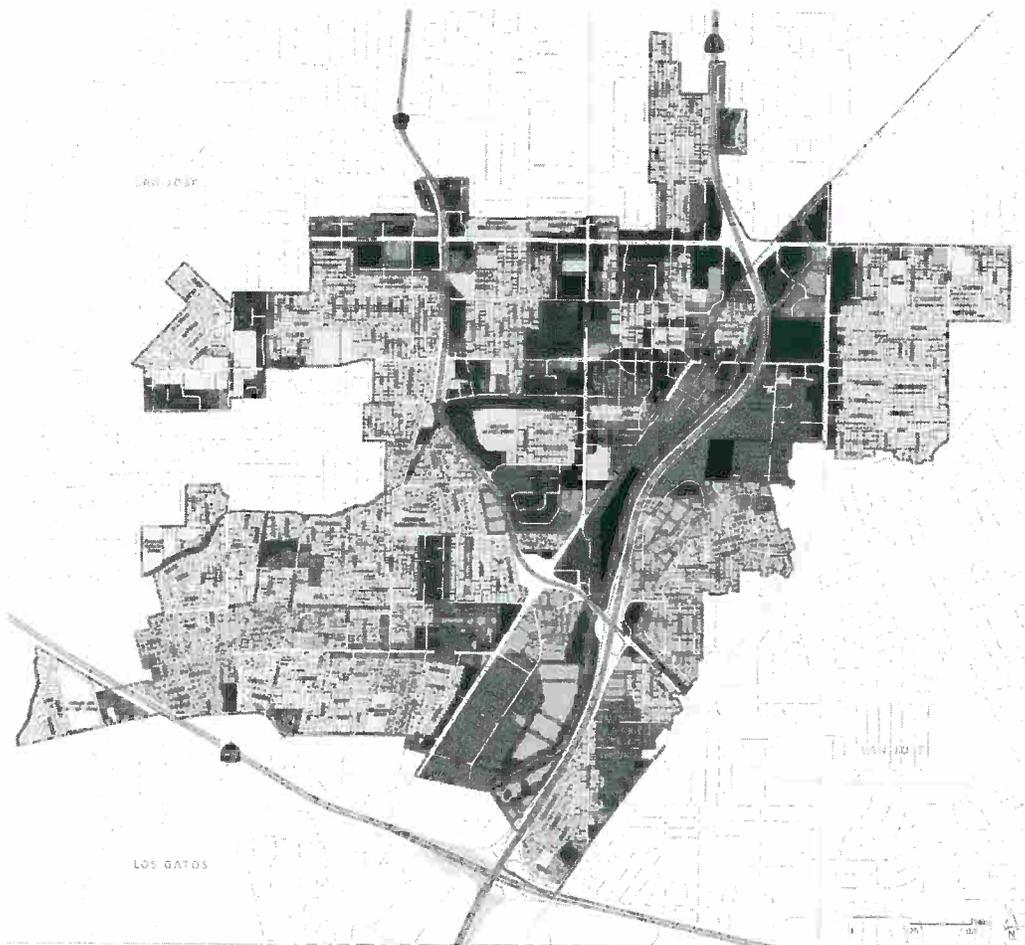
Approved by: _____
Mark Linder, City Manager



REQUEST FOR PROPOSAL

“Envision Campbell” – A General Plan Update

Planning Consultant Services



September 18, 2015

**City of Campbell
Community Development Department
70 N. First Street
Campbell, CA 95008**

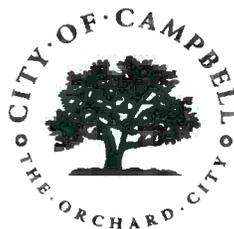


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1. Introduction and Project

The City of Campbell is in a transition where policies were developed to help retain the charm of the City's past while embracing the development pressures that shape its future. Residents enjoy beautiful natural surroundings, well maintained parks and trails, a convenient environment in proximity to job centers, all within the quaint atmosphere of a small, friendly town.

As Campbell continues to witness its implementation of its many policies and strategies, coupled with the economic growth of Silicon Valley that surrounding municipalities are equally witnessing, there remains question as to the City's future. Many question if the current General Plan goals and policies are creating the community character representative of the citizens' values and expectations.

The City of Campbell is requesting proposals from planning consulting firms to help the City Council lead a comprehensive update to the City's General Plan and prepare the corresponding California Environmental Quality Act (CEQA) document.

It is anticipated that the General Plan Update process, referred to as "Envision Campbell", will not involve a wholesale rewrite, but rather a refresh of the 2001 General Plan. When reviewing the existing plan, one will notice that it has five (5) elements incorporating the seven (7) mandated elements required per State law. Several of the elements are grouped such as "Land Use and Transportation", and "Health and Safety". The practitioners of the General Plan who utilize the Plan on a daily basis see merit to detach the elements so they remain independent from the others. There may be a need to include other elements as identified by the City Council such as a Sustainability (including a Climate Action Plan), and improved "health communities" policies.

Primary Work Product

Responsive proposals will describe the approach, the process and costs to:

1. Prepare a General Plan Update, including:

- Revisions and updates to the following elements
 - Land Use
 - Transportation
 - Health and Safety
 - Noise
 - Open Space
 - Conservation
 - Housing
- A new Sustainability Element, including a Climate Action Plan
- Include Economic Development goals, policies and strategies in the elements

- Conducting an economic analysis to provide baseline information that will serve as a basis for future land use and economic strategies and in-line with the Sustainability Element
 - Preservation of goals, policies and strategies that are working
 - Refining existing goals, policies and strategies
 - Completely rewriting and/or replacing goals, policies and strategies that may not be working
 - Conducting necessary environmental analysis and preparation of California Environmental Quality Act (CEQA) compliance documentation for a comprehensive update to a General Plan
2. **Completing the project within the set time frame and within budget is a key factor.** Given the quantity of projects the consultant may be committed, it is important that there is a commitment with Campbell that the project manager will continue until the project is completed.
 3. **The deadline for submitting the proposal will be Friday, October 30, 2015 at 5:00 p.m.** Proposals must be received by the Community Development Department, at 70 N. First Street, Campbell CA 95126 by the time and date stated.

2. Background

City of Campbell Location

The City of Campbell is located approximately 50 miles south of San Francisco in Santa Clara County, one of the nine counties that make up the region known as the San Francisco Bay Area. It is also located in the heart of Silicon Valley, which has been fueled by economic growth and development pressures. The City occupies approximately six square miles of relatively flat land that slopes gently toward the south end of the San Francisco Bay. Campbell is bounded on the north, east and west by the City of San Jose and on the south by the Town of Los Gatos. A small portion of Campbell's southwestern boundary is adjacent to the City of Saratoga. The residents of Campbell have views of the Sierra Azules to the east and Santa Cruz Mountains to the southwest.

History

The City of Campbell takes its name from Benjamin Campbell, an early landowner, rancher and farmer of the area. From 1885 to 1888, Benjamin Campbell served as the first Postmaster from his home, which was located on Campbell Avenue between what is today First and Second Streets. On his land was the "flag stop" on the railroad from Santa Clara to Santa Cruz. In 1886, several buildings were constructed on the Campbell property including a train depot known as "Campbell Station" and a town hall for social gatherings. In 1888, the first residential lot in the first subdivision of Campbell's property was sold. Campbell had a fire department and newspaper by 1895, grammar school by 1888, and a high school by 1900.

Campbell's ideal location in Santa Clara Valley with its rich agricultural soils, made it a home to many of the world's largest fruit drying grounds and canneries of the day. Campbell became known as the "Orchard City" in the very beginning of its history as most of the land within the area was devoted to agricultural use, primarily orchards. In 1887, the first use of the land for industrial purposes was the development of one of the largest drying grounds in the world. The drying grounds had been built adjacent to the tracks south of the depot. The dried crops included prunes, apricots, plums and apples.

John Colpitts Ainsley founded the J.C. Ainsley Packing Company in Campbell, which was one of the finest canneries in California. The packing company was a vital part of the Campbell community, which operated from 1893 until 1933 when Mr. Ainsley sold the cannery to the Drew Canning Company. Other big company names in Campbell's fruit canning and drying business include the George A. Fleming Company, Frank Buxton's Fruit Drying Works, George E. Hyde and Company, The Orchard City Canning Company, Campbell Horticultural Association, Campbell Fruit Growers' Union, Campbell Farmers Union Packing Company and the California Prune and Apricot Growers Association that Marketed fruit under the famous brand name of Sunsweet.

Consultant Challenges

By the time the City was incorporated, on March 28, 1952, there was a well-established downtown center and many of the orchards, which gave Campbell its "Orchard City" nickname, were being replaced by housing subdivisions, commerce and industry. Today, agriculture uses in Campbell is non-existent as an industry and many individuals who moved to Campbell because of its rural environment are finding it difficult to except the City's continued growth.

One of the challenges of the Consultant, and certainly the Campbell community, is how to develop City goals, policies and strategies that will help manage the development pressures and continued growth that has occurred since the day Benjamin Campbell settled in the region.

Although flat horizontal housing subdivisions primarily removed most of the farmland that symbolized the character of the Campbell community, there remains resistance to smarter ways to develop which typically means building vertically. This will produce another challenge for the Consultant and community on deciding on best practices that will allow for new developments that respect the ideologies and vision of the residents.

Community Vision and Purpose Statement

The current "Vision Statement" established with the 2001 General Plan was an important outcome from the City's Strategic Planning process and a Community Satisfaction Survey. According to the General Plan, a "vision" articulates a destination toward which the City should aim and a future that, in important ways, is more desirable than the present. The Vision has been paramount in the development of the General Plan Goals, Objectives, and Strategies.

The Campbell Vision

*Campbell will remain a friendly
Community and develop a stronger
Sense of identity, characterized by
the active involvement of its citizens
and businesses in all aspects of community
life.*

*It will be a safer, more well-balanced small
town with connected neighborhoods set in
an attractive and comfortable environment.
Campbell City government will be increasingly
Fiscally self-reliant, provide more effective basic
Municipal services and foster regional cooperation
and local partnerships.*

Despite the established Vision in 2001, most of the developments that have drawn the most reaction have been constructed according to the City's current land use policies. It has been debated whether the design of the buildings are consistent with the City's character coupled with development in surrounding municipalities, residents have expressed concern that the current General Plan is not reflective of current environmental changes. In this regard, the City Council determined that it was time to refresh the General Plan.

Prior to preparing such an update, the City Council expressed a desire to establish a "Purpose Statement" as to why such an update was warranted. Either the City Council or the GPAC, through the facilitation of the selected consultant, will prepare the Purpose Statement. As of the writing of this Request for Proposal, such statement has not been selected. However, the Council will revisit the subject at their October 6, 2015 meeting.

The Consultant will need to facilitate the establishment of a new City "Vision" taking into consideration the City Council established "Purpose Statement" explaining why an update to the General Plan is now warranted.

Existing Area and Master Plans

The City has several planning documents that further the goals and policies of the General Plan. These documents were adopted at different times and some are older than others. Because these documents were developed consistent with the City's General Plan at that time and the current General Plan has been found to be in need of refreshing, the Campbell community may find the need to relook at these plans for further refinement. These Plans include:

Downtown Development Plan – This Plan was originally adopted as a Specific Plan in 1988 by the former Redevelopment Agency, to help regulate land uses and

developments within Downtown Campbell. This Plan was later updated in 2006 and continues to be subject to debate on how well it maintains a balanced mix of land uses.

North of Campbell Avenue Area Plan (NOCA) – This Plan was adopted in the 1980’s and represents how properties should be developed North of Campbell Avenue, on Harrison and Salamar Avenues. The Plan’s goals are to convert industrially zoned properties to residential and mixed use.

South of Campbell Avenue Area Plan (SOCA) – This Plan was adopted in the 1991 and represents how properties should be developed South of Campbell Avenue, on a larger land mass than the NOCA Plan. This area includes properties on Railway, Dillon, Gillman and Sam Cava Avenues. The Plan’s goals are to convert the area into commercial, mixed-use and attached residential uses.

San Tomas Area Neighborhood Plan (STANP) – Adopted in 1993 and two General Plans ago, this Plan covers geographically the largest land mass in the City. Its goals are to preserve the residential development pattern and rural qualities of the area. There is minimal mention of commercial development regulations, even though commercially zoned properties exist in the plan area. This has created a debate between residents and City as to what constitutes compliance with the Plan.

East Campbell Avenue Master Plan – This Plan was adopted in 2007 in order to connect Downtown Campbell to the Prune Yard office and shopping center. The incorporated design principles of the Plan are to extend typical downtown practices and elements along Campbell Avenue as a way to elongate the Downtown Core. The idea is that these features would actually provide for and achieve a more connected and functional corridor.

Winchester Boulevard Master Plan – This Plan was adopted in 2009 to incorporate smart planning principles of placing higher density housing on transportation corridors, in a mixed-use setting. The idea of “extending the downtown” fabric along Winchester Boulevard was one of the driving forces of the Plan. In doing so, the streetscape was designed to incorporate similar design features found in downtowns such as wide sidewalks, uniform/decorative street lights, and taller buildings to compensate for the wider street to define a sense of place, and bulb-outs to calm traffic and increase pedestrian safety.

The link to access the City’s General Plan, Implementing Area Plans, and the Zoning Ordinance may be found at: <http://www.cityofcampbell.com/166/Zoning-and-Land-Use>

Area Plan Preparation In-Progress

The City is currently preparing and planning for other implementation tools of the General Plan including one Area Plan in progress and one Area Plan that has not yet commenced.

Dell Avenue Area Plan (DAAP) – The City is currently processing a General Plan Amendment involving the only Controlled Manufacturing zone district within the City,

along with a commercial strip within the STANP, in order to encourage the development of a high-tech business park and supporting mixed use developments. This area is roughly 100 acres in size. The Plan has been developed in draft form and soon will be discussed at the Planning Commission. The Draft Environmental Impact Report (DEIR) has already been circulated for public comment and comment letters received. A Final EIR is currently being completed.

Cambrian 36 (Village) Area Plan – The City is planning for the preparation of an Area Plan for a newly annexed area that was part of a much larger reorganization of the City known as Cambrian 36 and Central Park. Central Park actually involved a detachment from the City of San Jose as part of the annexation of the Cambrian 36 territory that was supposed to be annexed by San Jose as part of their Urban Service Area/Sphere of Influence. The Plan’s parameters, as currently articulated by the Neighborhood Association, are primarily focused on street improvements. It is unknown if the future Plan will also include private property development standards typically found in traditionally prepared Area Plans.

3. Issues, Regulatory Requirements and Required Updates

Issue Areas

Issue areas that have been the subject of discussion include a general understanding that it will be strongly encouraged for the Consultant to work with the GPAC to consider what is working well with the current General Plan, what needs refinement, what is not working well and needs an overhaul, and what does the City need that it doesn’t currently have. Essentially, the Consultant and GPAC will need to look at reaffirmation of the values of the General Plan.

In addition, the Consultant should be aware that the City Council has discussed the potential additions to the General Plan:

- Sustainability – The Plan should include goals and policies intended to address how the City will sustain itself over the next 20 years. One topic of continued discussion, given the drought, is the City’s ability to provide available water for existing and future residents.
- Climate Action Plan – The City does not have a Climate Action Plan and looks at this General Plan update as the opportunity to create one. It is assumed that the Climate Action Plan could be linked to a Sustainability Element or as part of any goals/policies linked to “sustainability” should the Consultant believe there is a better place to provide such provisions. One Council concern is the protection of business expansion with such a Plan.
- Affordable Housing – The City recently obtain certification of its Housing Element on February 17, 2015. The Housing Element is for an eight (8) year period and extends relatively far out into the future to potentially warrant limited review. Nevertheless, as goals and policies are refreshed, the Consultant and GPAC

should make certain that there are no internal conflicts with goals/policies aimed at protecting affordable housing supplies and future affordable housing opportunities.

- Economic Development – Some Council members expressed an opinion that the General Plan should have its own Economic Development Element while others are uncertain if there are any real tangible outcomes with such provisions. The Consultant and GPAC should look at existing policies contained in the Land Use Element of the General Plan that speak to maintaining the economic health of the City to determine if there is a need to build on those goals.
- Jobs and Housing Balance – Maintaining a desired relationship between jobs and housing has proved challenging so the City Council's expectations is the General Plan develop goals and policies to achieve such a balance. In certain respects, this "consideration" incorporates the previous two issue areas involving affordable housing and economic development.
- Education – The City Council understands the importance of maintaining a vibrant educational system to serve the Campbell community and would like to establish goals and policies to achieve a desired outcome. In many ways, development has the tendency to put more pressure on schools to provide available and manageably sized class room to serve the community. The General Plan should look at how to balance growth with the School District's ability to fund capital improvements.
- Health Element – Although the City currently has a Health and Safety which is one of the seven mandated elements per State law, the City would like the Consultant and GPAC to expand its application to incorporate "Health Communities" provisions and practices.
- Technology – A General Plan document is typically a 20 year Plan for the future, even though Cities typically start discussing the need to update a General Plan at the 10-year mark. Even so, the Council has recognized that "technology" is advancing quickly and that the City's General Plan should be structured to respond to such advances.
- Circulation – The City Council is interested in looking at ways to innovate street design and transportation policy by focusing on the National Association of City Transportation Officials (NACTO) guidelines. In addition, the Consultant should introduce methods to achieve compliance with SB 743 which will replace LOS with VMT.

Regulatory Requirements and Required Updates

The General Plan update will focus on those key General Plan areas that the GPAC identifies through Consultant facilitation. All of the GPAC members have had access to the current General Plan, Implementing Area Plans, and the Zoning Ordinance to

familiarize them with the City's many goals, policies, strategies and standards. These documents, coupled with their experiences as members of the Campbell community, will help them be productive participants in the update process. As previously discussed in this RFP, the Council is requesting that the Consultant work with the GPAC to understand:

- **What is working well and does not need to be changed?**
- **What is not working well and needs to be refreshed?**
- **What is not working at all and needs to be removed?**
- **What is currently missing that needs to be added?**

The results of these discussions should produce more usable, realistic, and flexible solutions to issues that prevent the City from realizing its preferred vision. In terms of "flexibility", the General Plan should be written in a manner that allows flexibility rather than identifying rigid policies. As the Council has witnessed in the past decade, economic conditions fluctuate, technology has rapidly evolved, and new legislation create the need to adapt to State mandates. The General Plan must be a living document that can maintain relevance and allow for change in a fast paced world. Identification of core values and a vision for the community are crucial elements in developing a guiding document.

4. Scope of Services

Preliminary Scope of Work

The following Preliminary Scope of Work is presented as an initial outline to allow the consultants to gauge the minimum level of work requested and to submit a realistic project proposal. If the consultant identifies opportunities to improve the required scope of work leading to a stronger more functional General Plan and Environmental Impact Report, please submit proposals for alternative options.

Project Planning and Background Information Review

- Determine if the scope of work includes the steps necessary to prepare an update to the General Plan and the environmental documentation that will realize the City's goals. You are encouraged to include additional steps and options so long as the final product will achieve a stronger General Plan.
- Provide a project timeline, including the estimated quantity of GPAC meetings, community meetings, Planning Commission meetings, and City Council meetings. The timeline should be realistic given consultant's experience preparing similar Comprehensive General Plan updates.
- Administer an understanding of the Campbell community, the existing planning documents, and of best practices in preparing superior General Plans and EIRs.

Community Facilitation and Management

- Prepare a comprehensive community outreach program, taking into consideration that the City Manager has already selected its GPAC to represent

the opinions of the community. Nevertheless, the Council expects that there is sufficient public opportunity to be involved. Below, staff anticipates the following meeting dates (which could change should the selected consultant suggest alternative meetings).

- Facilitate a Visioning process with the GPAC for a minimum of three (3) meetings. Prepare the Visioning statement which will be folded into the General Plan.
- Attend three (3) kick-off meetings with Council, staff, and the GPAC (one for each body). Prepare minutes for these meetings.
- Facilitate a minimum of twelve (12) community meetings with the general public, and twenty-six (26) meetings with the appointed General Plan Advisory Committee (GPAC). Prepare minutes for these meetings. Please note it is uncertain how many monthly meetings the GPAC will have, although it is conceivable they would have two meetings per month.
- Participate in a minimum of ten (10) joint study sessions between the City Council and the Planning Commission.
- Present the Draft Environmental Impact Report to the Planning Commission during the Notice of Availability/Notice of Completion stage.
- Present the draft General Plan to the Parks and Recreation Commission at two (2) public meetings, to the Civic Improvement Commission at two (2) public meetings, at the Bicycle and Pedestrian Advisory Committee at two (2) public meetings, at the Planning Commission at eight (8) public hearings, and at the City Council at ten (10) public hearings.
- Prepare meeting minutes for all GPAC and Community meetings and return said minutes to the Community Development Department within two weeks from said meeting. Staff intends to post these minutes on-line for public information.
- Extensive consultation with interested agencies, organizations, City staff, elected/appointed City Officials, etc.
- Preparation of required public notices, maps, graphics, presentation and media materials, and other related documents that can be posted on the City's website.

(Please note that the sub-consultants will need to attend meetings that are relevant to the discussion. Their time should be factored into the total project cost).

Deliverables

- A Vision Statement coordinated through the GPAC and approved by the City Council.
- Meeting minutes for all GPAC and Community meetings.
- All public notices for the environmental review process.
- A Draft Environmental Impact Report (Ten hard copies and one electronic version).
- A Final Environmental Impact Report (Ten hard copies and one electronic version).
- A Draft General Plan (Ten hard copies and one electronic version per submittal).

- A Final General Plan (Ten hard copies and one electronic version per submittal), which includes:
 - The mandatory elements (and potentially new elements), diagrams, goals, policies, strategies, etc. that are consistent with current State law and Office of Planning and Research (OPR) guidance;
 - A user-focused design approach, so that the document is an easy to navigate format, with appropriate design of text and graphics; the format should also lend itself to a direct and efficient method for annual reporting to the community and to the State of the progress of the City in satisfying its goals;
 - Potential text and diagrams within the land use element that express community intentions regarding “form” and “design” of developments, in accordance with Government Code Section 65302.4.
 - A glossary and keyword index.
- A Zoning Ordinance as an added option to the main goal of preparing the General Plan and EIR (Ten hard copies and one electronic version per submittal). The Zoning Ordinance may include, but not be limited to the following:
 - An organization and format that is easy to read and understand, and is consistent in terms of processes and requirements;
 - Simplified use classifications;
 - Graphics that illustrate regulations and make the Code easy to use;
 - Design Review Standards, including findings necessary to support projects.
 - Provisions that will help the City achieve high-quality infill projects that are compatible with the context of existing development in the area.
 - Contemporary terms and definitions.

5. Desired Qualifications

The ideal consulting firm would include the following disciplines and attributes:

- A highly organized and responsive team that collaborates, listens, and partners with the community.
- A firm with staff who are proven facilitators of visioning processes.
- A strategic project manager with substantial experience in collaborative planning, management of multidisciplinary teams, and planning/implementing strategies to help retain and attract “high tech” companies.
- A consulting firm that is passionate about collaborating with the community and has demonstrated substantial success in community education, visioning, and public relations.
- Talented writers, illustrators, and graphic artists that can prepare user-friendly and graphically enriched presentations, maps, diagrams, and architectural illustrations.

- Consulting firms that have substantial experience preparing General Plan documents for similarly sized Cities with a passion for historic preservation and community character.
- Consulting firms that have developed similar Area Plans that have been successfully implemented to bring about desirable change.
- An environmental team that has substantial experience preparing legally defensible environmental documents (e.g., MND's, EIR's).
- A consulting firm that has coordinated with traffic consultants that have successfully prepared traffic impacts analyses, parking studies, and pedestrian movement studies for such land uses.
- Ability to integrate the finished product into the City's website and other information systems.
- The ability to coordinate with surrounding local governments that may have issues/concerns with how the proposed Area Plan may affect their community.

Questions

In order to help the City Council assess the qualifications for each of the individual consultants, please respond to the following questions within your submitted proposal:

1. Now that you have had the opportunity to review the City's General Plan, please explain what improvements you would recommend regarding its structure, content, consistency with applicable State laws, and best practices incorporated into more currently prepared General Plans.
2. What are some of the challenges you see in the update process?
3. Please describe your knowledge and experience with NACTO standards.
4. Please describe your experience regarding working with VMT's and the prospect of LOS being removed from CEQA.
5. What pending State legislation should the City of Campbell be concerned and why?
6. What experience do you have developing Sustainability Elements, especially when the local agency does not have an adopted Climate Action Plan?
7. Have you worked in similarly sized communities and what have you learned through that experience?
8. Given the quantity of projects your firm is processing, what assurances can you provide the City of Campbell that the project would be processed on time, within budget and with staffing consistencies?
9. Explain your experience facilitating GPAC and Community meetings, including visioning processes.
10. The City Council is also interested in proposals that include a Zoning Ordinance preparation. Please explain how you would intend to prepare a Zoning Ordinance in the process of preparing a Comprehensive Update to the General Plan. How much processing time would you estimate the City can save by adding this to the General Plan and EIR preparation?

6. Submittal Information

Minimum Eligibility Requirements

Eligible firms shall be those with appropriate experience in the creation of General Plans (preferably for similarly sized cities), land use planning, space-making design, economic development strategies, engineering, traffic engineering, and community facilitation related to the major components of this Request for Proposal.

Proposal Requirements

Proposals must contain the following information listed below, including any other information that the consultant feels will facilitate the City's consideration.

1. Cover Letter. Please include a cover letter stating project interest which includes:
 - A statement describing why your firm is qualified to complete the project and perform the work required in a responsive manner.
 - A description of the anticipated interaction between consultant and City.
 - Identification of the project manager and main point of contact.
2. Review of Preliminary Scope of Work. Review the preliminary scope of work and provide comments, suggested modifications, changes and/or additions as appropriate.
3. Review of Preliminary Project Schedule. Review the preliminary project schedule and provide comments, suggested modifications, changes and/or additions as appropriate. Indicate resources that will be allocated to each major task to meet this schedule, and discuss your firm's flexibility and record in "catching up" if milestone dates are not met. Discuss your firm's commitments to other projects in the time frame coinciding with this project.
4. Qualifications and Capabilities. Provide a detailed discussion of the qualifications and experience of the Project Manager that would be assigned to this project. Provide additional information regarding the qualifications and experience of all others that will be assigned to work on the project team. Please submit resumes of only those individuals that will actually be assigned to work on the project. Indicate how your firm's resources will work together to complete this project. An organizational chart is recommended.
5. Sub consultants. Identify any sub consultants your firm will utilize to complete this project. The list should include, at a minimum, the following basic service sub consultants (if not part of the proposing firm):
 - Urban Design Planners
 - Environmental Planners
 - Facilitators
 - Civil Engineers

- Landscape Architects
- Structural Engineers
- Traffic Engineers

Briefly describe your firm's past experience, working relationship and involvement in joint projects with these sub consultants.

6. Related Project Experience. Describe your firm's Project Manager's past performance on similar projects, including coordinating the work of sub consultants. Provide locations, description of work, work samples or links to samples, completion dates, and value of contracts. Address your firm's record of meeting schedules and controlling costs. Provide an explanation gauging how successful implementation of the referenced project experience has been in realizing the municipality's goals.
7. Sample Products. Gaining an understanding of the products prepared by the consulting firm is important for the evaluation committee. Please provide internet links (or PDF files on a CD/DVD or memory stick) to three General Plans prepared by the consulting firm. Please include the cost to prepare each General Plan, the level of facilitation required to facilitate its preparation, and the duration.
8. Project Team Consistency. Explain how you can guarantee that the project team members will be accessible and able to complete the project without change.
9. References. Include name, address and phone number for a minimum of three (3) references you prepared similar projects.
10. Cost Estimate. Submit a cost estimate for each task outlined in the preliminary Scope of Work. Provide a breakdown of the costs for each task showing the estimated hours of each project staff member assigned to the task and the associated cost for that project staff member or sub consultant. Also provide hourly rate schedules for all key project staff, including sub consultants.
11. Insurance Coverage. Identify carriers, A.M. Best ratings, types and limits of insurance carried by your firm. Provide a statement verifying that your firm meets the insurance requirements contained in Attachment "A".
12. Additional Information. Please provide a list of contracts/agreements terminated for convenience or default within the past three years, if any. List any litigation that now affects or may affect in the future the firm's ability to perform.

Application Procedure and Deadline

The submittal should be prepared in 8 ½" x 11" format using a 12-point font size for the text. Please submit twelve (12) hard copies of the proposal and one copy on a flash drive or CD ROM. Please do not submit information that must be returned.

Proposals must be received no later than 5:00 p.m., Friday, October 30, 2015 and delivered to the **City Contact**:

Paul Kermoyan, Community Development Director
Community Department Department
City of Campbell
70 N. First Street,
Campbell, California 95008

Questions related to the Request for Proposals (RFP) must be submitted in writing either via fax [attention Paul Kermoyan] at (408) 866-2141, or via email to paulk@cityofcampbell.com.

7. Consultant Selection Process

Ranking Consultants

The City Council will ultimately select the consultant. The selected consultant contract will be managed by the Community Development Department under the direction of the City Manager.

Short List Selection Process

The City intends to use a two-step process in the selection of the consulting firm. First, the proposals will be ranked according to qualifications to perform the work as described in this Request for Proposal (RFP). This takes into consideration experience preparing similar projects in similarly sized communities, capabilities to perform the essential job functions, duration to complete the project, and costs. Second, the responses to questions in Section 5 of this RFP "Desired Qualifications" will be considered.

A City Council subcommittee will evaluate all responses to the Request for Proposals that meet the submittal requirements and the submittal deadline. Those submittals that do not meet the submittal requirements or the deadline will not be considered. City staff will also review the submittals and provide recommendations to the City Council subcommittee. Based on all the rankings, a short list of consultants will be established, and contacted in writing for interviews.

Finalists Invited for Interview

A single set of interviews with the top ranking firms will be held in order to establish the final ranking. Approximately twenty (20) minutes will be allowed for presentations and no more than thirty (30) minutes for questions by the selection group, including feedback on comments received from references. The consultant's proposed Project Manager must lead the presentation.

1. The City Council subcommittee will conduct the interviews and evaluate the finalists.

2. Presentations should focus on the proposed project team, their relevant project experience and the proposed organization chart to facilitate coordination and communication between the City and consultant. Other factors that could be discussed include project approach, philosophy, design, and decision-making processes.

Other questions that will be addressed include discussion of the consultant's ability to meet schedules or deadlines, complete projects without having major cost escalations or overruns, and familiarity with geographic location of the project.

3. The selection group will rank the consultants. Final ranking of consultants will be based on the submitted proposal, the interview, and the results of reference checks.
4. The City Council subcommittee will proceed with negotiating a contract with the highest-ranked consultant. If the City and the consultant cannot reach agreement in the negotiation, the City will terminate negotiation and, at its option, negotiate with the next-ranked consultant.
5. Upon completion of negotiations, the agreement will be forwarded to the entire City Council in order to formally award the contract.

Selection Criteria

The following selection criteria, listed in no particular order, will be used to rank both the Proposal and interview of the finalists.

1. Responsiveness to the issues identified in the RFP.
2. Familiarity with the challenges presented by the project.
3. Technical skills and expertise of the firm and their ability to manage a team of subconsultants to produce a complete and coordinated set of construction documents required by this project.
4. Relevant experience preparing General Plans and Environmental Impact Reports for similarly sized cities as Campbell.
5. Demonstrated ability to manage the design and facilitation of a project of the type, size and complexity described.
6. Proven ability to complete all phases of a project within the budget and aggressive work schedule established by past clients.

7. Reputation for personal and professional integrity and competence, and key personnel's professional background, caliber and availability for this project.
8. Qualifications and experience of proposed subconsultants identified for this project.
8. Experience of lead consultant and subconsultant working together as a team.
9. Familiarity with and proximity to the geographic location of this project.
10. Review of firm's current, and projected workload in the time frame coinciding with this project.
11. Capability to conduct a value engineering study for this project.
12. Ability to communicate clearly and concisely.

Additional Information

The City reserves the right to accept or reject any or all Request for Proposals, or to alter the selection process in any way, to postpone the selection process for its own convenience at any time, and to waive any defects in the Request for Proposals. The City also reserves the right to accept or reject any individual subconsultant that a candidate proposes to use.

This RFP and the interview process shall in no way be deemed to create a binding contract or agreement of any kind between the City and the candidate. The City's standard form of consultant agreement will form the basis of the contract between the parties.

Each candidate submitting a proposal in response to this RFP acknowledges and agrees that the preparation of all materials for submittal to the City and all presentations, related costs and travel expenses are at the candidate's sole expense and the City shall not, under any circumstances, be responsible for any cost or expense incurred by the candidate. In addition, each candidate acknowledges and agrees that all documentation and/or materials submitted with the RFP shall remain the property of the City.

ATTACHMENT A

INSURANCE REQUIREMENTS

CONSULTANT shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to properties, which may arise from, or in connection with, the performance of the work hereunder by the CONSULTANT, his agents, representatives, employees, or sub-consultants. The cost of such insurance shall be included in the CONSULTANT's fee.

A. Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office form number GL 0002 (Ed. 1/96) covering Commercial General Liability and Insurance Services Office form number GL 0404 covering Broad Form Commercial General Liability; or Insurance Services Office Commercial General Liability coverage ("occurrence" form CG 0001), including X, C, U (explosion, collapse, underground).
2. Insurance Services Office form number CA 0001 (Ed. 12/93) covering Automobile Liability, code 1 "any auto", or code 2 "owned autos" and endorsement CA 0025. Coverage also to include code 8 "hired autos" and code 9 "non owned" autos.
3. Workers' Compensation insurance as required by the Labor Code of the State of California and Employers Liability insurance.
4. Errors and Omissions Liability insurance appropriate to the CONSULTANT's profession.

B. Minimum Limits of Insurance

CONSULTANT shall maintain limits no less than:

1. Commercial General Liability: \$5,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage.

3. Workers' Compensation and Employers Liability: Workers' Compensation limits as required by the Labor Code of the State of California and Employers Liability limits of \$1,000,000 per accident.
4. Errors and Omissions Liability: \$1,000,000 per occurrence.

C. Deductibles and Self-Insured Retentions

Any deductibles of self-insured retentions must be declared to, and approved by, the CITY. At the options of the CITY, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the CITY, its officials, employees, agents, and contractors; or the CONSULTANT shall procure a bond guaranteeing payment of losses and related investigations, claim administration, and defense expenses in an amount specified by the CITY.

D. Other Insurance Provisions

The policies are to contain, or be endorsed to contain, the following provisions:

1. General Liability and Automobile Liability Coverages

- a. The CITY, its officials, employees, agents, and contractors are to be covered as an additional insureds as respects: liability arising out of activities performed by, or on behalf of, CONSULTANT; products and completed operations of the CONSULTANT; premises owned, leased, or used by the CONSULTANT; or automobiles owned, leased, hired, or borrowed by the CONSULTANT. The coverage shall contain no special limitations on the scope of protection afforded to the CITY, its officials, employees, agents, and contractors.
- b. The CONSULTANT's insurance coverage shall be the primary insurance as respects the CITY, its officials, employees, agents, and contractors. Any insurance or self-insurance maintained by the CITY, its officials, employees, agents, or contractors shall be excess of the CONSULTANT's insurance shall not contribute with it.
- c. Any failure to comply with the reporting provisions of the policies shall not affect coverage provided to the CITY, its officials, employees, agents, or contractors.
- d. Coverage shall state that CONSULTANT's insurance shall apply separately to each insured against whom claim is made or suit is brought except with respect to the limits of the insurer's ability.

2. All Coverages

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled, or reduced in limits except after thirty (30) days' prior written notice has been given to the CITY.

E. Acceptability of Insurers

Without limiting Consultant's indemnification provided hereunder, Consultant shall take out and maintain at all times during the life of this contract, up to the date of acceptance of the work by the City, the policies of insurance listed in Article 9.2 of this Agreement. Insurance is to be issued by an issuer with a current A.M. Best Rating of A:VII and be authorized to transact business in the State of California, unless otherwise approved by the City.

F. Verification of Coverage

CONSULTANT shall furnish the CITY with certificates of insurance and with original endorsements affecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf.

Copies of all the required ENDORSEMENTS shall be attached to the CERTIFICATE OF INSURANCE, which shall be provided by the CONSULTANT's insurance company as evidence of the stipulated coverages. This proof of insurance shall then be mailed to:

CITY OF CAMPBELL
Community Development Department
70 North First Street
Campbell, CA 95008-1423

G. Subconsultants

CONSULTANT shall include all subconsultants as insureds under its policies or shall obtain separate certificates and endorsements for each subconsultant.



City Council Report

Item:
Category: New Business
Meeting Date: October 6, 2015

TITLE: Provide the City Manager with clarification of the General Plan Advisory Committee meeting structure as open public meetings or not, and approve a Purpose Statement for the Envision Campbell Plan (PLN2012-207).

RECOMMENDATION

Staff recommends that the City Council take the following action:

1. **Clarify the GPAC meetings**, as being either open or closed to the public.
2. **Approve a Purpose Statement**, articulating what the Envision Campbell Plan's purpose will be prior to the commencement of the visioning and update process.

BACKGROUND

On September 15, 2015, the City Council considered a staff report which involved four requests: 1) Clarify if the General Plan Advisory Committee (GPAC) meetings should be open to public participation, 2) Approve a draft Request for Proposal (RFP) to consultants qualified to help prepare the Envision Campbell Plan and authorize its distribution, 3) Select a City Council Sub-Committee to review the proposals and conduct interviews, and 4) Approve a Purpose Statement to focus the Envision Campbell Plan preparation. The City Council was able to accept the draft RFP without changes, thereby authorizing the City Manager to distribute the document. The Council also selected the Sub-Committee consisting of Mayor Cristina and Council Member Gibbons. Due to the late hour of the meeting, the Council continued the GPAC open meeting discussion and Purpose Statement to the October 6, 2015 meeting.

DISCUSSION

This report seeks to obtain Council direction as staff continues the initial stages of the update process.

GPAC Meetings

The GPAC, a non-Brown Act Committee, will meet monthly with the quantity of meetings unknown at this point. Ideally, it would benefit the process if they could meet

twice a month for no longer than two hours each meeting. It is expected that the GPAC will return to the City Council at critical milestones in order to obtain direction or acceptance of their recommendations. It is also expected that staff will present monthly status reports at regularly scheduled Council meetings in order to keep the public current with the project's progress.

Staff remains unclear if the Council desires the following:

- Public attendance at GPAC meetings. Assuming the public can attend, the Council should consider if such attendance could create a confrontational or influential environment that would disrupt the Committee's role of serving as the community's voice. GPAC members may be reluctant to speak freely if what they say is contrary to public opinion, especially if the public sighs and emits other noises when they disagree with individual opinion. Post meeting interaction between GPAC members and disgruntled public members may also be intimidating and influential.
- Public participation at GPAC meetings. Depending on the extent of resident attendance coupled with the informality of how such Committee meetings run, there could be a continuous dialogue between consultant, GPAC and public. Such participation could elongate the process and potential cause GPAC members to drop out. If the public is offered a short time to speak, to which the Council is familiar with complaints that two minutes is too short to express their opinion, 15 members of the public could still use up a substantial amount of meeting time that could have been dedicated to GPAC/Consultant discussion. If the Council finds it acceptable for public participation, the GPAC could include a dedicated limited time slot for public comment as provided in the GPAC prepared meeting rules such as in the beginning of the meeting. This approach has the potential to limit continuous interaction between public and GPAC.
- Alternate attendance at GPAC meetings. Alternates have expressed a desire to attend GPAC meetings in order to be current with the discussion. Although the City will implement various public disclosure processes to inform the project's status to all members of the public (i.e., monthly Council status reports, Peak Democracy for online interaction, Envision Campbell Mobile App, website posting of minutes and reports, community focus groups facilitated by City consultant), the Council should consider if such attendance could confuse the Alternates' role. In other words, the Alternates may feel that they too should be actively involved in the GPAC discussion. In order to minimize role confusion, the Council may want to consider one of two options; a) eliminate the need for Alternates and rely on the 17 member GPAC only, or b) include the Alternates into the GPAC, raising the membership to 20 and increasing female participation by three.

Purpose Statement

The City Council agreed to create a “Purpose Statement” prior to commencing the Envision Campbell Plan process. Selecting such a statement can be challenging so staff has provided two examples in order to facilitate the Council’s discussion.

- The Envision Campbell Plan is Campbell’s fundamental land use and public service policy document which reveals how the City will grow and conserve its resources.
- The Envision Campbell Plan contains policies on character and design, land use, open space, and the natural environment, business and economics, public services, neighborhood vitality, transportation, and growth issues in an effort to plan for Campbell’s future.

The above represents general ideas that will assist the Council’s discussion. Staff suggests that individual Council Members bring their top three purpose statements to the meeting to help the selection process. Conversely, the Council could defer the Purpose Statement to the GPAC. However, the final version will still need to be returned to the Council for approval.

NEXT STEPS

Staff has circulated the RFP to consulting firms. At the close of the submittal period, staff will convene the Council Sub-Committee to review the proposals and then invite the most qualified firms for interviews.

Prepared by: _____
Paul Kermoyan, Community Development Director

Approved by: _____
Mark Linder, City Manager

General Plan Purpose Statement

The City Council reviewed the below purpose statement at their October 6, 2015 meeting and slightly modified it from the original proposal from Council Member Gibbons for the purpose of allowing the GPAC members to comment and provide recommendation back to the City Council for formal acceptance.

The purpose of “Envision Campbell” is to codify (through Goals, Policies, Strategies, Plans, Ordinances, etc.) an approach to the future of Campbell, incorporating new tools (such as Community Form Diagrams, Community Benefits, etc.) and an underlying self-confidence that development and growth will work within the fabric of our community, not occupy our community. The approach will utilize that fact that Campbell is located within a dynamic economic and environmental area and must address our inherent social and economic diversity.

MEMORANDUM**City of Campbell****Public Works Department****Date:** Nov. 16, 2015

To: City Council Sub-Committee
Department Heads

From: Mark Linder, City Manager
Paul Kermoyan, Community Development Director

Subject: Envision Campbell Proposals.

Attached you will find four (4) proposals for the City of Campbell's "Envision Campbell" General Plan update. Please take time to review the proposals and then we'll schedule a meeting in the month of December to provide a discussion forum to hear your thoughts. Based on these discussions, the City Council Sub-Committee will select the most qualified consultants for an interview. It is anticipated that interviews will be conducted in January, 2016.

One of the consultants, Opticos, has provided a copy of a Community Character Manual and a copy of a "Complete Neighborhoods for Cincinnati" document that I will provide to Council Member Gibbons due to its architectural influenced approach to neighborhood building. After she has the opportunity to review the documents, they should be forwarded to the Mayor.

Firm	Consultants	Answered Questions	Elements and Work	GPAC and Community Meetings	Time	Cost
Dyett & Bhatia	- W-Trans - Regional Gov. Serv. - Keyser Martin - Mark Thomas - Bottomley - CSDA	Yes	- GP with 7 Elements - ED Element - EIR - CAP Stand Alone - Zoning Ord. - Website	- 19 GPAC - 5 Community - 2 Stakeholders - 14 Joint - 4 TAC	2 years and 8 months	\$1,130,840 \$192,670 Zone Ord. \$1,323,510 Total
MIG	- W-Trans - EPS	Yes	- GP with 7 Elements - EIR - CAP Integrated - Zoning Ord.	- 13 GPAC - 3 Community - 2 On-line survey - 3 Joint - 3 City Commission - ? Stakeholder - 2 PC - 2 CC	2 years	\$799,583 - \$30,000 website - \$150,000 Zone Ord. - \$80,000 CAP Stand Alone - TBD ED Element \$1,059,583 + ED cost Total
Opticos	- Lise Wise - Parisi Trans. - Alex Hinds - Urban Adv. - Circle Point - Rincon Consultants	Yes	- Let process dictate # of Elements. - EIR - CAP Stand Alone - Zoning Ord. Evaluation - ED will be incorporated - Website	- 28 GPAC - 34 Community - 20 Joint - 3 CC - 6 Commission - 1 Com. Character Workshop - 2 Intended Change Workshop - 1 Vision	2 years and 9 months	\$1,539,136 -\$54,686 Zoning Ord Evaluation \$1,593,822 Total They dedicated \$265,000 to traffic so they wouldn't

				Statement Workshop - 2 Vision Workshops - 7 Element Workshops - 8 hour interviews for various Stakeholder Groups - On-line survey		under estimate the work
De Novo	- W-Trans - BAE - J.C. Brennan - Peak & Associates - Maxey Arch	Yes	- GP with 7 Elements - 5 New Elements (ED, Service/Fac, Health/Wellness, Sustainability, Implementation) - EIR - CAP Stand Alone - Zoning Ord.	- 26 GPAC - 11 Com. Workshops - 6 Commission - 8 PC - 10 Joint - 10 CC	2 Years and 2 Months	\$871,985 \$87,380 Zoning Ord. \$959,365 Total

December 18, 2015

Ben Ritchie, Principal
De Novo Planning Group
1020 Suncoast Lane, Suite 106
El Dorado Hills, CA 95762

Re: Envision Campbell Proposal Status

Dear Mr. Ritchie:

The City of Campbell is pleased to announce that your firm has been selected to interview process for the "Envision Campbell" General Plan update. You are one of two firms who will be interviewed for this project. Interviews will be conducted on January 15, 2016 and the time will be established at least one week prior to the interview date.

The interview has been structured to include questions provided to you in advance so you may fold your responses into the presentation. The second part will consist of typically structured questions the Council Subcommittee will ask following your presentation. These questions will include topics such as dedicated staffing, land use relationship to environmental review, state legislation, the Climate Action Plan, the City's recently adopted Housing Element and the use of Peak Democracy.

The interviews are anticipated to last one (1) hour and you will be provided 20 minutes for the presentation. You are encouraged to bring up to four (4) sub-consultants and a total of up to six (6) people who will be instrumental in the project.

Information to be folded into the presentation

1. If the City Council requested the project be completed in 24 months, what changes would you make to shorten the time frame as presented in your proposal? If you believe a longer duration is required, please articulate the reasons why. Adjustment to the Scope of Services (RFP Section 4) may be incorporated in your revised schedule.
2. Your proposal is relatively heavy on the GPAC and community participation. How will your proposal change if you understood that the GPAC was selected to be the primary representative voice of the community?

3. Please provide an organizational team chart and include the main project manager who will be working directly with staff.
4. Please provide a matrix illustrating projects your selected team members (including sub-consultants) have collectively prepared.
5. The City understands that community input may influence the final Envision Campbell elements and intent. However, for the purpose of discussion, please create a matrix identifying the City's existing Elements, what Elements could your team expect to be included, and the intent (e.g., highlights) of each of the proposed Elements.
6. Please describe your understanding of how the region's Sustainable Communities Strategy would relate to any changes to the City's General Plan Elements, particularly the newly approved Housing Element.
7. Please note that the City Council is sensitive to the amount of time this project will have on staff resources and they will be looking for the consultant team to handle the majority of project coordination comparable to an extension of City staff. Please explain how you intend to provide this service and what you anticipate the City to provide your team.
8. Understand that the City is surrounded by adjacent municipalities, please explain how you will take into consideration the growth of the adjacent communities such as the Town of Los Gatos' "North 40" project, San Jose's Santana Row and neighboring expansions, and the "Envision Silicon Valley 2040" proposed ballot measure.

Please contact me prior to the interview to discuss technology needs for your presentation. The interview room has a 71" flat panel touch screen television that is connected to a Windows 7 computer with Microsoft Office and PowerPoint (Version 2010) software. If you bring a flash drive, it should work just fine. However, this computer is not capable of handling 3-D modeling.

I can be reached at 408-866-2141 or at paulk@cityofcampbell.com if you have any questions. Thank you again and we are looking forward to the interview.

Sincerely,

Paul Kermoyan
Community Development Director

C: City Council Subcommittee
City Manager
Staff Advisory Committee

December 18, 2015

Dan Parolek
Opticos Design, Inc.
2100 Milvia St. Suite 125
Berkeley, CA 94704

Re: Envision Campbell Proposal Status

Dear Mr. Parolek:

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Sincerely,

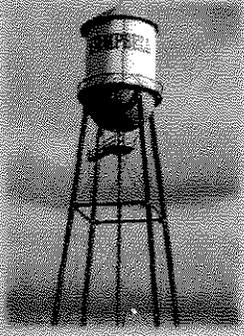
Paul Kermoyan
Community Development Director

C: City Council Subcommittee
City Manager
Staff Advisory Committee



ENVISION CAMPBELL

A Proposal
to prepare
The Campbell General Plan Update,
Climate Action Plan, and EIR


De Novo Planning Group
January 15, 2016




the de novo team

CITY OF CAMPBELL GENERAL PLAN UPDATE

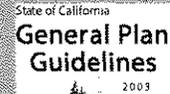
<p>De Novo Planning Group</p> <ul style="list-style-type: none"> • Ben Ritchie, Project Manager • Beth Thompson, Project Manager • Steve McMurtry, Principal Planner 	<p>Technical Experts</p> <p>W-Trans: Traffic and Circulation</p> <ul style="list-style-type: none"> • Mark Spencer, Principal/Project Manager <p>Bay Area Economics (BAE): Economics and Fiscal</p> <ul style="list-style-type: none"> • David Shiver, Principal/Project Manager <p>J.C. Brennan & Associates: Noise</p> <p>Maxey Architecture & Urban Planning: Urban Design and Graphics</p> <p>Peak & Associates: Cultural</p>
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our strengths

CITY OF CAMPBELL GENERAL PLAN UPDATE

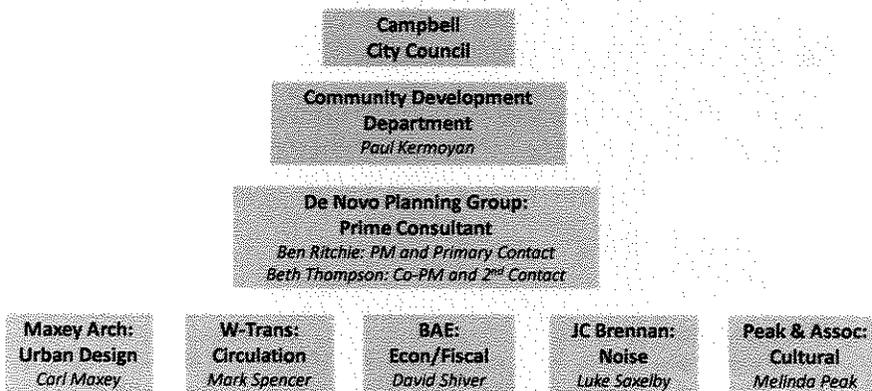


- Principal-level staffing
- Experienced project team
- Strong knowledge of Government Code, CEQA, and case law
- Several recent and successful comprehensive General Plan Updates and EIRs
- Thorough, objective, on time, and on budget
- Experience serving as contract staff and implementing General Plans



team organization

CITY OF CAMPBELL GENERAL PLAN UPDATE



collaborative team experience

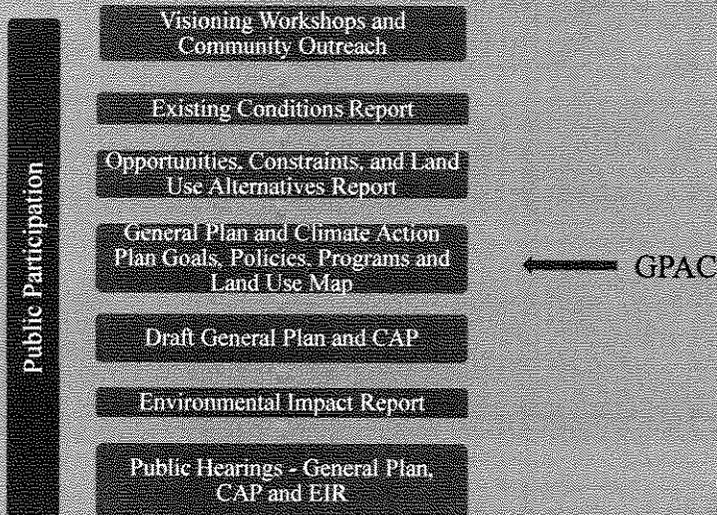
CITY OF CAMPBELL GENERAL PLAN UPDATE



Project	Team Members
Brentwood General Plan Update	W-Trans, BAE, JC Brennan, Peak
Sebastopol General Plan Update	W-Trans, JC Brennan, Peak
Cotati General Plan Update	W-Trans
Colusa County General Plan Update	BAE, JC Brennan, Peak
Napa Co. Housing and Safety Elements	BAE
Novato Housing Element EIR	W-Trans, JC Brennan, Peak
Sonoma Co. Springs Specific Plan	W-Trans, JC Brennan, Peak, Maxey

overview of work program

CITY OF CAMPBELL GENERAL PLAN UPDATE



highlights of our project approach

CITY OF CAMPBELL GENERAL PLAN UPDATE



- Self-mitigating General Plan and concurrent EIR preparation by a single team.
- Extension of City staff, which limits staff burden and time commitment.
- One principal-level team for all stages of the project.
- Dedicated General Plan Website
 - Clearinghouse for resource documents, meeting materials, project status updates, public comments, surveys, etc.
- Separate Existing Conditions Report and General Plan Policy Document.
 - Results in shorter, much more user-friendly General Plan
- CAP integration into GP and EIR allows for future tiering and streamlining
- Revisions to Zoning Code identified in General Plan Actions

schedule, community participation, and GPAC

CITY OF CAMPBELL GENERAL PLAN UPDATE



Meeting Type	Listed in Proposal	Potential Revisions to Scope of Work to Achieve 2-year Schedule
Visioning Workshops	3	Either no change, or reduce to 2
Land Use Workshops	2	Eliminate. Use GPAC to develop land use map, and address Land Use during Visioning Workshops
Community Workshops	6	Reduce to 1-2 "open house" style workshops as GPAC nears completion
GPAC Meetings	26	Reduce to 15-19 meetings
Joint PC/CC Joint Workshops	10	Reduce to approx. 6
City Commission Meetings (Parks and Rec, Civic, etc)	6	Option 1: Reduce or eliminate Option 2: Place reps on GPAC
Planning Commission Hearings	8	Likely reduce to 2 in light of joint workshops
City Council Hearings	10	Likely reduce to 2 in light of joint workshops

GP elements and highlights

CITY OF CAMPBELL GENERAL PLAN UPDATE



Existing Elements	Proposed Elements	Element Highlights
Land Use & Transportation	Land Use	Type, location, intensity, form, placemaking, community identity and design
Open Space, Parks, and Pub. Facilities	Circulation	Complete streets, multi-modal, LOS alternatives, urban street and bike design, MTC grant compliant
Health and Safety	Conservation and Open Space	Biological resources, water quality, air quality, cultural preservation, open space preservation, scenic/visual resources
Conservation & Natural Resources	Econ. Dev & Fiscal Sustainability	Employment growth and retention, business attraction, maintaining quality of life, diversification of revenue sources, cost recovery, asset management, public/private partnerships
Housing	Community Services/Facilities	Parks/recreation, police/fire, civic services, schools, libraries, public works maintenance
	Noise	Land use compatibility, interior/exterior noise standards, transportation and stationary noise reduction methods
	Safety	Flooding, seismic hazards, geologic hazards, sea level rise, fire safety, emergency response, hazardous materials
	Health and Wellness	Access to parks, medical services, local healthy food, crime prevention, walkability, urban ag and forests. Extensive interconnectedness to other elements
	Sustainability	Energy use, climate change, resource management, Climate Action Plan implementation
	Implementation	Detailed matrix showing all GP action items for all elements, including responsibility and timeframe

sustainable communities strategy consistency approach

CITY OF CAMPBELL GENERAL PLAN UPDATE



- * Incorporate complete streets and multi-modal transportation policies
- * Provide for appropriate densities and land use mixes near key transit corridors
- * Retain adequate sites to meet regional housing needs allocation
- * Incorporate sustainability and GHG reduction into General Plan
- * Adopt a climate action plan
- * Adopt a GHG streamlining and CEQA tiering document (GP and CAP EIR)
- * Revisions to the Housing Element following GP adoption are not likely to be warranted

consideration of growth in adjacent communities

CITY OF CAMPBELL GENERAL PLAN UPDATE



- Ensure a mix of policies and land use designations that provide ample opportunities to enhance local employment opportunities
- Retain and attract high-paying job centers in Campbell
- Integrate regional planning efforts that are relevant to Campbell, such as the Countywide Bicycle and Pedestrian Plans
- Recognize area projects not only draw from Campbell residents as employees travelling to jobs and services outside of Campbell, they also result in travel through Campbell, whether on SR 17 or SR 85, County roadways such as San Tomas Expressway, or local arterials such as Winchester Boulevard or Bascom Avenue.
 - The effects of these projects will be factored into the General Plan EIR analysis using the VTA Travel Forecast Model as a basis for estimating trips. In addition, the transportation analysis will be supplemented by incorporating projects that are not yet in the VTA regional model, as was done by W-Trans in the Dell Avenue Area Plan analysis.

general plan document

CITY OF CAMPBELL GENERAL PLAN UPDATE



- User-friendly, easy to read, clear implementation plan
- Internally consistent
- Not redundant
- Extensive use of pictures, maps, and graphics to describe land use options, community character, open space resources
- Bring City into consistency with current State law and General Plan requirements
- Developed specifically to address goals and concerns identified during the process – not a cookie-cutter document
- Flexibility with respect to format, layout, and element topics

project management

CITY OF CAMPBELL GENERAL PLAN UPDATE



- Dedicated two-person management team
- Both managers will attend ALL project meetings, workshops, etc.
- Same team will prepare the General Plan and EIR
- Weekly phone meetings and monthly in-person meetings with staff
- Diligent adherence to project schedule and budget
- Hands-on management of entire subconsultant team
- Effective quality control and oversight

the de novo difference

CITY OF CAMPBELL GENERAL PLAN UPDATE



- Dedication to exceptional client service
- Highly experienced and senior level staff
- Robust and meaningful public participation process
- Commitment to quality with unparalleled value and cost-effectiveness
- No budget surprises, and we don't nickel and dime
- Transparent process
- Legally defensible General Plan and CEQA documents specifically developed to reflect the goals and priorities of Campbell

De Novo Planning Group



Scope of Services

(Draft Changes)
February, 2016

General Services

- A consistent project manager to lead the preparation of the Envision Campbell Plan.
- Coordinate and prepare the Envision Campbell Plan, which is legally defensible.
- Prepare the California Environmental Quality Act (CEQA) required Environmental Impact Report (EIR), which is legally defensible.
- Facilitate all General Plan Advisory Committee (GPAC), Community, Neighborhood, City Council, and Commissions/Boards meetings.
- Prepare minutes of the above mentioned meetings
- Prepare all staff reports.
- Prepare monthly status reports for City Council meetings.
- Keep the City's website current with Envision Campbell activities, meetings, minutes and future events.
- Prepare and follow a revised schedule incorporating the modified Scope of Services project management tasks and responsibilities, with no budget surprises.
- City to provide a work station for consultant to use as a satellite office.
- Prepare all public notices for meetings and CEQA documents.
- Coordinate and attend meetings between City and Responsible/Interested agencies.
- Research, obtain, facilitate, integrate and communicate coordination with adjacent jurisdictions' plans for Transit Villages and Bus Rapid Transit Corridors.

Land Use Recommendations

- Integrate an alternatives analysis of three ranges of magnitude (or recommendations) broken down into low, medium and high categories in order to understand the right balance of retail, office, and housing to serve the population. The recommendations should consider the ramifications of economic, traffic, air quality, water, services, housing, etc. (i.e., the overall effect) given the levels of contemplated land use densities.

Meetings

- Create a schedule for 30 GPAC meetings which will include the "visioning" and "land use workshop". A visioning statement will be required as part of the visioning process.

- Arrange the City into five individual segments to which consultant will conduct five (5) neighborhood community workshops. Each workshop to be conducted in each of the five neighborhoods and to be conducted at a time deemed most appropriate by the consultant.
- Following completion of the neighborhood workshops, the consultant will conduct one (1) community-wide workshop held at the Orchard City Banquet Hall (OCBH).
- Conduct one (1) meet with Boards, Commissions and Committees as follows:
 1. Planning Commission / Historic Preservation Board
 2. Parks and Recreation Commission / Bicycle & Pedestrian Advisory Committee
 3. Civic Improvement Commission / Youth Commission
- Conduct two (2) joint meetings between the City Council and Planning Commission at a time deemed most appropriate by the consultant.
- Conduct four (4) public hearings with the Planning Commission at a time deemed most appropriate by the consultant.
- Conduct six (6) public hearings with the City Council at a time deemed most appropriate by the consultant.

Deliverables

- A Vision Statement coordinated through the GPAC and approved by the City Council.
- Meeting minutes for all GPAC and Community meetings.
- All public notices for the environmental review process.
- Preparation of a Climate Action Plan (CAP).
- Completion of a study of how the City's land uses (and adjacent jurisdictions) will affect economic and service implications.
- An impact study (pros and cons) of development within the Priority Development Area (PDA).
- An Administrative Draft Environmental Impact Report (including seven hard copies and one electronic).
- A Screen Check Draft Environmental Impact Report (including seven hard copies and one electronic version).
- A Final Environmental Impact Report (including twenty hard copies and one electronic version).
- An Administrative Draft General Plan (including seven hard copies and one electronic version).
- A Screen Check Draft General Plan (including seven hard copies and one electronic version per submittal).
- A Final General Plan (including twenty hard copies and one electronic version per submittal), which includes:
 - The mandatory elements, diagrams, goals, policies, strategies, etc. that are consistent with current State law and Office of Planning and Research (OPR) guidance;

- New elements which include Economic Development & Feasibility, Community Services & Facilities, Health & Wellness, Sustainability, and Implementation;
 - A modification to the recently adopted Housing Element to ensure consistency with changes to other elements of the Envision Campbell Plan;
 - A user-focused design approach, so that the document is easy to navigate, avoids redundancies, internally consistent with appropriate design of text and graphics; the format should also lend itself to a direct and efficient method for annual reporting to the community and to the State of the progress of the City in satisfying its goals;
 - Potential text and diagrams within the land use element that express community intentions regarding “form” and “design” of developments, in accordance with Government Code Section 65302.4.
 - A glossary and keyword index;
 - Expanded use of diagrams and illustrations to help visualize how the Envision Campbell document will be implemented;
 - Incorporation (and potentially modification) of the City’s various Master, Neighborhood, and Development Plans into the Envision Campbell Plan;
 - Incorporation of the streetscape standards as illustrations within the Circulation Element;
 - Incorporation of other existing maps and guidelines contained on the following link <http://www.cityofcampbell.com/166/Zoning-and-Land-Use> keeping in mind that many of these documents may be more appropriately kept out of the General Plan because they are modified from time to time. The consultant should provide guidance in this regard.
- A Zoning Ordinance. The Zoning Ordinance may include, but not be limited to the following:
 - An organization and format that is easy to read and understand, and is consistent in terms of processes and requirements;
 - Simplified use classifications;
 - Graphics that illustrate regulations and make the Code easy to use;
 - Design Review Standards, including findings necessary to support projects.
 - Provisions that will help the City achieve high-quality infill projects that are compatible with the context of existing development in the area.
 - Contemporary terms and definitions.
 - The cost to prepare the Zoning Ordinance has been determined to be \$87,380 at the time of approving this scope of service. If the type of Zoning Ordinance is

determined to change beyond what the proposal anticipated (i.e., changing from Euclidean Zoning to Form-Based), then the services and costs would be renegotiated at that time.



City Council Report

Item: 10.

Category: Council Committee Reports

Meeting Date: March 1, 2016

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 BAKER

Cities Association of Santa Clara County:
Board of Directors
Selection Committee
City Atty. Performance/Comp. Subcommittee
City Clerk Performance/Comp. Subcommittee
City Mgr. Performance/Comp. Subcommittee
County Expressway Policy Advisory Board
County Library District JPA Board of Dir.
*Metropolitan Transportation Commission***
Bay Area Toll Authority
Santa Clara County Operational Area
*Council (Chair)***
*VTA Board of Directors***
West Valley Cities Representative to Silicon
*Valley Interoperability Authority ***
West Valley Mayors and Managers

VICE MAYOR GIBBONS:

Advisory Commissioner Appointment Interview Subcommittee
Campbell Historical Museum & Ainsley House Foundation Liaison
City Atty. Performance/Comp. Subcommittee
City Clerk Performance/Comp. Subcommittee
City Mgr. Performance/Comp. Subcommittee
CDBG Program Committee (County) (Alt.)
Cities Association of Santa Clara County:
Board of Directors (Alt.)
Selection Committee (Alt.)
County Expressway Policy Adv. Board (Alt.)
County Library District JPA Board of Dir. (Alt.)
Downtown Subcommittee
Education Liaison Subcommittee
Finance Subcommittee
Friends of the Heritage Theatre Liaison (Alt.)
Housing Rehabilitation Loan Committee
Legislative Subcommittee
State Route (SR) 85 Corridor Policy Advisory Board (Alt.)
Santa Clara Valley Water District:
County Water Commission (Alt.)
20% Housing Committee (Successor Agency)
West Valley Mayors and Managers (Alt.)

COUNCILMEMBER CRISTINA:

Assn. of Bay Area Governments
Cities Association of Santa Clara County:
ABAG Representative (Alternate)
Economic Development Subcommittee
Santa Clara Valley Water District:
County Water Commission

COUNCILMEMBER KOTOWSKI:

Assn. of Bay Area Governments (Alt.)
CDBG Program Committee (County)
Education Liaison Subcommittee
Friends of the Heritage Theatre Liaison
Housing Rehab Loan Committee (Alt.)
*Recycling Waste Reduction Commission***
Legislative Subcommittee
Silicon Valley Animal Control Authority Board (SVACA) (Alt.)
Valley Transportation Authority Policy Advisory Committee (Alt.)
West Valley Sanitation District
West Valley Solid Waste Authority JPA (Alt.)

COUNCILMEMBER RESNIKOFF:

Advisory Commissioner Appointment Interview Subcommittee
Campbell Historical Museum & Ainsley House Foundation Liaison (Alt.)
Downtown Subcommittee
Economic Development Subcommittee
Education Subcommittee (Alt.)
Finance Subcommittee
State Route (SR) 85 Corridor Policy Advisory Board
Silicon Valley Animal Control Authority Board (SVACA)
20% Housing Committee (Successor Agency)
Valley Transportation Authority Policy Advisory Committee
West Valley Sanitation District (Alt.)
West Valley Solid Waste Authority JPA