



City of Los Altos Tentative Council Agenda Calendar
As of May 28, 2019

All items and dates are tentative and subject to change unless a specific date has been noticed for a legally required Public Hearing. Items may be added or removed from the shown date at any time and for any reason prior to the publication of the agenda eight days prior to the next Council meeting.

Date	Agenda Item (Date identified by Council)	Department
June 11, 2019	389 First Street Design Review	Community Development
	Budget	Administrative Services
	Investment Policy	Administrative Services
	Non-represented employee compensation	Administrative Services
	User Fee Study	Administrative Services
June 25, 2019	425 First Street Design Review	Community Development
	Density Bonus Ordinance	Community Development
	Friends of the Library request	Administration
July 9, 2019	Trakit Demonstration (Special Presentation)	Community Development
August 13, 2019		
August 27, 2019	R3-4.5 Zoning Code Amendments	Community Development
September 3, 2019	Commission interviews	Administration
September 10, 2019	999 Fremont Avenue Design Review	Community Development
September 24, 2019	5150 El Camino Real Design Review	Community Development
October 22, 2019		

November 5, 2019	Joint meetings with Commissions (Design Review, Financial, Historical, Library, Planning, Public Arts)	Administration
November 12, 2019		
November 26, 2019		
December 3, 2019	Council reorganization	Administration
December 10, 2019		
To be scheduled	Recycled Water Expansion (Study Session) 4898 El Camino Real Design Review 444-450 First Street Design Review 4350 El Camino Real Design Review Climate Action Plan update Downtown Vision Implementation General Plan Update Gun control Healthy Cities Initiative Housing Impact vs. Housing in-Lieu Discussion Parking regulations Safe Routes to Schools Update Stevens Creek Trail request from Mountain View Understanding Traffic Impact fees Workforce Housing	Engineering Services Community Development Community Development Community Development Community Development Community Development Community Development Administration/City Attorney Recreation & Community Services Community Development Community Development Engineering Services Public Works Community Development Community Development



CITY COUNCIL CLOSED SESSION

TUESDAY, MAY 28, 2019 – 5:00 P.M.

Blach Intermediate School Gym
1120 Covington Road, Los Altos, California

1. Conference with Legal Counsel – Anticipated Litigation
Pursuant to Government Code Section 54956.9(d)(2) – One case (831 Arroyo Road two-lot subdivision)

ADJOURNMENT

SPECIAL NOTICES TO THE PUBLIC

If you wish to provide written materials, please provide the City Clerk with **10 copies** of any document that you would like to submit to the City Council for the public record.

For other questions regarding the City Council meeting proceedings, please contact the City Clerk at (650) 947-2720.



JOINT CITY COUNCIL AND COMPLETE STREETS COMMISSION STUDY SESSION

TUESDAY, MAY 28, 2019 – 6:00 P.M.

Blach Intermediate School Gym
1120 Covington Road, Los Altos, California

1. Blach Intermediate School Neighborhood Traffic and Parking Circulation: Receive updates on existing conditions in the neighborhoods around Blach Intermediate School (J. Rodriguez)
2. **ACTION REQUESTED:** Cuesta Drive-Arboleda Drive Traffic Calming Project: Authorize staff to complete the design phase of the Cuesta Drive-Arboleda Drive Traffic Calming Project using the Final Plan Line Drawings as a basis for the final design (J. Rodriguez)

ADJOURNMENT

SPECIAL NOTICES TO THE PUBLIC

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On occasion the City Council may consider agenda items out of order.

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STUDY SESSION

Agenda Item # 1

AGENDA REPORT SUMMARY

Meeting Date: May 28, 2019

Subject: Blach Intermediate School Neighborhood Traffic and Parking Circulation

Prepared by: Jaime O. Rodriguez, Consultant – Transportation Division

Reviewed by: Aida Fairman, Interim Engineering Services Director

Approved by: Chris Jordan, City Manager

Attachments:

1. December 11, 2018 City Council Staff Report
2. Blach School Existing Conditions – Traffic Circulation

Initiated by:

City Council

Previous Council Consideration:

Traffic circulation and parking in the neighborhoods around Blach Intermediate School is an on-going discussion item for the City Council with prior discussions on January 4, 2011; February 14, 2012; May 22, 2012; January 8, 2013; June 9, 2015 and December 11, 2018

Fiscal Impact:

To be determined depending on Council direction.

Environmental Review:

Not applicable [or Text here.]

Policy Question(s) for Council Consideration:

- Should the City discontinue or make permanent existing traffic and parking restrictions in and around the Blach School neighborhoods.
- Should the City consider additional bicycle and pedestrian safety improvements around Blach School?

Summary:

- A one-year pilot project was established in 2009 imposing restrictions on stopping and parking on Carmel Terrace/Altamead Drive
- Signage from the pilot project remains, however it is not enforced
- A comprehensive traffic study was prepared in 2011 identifying projects to improve pedestrian and bicycle safety in the area
- CIP Project TS-01050 Carmel Sidewalk Gap Closure was funded in FY 2018/19 but is currently recommended for deferral until FY 2020/21 due to staff resource limitations

Reviewed By:

City Manager

CJ

City Attorney

CD

Finance Director

SE



Subject: Blach Intermediate School Neighborhood Traffic and Parking Circulation

- Joint Study Session between City Council and Complete Streets Commission to discuss project on May 28, 2019

Staff Recommendation:

Receive updates on existing conditions in the neighborhoods around Blach Intermediate School



Subject: Blach Intermediate School Neighborhood Traffic and Parking Circulation

Purpose

Joint study session between Los Altos City Council and Complete Streets Commission to discuss traffic and parking in the neighborhoods around Blach Intermediate School.

Background

Traffic circulation and parking around Blach Intermediate School / Bullis Charter School is an on-going discussion topic with the City Council due to resident concerns regarding traffic instruction and traffic safety. Past traffic circulation and parking measures deployed around the school area include:

- *Covington Road Time-of-Day Bicycle Lanes*
Bicycle lanes on Covington Road with No Parking restrictions are provided between “8AM – 9AM and 3PM – 4 PM on School Days” between Miramonte Avenue and western periphery of Blach Intermediate School. This allows shoulder areas of Covington Road to be dedicated for student bicycle use during school commute periods and preserves roadway space for on-street parking during other periods of the day and on weekends.
- *Covington Road No Parking Restrictions along School Frontages*
The immediate school frontages of Blach Intermediate School and Bullis Charter School are signed with “No Parking 3PM – 4 PM School Days” restrictions to help accommodate vehicle queuing as parents wait for students being picked up after school. The time-of-day bicycle lanes on Covington Road are dropped along the school frontages.
- *Miramonte Avenue and Eastwood Drive, Time-of-Day Turn Restrictions*
The northbound approach of Miramonte Avenue is signed with No Right Turn time-of-day turn restrictions between 7AM – 10AM on Monday – Friday to help limit traffic intrusion onto Eastwood Drive and the connecting courts. The turn restrictions aim to keep motorists on Miramonte Avenue towards Covington Road.
- *Altamead Drive Time-of-Day Parking Restrictions*
Altamead Drive in the Carmel Terrace neighborhood is immediately adjacent to the back side of Blach Intermediate School. Both sides of Altamead Drive along the school frontage are signed with “No Stopping 7AM – 10AM School Days” parking restrictions without an A-permit neighborhood parking permit pass.
- *Altamead Drive – No Blach School Drop Off signage*
Altamead Drive is signed with “No Blach School Drop Off” signage.

The Altamead Drive time-of-day and school drop off signage restrictions are not actively enforced by the Los Altos Police Department.



Subject: Blach Intermediate School Neighborhood Traffic and Parking Circulation

Lastly, the City initiated a traffic signal installation project at Miramonte Avenue & Covington Road that was later terminated due to community concerns.

Discussion/Analysis

The joint study session with the Los Altos City Council and Complete Streets Commission is being organized to allow the City Council and Commission to discuss the next steps regarding traffic circulation and to determine whether to retain the current parking restrictions among the various neighborhoods surrounding Blach Intermediate School.

The City has retained Traffic Patterns to provide an assessment of the current traffic circulation and parking restrictions discussed above and they will provide additional recommendations at the Study Session.

Options

- 1) Retain Existing Traffic Circulation and Parking Restrictions – this option retains all previous traffic circulation and parking restrictions implemented in prior years and ends further analysis efforts regarding traffic circulation and parking around Blach Intermediate School

Advantages: Preserves existing restrictions implemented with prior community input

Disadvantages: No enforcement of existing restrictions limits the effectiveness of the restrictions leading to on-going frustration by residents

- 2) Continue Monitoring Traffic Circulation and Parking – this option also preserves the existing traffic circulation and parking restrictions around Blach Intermediate School and provides an opportunity for future analysis pending community interest. A follow-up City Council agenda report will be provided approximately one-year from now

Advantages: Preserves existing restrictions implemented with prior community input; allows the City and community an additional opportunity for the consideration of additional improvements

Disadvantages: No enforcement of existing restrictions limits the effectiveness of the restrictions leading to on-going frustration by residents

Recommendation

Receive updates on existing conditions in the neighborhoods around Blach Intermediate School.



STUDY SESSION

Agenda Item # 6

AGENDA REPORT SUMMARY

Meeting Date: December 11, 2018

Subject: Carmel Terrace Update and Discussion

Prepared by: Aruna Bodduna, Transportation Services Manager

Reviewed by: Chris Lamm, Interim Public Works Director

Approved by: Chris Jordan, City Manager

Attachment(s):

None

Initiated by:

City Council

Previous Council Consideration:

January 4, 2011; February 14, 2012; May 22, 2012; January 8, 2013; June 9, 2015

Fiscal Impact:

To be determined depending on Council direction

Environmental Review:

To be determined depending on Council direction

Policy Question(s) for Council Consideration:

- Should City continue or make permanent “No Stopping” and/or permit parking restrictions on Carmel Terraces/Altamead Drive?
- Should City consider additional bicycle safety improvements on Carmel Terrace/Altamead Drive?

Summary:

- A one-year pilot project was established in 2009 restricting stopping and parking on Carmel Terrace/Altamead Drive
- Signage from the pilot project remains, however is not enforced
- A comprehensive traffic study was prepared in 2011 identifying projects to improve pedestrian and bicycle safety in the area
- CIP project TS-01050 Carmel Sidewalk Gap Closure was funded in FY 2018/19 to improve pedestrian safety on Carmel Terrace



Subject: Carmel Terrace Update and Discussion

Staff Recommendation:

Receive update and provide direction to staff



Subject: Carmel Terrace Update and Discussion

Purpose

Carmel Terrace Update and Discussion.

Background

Traffic safety, congestion and flow in the greater Blach School neighborhood have been a concern for stakeholders dating back to 2001. The first traffic calming strategy meeting occurred in August of 2002 and focused on reducing cut-through traffic on Eastwood Drive. Ultimately in 2005, the Eastwood Drive Neighborhood Traffic Management Plan (NTMP) was implemented limiting right turning movements from Miramonte Avenue between 7:00 a.m. and 10:00 a.m. on school days.

In May of 2007, a second NTMP process began involving Carmel Terrace and Altamead Drive as a result of neighborhood concerns related to student safety, increased traffic volumes and drop offs at the rear of Blach School. The NTMP expanded to include Miramonte Avenue between Portland and Covington Road, and Portland Avenue between Grant Road and Miramonte Avenue. This plan was presented to the Traffic Commission on July 21, 2009 and was not supported because of lack of agreement between residents and staff. At the November 10, 2009 Council meeting, Council acknowledged support of the neighborhood and authorized staff to suspend the Neighborhood Traffic Management Plan project process for Carmel Terrace for one year and implement an experimental No Drop-off Zone on Carmel Terrace and Altamead Drive. This one-year pilot included:

- Installation of “No Stopping” signs near the back of Blach Middle School with a 7:00 a.m. to 10:00 a.m. limit and a second sign stating, “Residential Permit Excepted”.
- Administration of a residential parking permit program by the Carmel Terrace – Altamead Drive Neighborhood Association (CANa) for a one-year trial period.
- No continuing commitment of enforcement of the signage by Los Altos PD during the initial one-year period.
- Determination at the end of the one-year period as to whether the signage will remain in place or be removed.

This trial program caused numerous citizens to voice their concerns to staff and Council. Consequently, Council directed staff to conduct a comprehensive traffic study for the greater Blach School area. The one-year trial program was extended by Council until they received the final report. On January 4, 2011, the final traffic study prepared by Fehr & Peers, Transportation Consultants, was presented to the Council. The purpose of this study was to evaluate traffic patterns and identify physical improvements to improve students’ safety walking/biking to/from school and improve vehicular circulation for the greater Blach Intermediate School (Blach) neighborhood.

The study recommended projects to improve safety and categorized them into three tiers. The first level of improvements, those that have the largest impact to students’ safety and circulation, are recommended as part of Tier 1. The second level of improvements are recommended Tier 2 and third



Subject: Carmel Terrace Update and Discussion

level as Tier 3. Three projects from Tier 1, one project from Tier 2 and one project from Tier 3 were originally programmed into the Capital Improvement Plan: Miramonte Avenue/Covington Road Intersection Improvements (Tier 1); Covington Road Class I Pathway (Tier 1); Carmel Terrace Class I Pathway (Tier 1); Miramonte Avenue Path project (Tier 2) and Miramonte Avenue/Berry Avenue intersection improvements (Tier 3). The status of these projects is described below.

- Miramonte Avenue/Covington Road intersection improvements: The original improvements recommended for the intersection of Miramonte Avenue and Covington Road included building out the corners to improve pedestrian and bicycle refuge, adding a crosswalk across the north leg of the intersection and installing a traffic signal. A traffic signal at this location was warranted and would alleviate the traffic congestion. However, based on public feedback, at its May 22, 2012 meeting, City Council directed staff to proceed with the improvements at the intersection without a traffic signal. This item was reconsidered at the June 9, 2015 Council meeting to discuss the impact of Los Altos School District (LASD) Initial Study/Mitigated Negative Declaration (IS/MND). The additional trips generated from the project would worsen the performance of the intersection and have a significant impact. Installation of the traffic signal would improve the intersection performance and reduce the project impact to less than significant. However, Council supported continuing with the previous plans for intersection improvements at Miramonte Avenue and Covington Road without a traffic signal.
- Covington Road Class I Pathway: The Covington Road Class I Pathway, Project CF-01005, was approved as part of the Fiscal Year 2013/14 Capital Improvement Program (CIP). The original CIP project scope was to construct a Class I Pathway on the south side of Covington Road. Considering input from the Blach PTA and affected residents, Class II and Class III bicycle facility options were evaluated and presented to the community and Complete Streets Commission (CSC, then BPAC). After analyzing the options and considering the input from the residents, staff recommended establishing a restricted hours bike lane and installing improved sidewalks. While this option serves those that are traveling to school in a safer manner than a Class III bike route, the impacts to parking are minimized. On March 8, 2016, Council directed staff to move forward with improvements as recommended by staff and to examine aligning the restricted parking hours with the flow of traffic with the goal of minimizing impacts to parking. Construction of this project has been completed with a time restricted Class II bicycle lane. Parking in the bicycle lane is restricted for one hour in the eastbound direction in the morning and one hour in the westbound direction in the afternoon.
- Carmel Terrace Class I Pathway: Carmel Terrace Class I pathway from Portland Avenue to Altamead Drive was recommended to enhance the pedestrian and bicycle safety of students accessing Blach Intermediate School. In January 2011, Council directed that an alternative design be evaluated that provides bicycle-friendly street features in combination with a pedestrian walkway. A chronology of actions related to implementation of No Stopping/No



Subject: Carmel Terrace Update and Discussion

Parking signs on Carmel Terrace and Altamead Drive was presented to the Council on October 25, 2011. It should be noted that when the “No Stopping” and permit parking signs were installed on a one-year trial period basis, Carmel Terrace – Altamead Neighborhood Association (CANA) would administer the neighborhood parking program and there would not be enforcement of the signage during the initial one-year period.

In 2016, staff presented three conceptual plans for Carmel Terrace Bicycle and Pedestrian improvements to the Blach PTA (March 2016) and at the Bicycle and Pedestrian Advisory Commission (May 25, 2016) in an attempt to solicit feedback from the Commission and residents, and to determine if a project could be developed. The three conceptual plans included Class I pathway/walkway, Class II (bike lanes) with sidewalk gap closure, and Class III (bike route) with sidewalk gap closure. A Class I pathway/walkway on the west side would require removal of parking on the west of Carmel Terrace. A Class II facility with bicycle lanes on both sides of the street would require parking removal/restriction to accommodate bike lanes like bicycle lanes on Covington Road between Miramonte Avenue and Eastwood Place. A Class III facility would not have any impacts to parking, and bicyclists would share the road/travel lanes with cars. Appropriate signage and pavement markings would be placed on the street to identify as a Class III facility.

The Blach PTA generally favored the Class I pathway/walkway option as that provided the most safety benefits. They did not support the Class III option. They further requested that any bicycle/pedestrian improvements be compatible should the existing pick up/drop off restriction be removed. The residents along Carmel Terrace were opposed to the removal of “No Stopping” signs and the implementation of the Class I pathway/walkway but were generally supportive of the Class III option that had least impacts to parking. Both the Class II and Class III options included extending the sidewalk on the west side of Carmel Terrace from its current location at 1240 Carmel Terrace to Portland Avenue.

Subsequently, Council adopted CIP project, Carmel Terrace Sidewalk Gap Closure (TS-01050), to address an approximate 550’ long sidewalk gap on the western portion of Carmel Terrace. The completion of this work will provide continuous sidewalk infrastructure (route to school) from the raised crosswalk facility at Portland Avenue/Carmel Terrace and the rear access to Blach Intermediate School. Staff is currently soliciting proposals for design of this project.

- **Miramonte Avenue Path Project:** This project was identified in the 2010 Blach Neighborhood Traffic Study as a Class I pathway, the current and previously adopted Los Altos Bicycle Transportation Plan, and the Pedestrian Master Plan (adopted 2015) and is currently listed as a Tier II project in the County Bicycle Expenditure Program. The goal of the Miramonte Avenue project was to provide and improve accessible walkways, add accessible curb ramps



Subject: Carmel Terrace Update and Discussion

at intersections, add bicycle facilities and enhance school crosswalks. Currently, pedestrians and bicyclists utilize the striped shoulders that offer little protection from conflicts with vehicles. On April 12, 2016, Council approved a contract with a design consultant to provide professional engineering design and construction support services for the Miramonte Avenue Path, Project CF-01006. As part of the project, three design concepts for bicycle and pedestrian improvements were prepared and presented at a Special Complete Streets Commission (then Bicycle and Pedestrian Advisory Committee) meeting on August 24, 2016. The design concepts included these alternatives: Class I Pathway, Class II (bike lanes) with an accessible walkway, and Class III (bike route) with an accessible walkway. The Class II bike lanes with an accessible walkway alternative was supported by the Commission. Design for the preferred alternative was then presented at the City Council meeting on January 22, 2018 and the CSC meeting on January 24, 2018. The impact to on-street parking had been identified since 2016. The estimated project cost for the entire Miramonte Path Project is \$3.7 million. The City had an opportunity to pursue a \$1 M federal grant for this project in mid-2017. Staff, along with the consultant team, identified project limits that could fit in with this grant amount, which was from Covington Road to Berry Avenue. The staff report for this project from the July 10, 2018 Study Session provides more information on the project background, outreach efforts, and criteria for selecting Phase 1 project limits for the grant application. Council acknowledged residents' concerns about loss of parking and issues with raised sidewalks that was perceived as not fitting with the rural character. Council directed staff to investigate re-design of the project and to determine if the grant funding could be retained with the change in scope. At November 13, 2018 City Council Meeting, staff reported that the proposed revisions suggested by the Council at the July 10, 2018 Study Session required re-design of the project and re-submittal for the Caltrans environmental review process with the new design. In doing so, the project would not meet the MTC's Regional Project Delivery Policy. Council directed staff to redesign the project and forgo \$1M federal grant funding.

- Miramonte Avenue/Berry Avenue intersection improvements: The improvements at this location included installation of high visibility crosswalk and pole mounted pedestrian actuated flashing beacons. Improvements at this location were included as part of a three-year list of capital improvement projects that will address school route safety. This project was combined with the Miramonte Avenue Path Project (discussed above). There was lot of concern and push back from the residents regarding the installation of flashing beacons. Based on the feedback from the residents and the Council, the project is now rescoped only to install the raised crosswalk without flashing beacons.

Traffic Safety is a City Council priority. The City will take steps to improve traffic/pedestrian and bicycle safety throughout the City with a specific focus on safe routes to schools. All the projects discussed above are in the vicinity of the schools with improvements identified to enhance safety for school children. While the original scope for these projects would provide superior elements to



Subject: Carmel Terrace Update and Discussion

enhance safety, the projects were rescoped to fit in with the neighborhood concerns, that mainly centered around on-street parking impacts.

Discussion/Analysis

At various public forums, including school meetings, Council meetings and Commission meetings, there have been requests from the public and Blach School to re-evaluate the parking restrictions along Altamead Drive and Carmel Terrace. The residents along Carmel Terrace request to continue the “No Stopping” and permit parking signage because the lower traffic volume street provides safer access for students to access the back entrance. If the Council decides to establish a permanent residential parking permit program, the City will require additional staff resources and budget for maintenance of such a program.

Staff has developed the following options for Council consideration.

Options

- 1) Continue “No Stopping” restrictions, establish a permanent residential permit parking option, complete the sidewalk gap closure project and formalize the Class III option

Discussion: City does not have a residential parking permit program. If a permanent residential parking permit program is chosen, the City will require additional staff resources and budget for maintenance of such a program. As indicated previously, the current parking permit along Carmel Terrace/Altamead Drive is not maintained by the City

- 2) Continue “No Stopping” restrictions, remove permit parking, complete the sidewalk gap closure project, and provide Class II bicycle lanes

Discussion: The Class II option would provide dedicated bicycle lanes on both sides of the street. With this option, there would not be enough room to accommodate both parking and bicycle lanes. The impacts to loss of parking could be minimized by restricting the no-parking hours like Covington Road

- 3) Remove “No Stopping” restrictions, remove permit parking, complete the sidewalk gap closure project and formalize Class III option

Discussion: Appropriate signage and pavement markings will be placed on the street to identify as a Class III facility. This option will retain on-street parking. With the removal of no stopping restrictions, some school traffic from Covington Road would divert to Carmel Terrace/Altamead Drive, potentially reducing



Subject: Carmel Terrace Update and Discussion

congestion along Covington Road. Removal of no stopping restrictions would increase traffic on Carmel Terrace/Altamead Drive. This will increase potential bicycle and vehicular conflicts as the bicyclists share the road with vehicular traffic

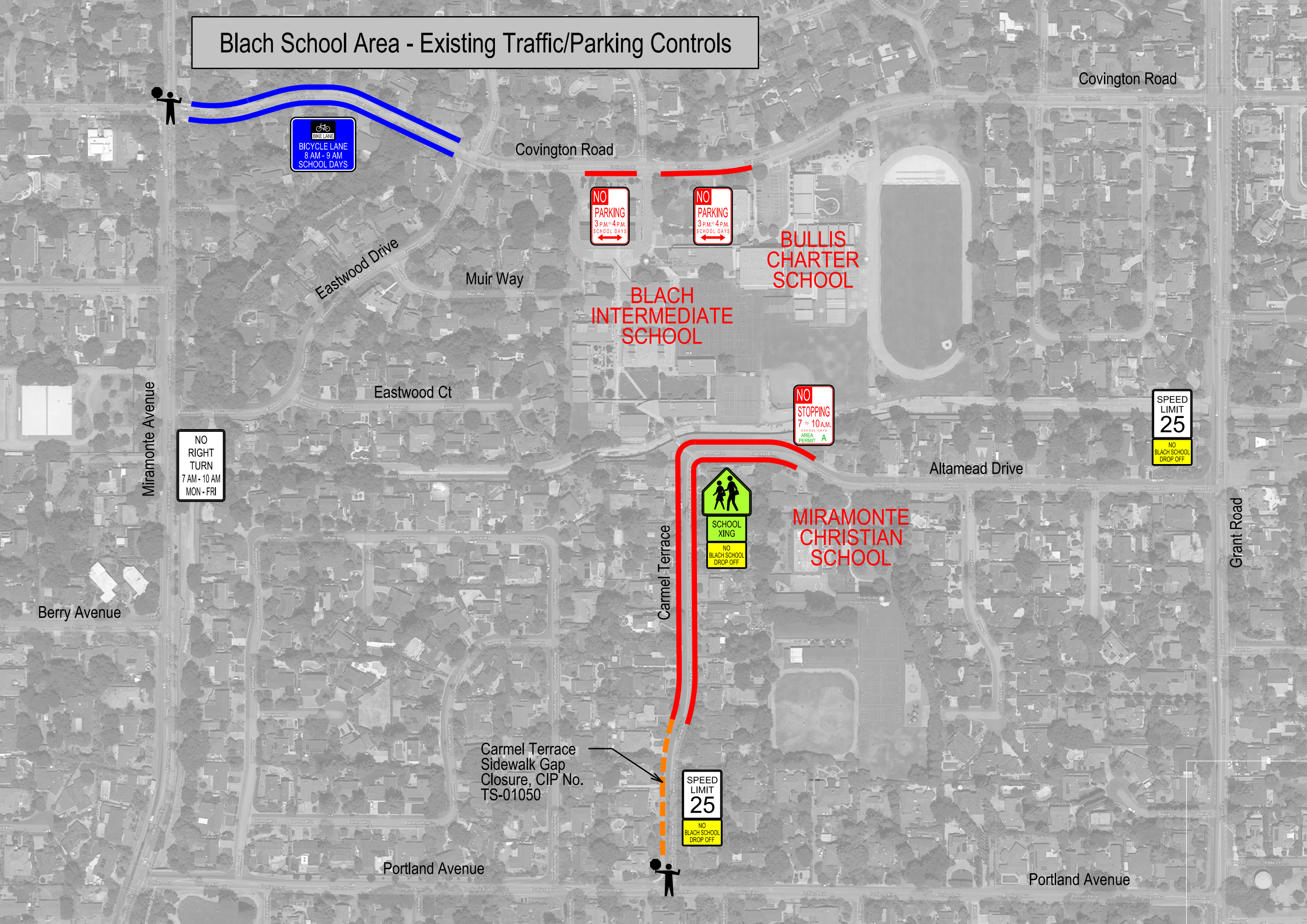
- 4) Remove “No Stopping” restrictions, remove permit parking, complete the sidewalk gap closure project, and provide Class II bicycle lanes

Discussion: With the removal of no stopping restrictions, some school traffic from Covington Road would divert to Carmel Terrace/Altamead Drive, potentially reducing congestion along Covington Road. Removal of “No Stopping” restrictions would increase traffic on Carmel Terrace/Altamead Drive, thereby increasing potential bicycle and vehicular conflicts. With the potential increase in traffic, a Class II option with dedicated bicycle lanes on both sides would enhance the safety compared to the Class III option. The impact to loss of parking could be minimized by restricting the no-parking hours. It should be noted that further investigation will require additional studies such as intersection level of service impacts and trip routing to and from school, especially with the potential changes to the school facilities

Recommendation

Receive update and provide direction to staff.

Blach School Area - Existing Traffic/Parking Controls





STUDY SESSION

Agenda Item # 2

AGENDA REPORT SUMMARY

Meeting Date: May 28, 2019

Subject: Cuesta Drive-Arboleda Drive Traffic Calming Project

Prepared by: Jaime O. Rodriguez, Consultant – Transportation Division

Reviewed by: Aida Fairman, Interim Engineering Services Director

Approved by: Chris Jordan, City Manager

Attachments:

1. Refined Plan Line Drawing, Cuesta Drive-Arboleda Drive, Complete Streets Commission
2. Final Plan Line Drawing, Cuesta Drive-Arboleda Drive with Survey Input
3. Sample Silent Resident Survey of Support
4. Traffic Study, Cuesta Drive-Arboleda Drive (excluding Exhibits)

Initiated by:

Collector Traffic Calming Plan, CIP: PL-01022

Previous Council Consideration:

Existing Capital Improvement Program, Collector Traffic Calming Plan, PL-1022, identifies Cuesta Drive for design of this project. City Council also authorized award of a design services consultant agreement with Alta Planning + Design on July 10, 2018.

Fiscal Impact:

The design phase of the Cuesta Drive-Arboleda Drive traffic calming project is already funded. Alta Planning + Design is the design team. They were awarded a contract on July 7, 2018 in the amount of \$135,010. \$21,000 of the current contract were used in the reinitiated planning phase discussed within this report. No additional funding is being requested to complete the design phase.

The estimated construction cost of the Final Plan Line Drawing (Attachment 2) is between \$500,000 to \$750,000 depending on pavement restoration completed as part of the project; this amount is currently unfunded.

Environmental Review:

Categorically exempt

Policy Question(s) for Council Consideration:

- The Collector Traffic Calming Plan (2011) identifies Raised Medians and Raised Intersections as feasible traffic calming devices for Cuesta Drive.

Reviewed By:

City Manager

CJ

City Attorney

CD

Finance Director

SE



Subject: Cuesta Drive-Arboleda Drive Traffic Calming Project

- After initiation of the design phase of the project for Raised Intersections at Cuesta Drive & Arboleda Drive and Cuesta Drive and S. Clark Avenue, the project was reinitiated into a Planning Phase for traffic calming devices on both Cuesta Drive and Arboleda Drive.
- The City Council is being asked to approve a Final Conceptual Plan Line drawing developed through an extensive community engagement process and authorize staff to complete the design phase of the Cuesta Drive-Arboleda Drive traffic calming project.
- New proposed traffic calming devices include Speed Tables along Cuesta Drive, Speed Humps on Arboleda Drive, and new Multi-Way Stops on and along Cuesta Drive, Arboleda Drive, and Campbell Avenue.

Summary:

- The Refined Conceptual Plan Line drawing for the Cuesta Drive-Arboleda Drive traffic calming project deviates from the current Collector Traffic Calming Plan (2011).
- City Council is being asked to approve of the Final Conceptual Plan Line that was developed through a reinitiated Planning Phase through an extensive community engagement process.
- City staff administered a Resident Survey of Support of residents living on Cuesta Drive, Arboleda Drive, and Campbell Avenue where traffic calming measures are proposed. The Resident Survey of Supports finds an overwhelming number of residents on each of the streets support the installation of the improvements. The Final Plan Line drawing for the Cuesta Drive-Arboleda Drive project includes additional input received during the Resident Survey of Support process.
- Traffic Calming treatments along Arboleda Drive, a local residential street, are recommended for funding and installation as part of this project through the Collector Traffic Calming Plan, PL-01022.

Staff Recommendation:

Authorize staff to complete the design phase of the Cuesta Drive-Arboleda Drive Traffic Calming Project using the Final Plan Line Drawings as a basis for the final design



Subject: Cuesta Drive-Arboleda Drive Traffic Calming Project

Purpose

To provide the City Council with an update on the reinitiated Planning Phase of the Cuesta Drive-Arboleda Drive traffic calming project and to request City Council support on new recommended traffic calming devices for the Cuesta Drive-Arboleda Drive neighborhood so that final design can proceed.

Background

The Cuesta Drive traffic calming project, initiated in the Fall 2018, was started using the recommendations of the Collector Traffic Calming Plan (2011) for either Raised Intersections or Raised Medians as feasible traffic calming devices for the portion of Cuesta Drive between S El Monte Avenue and Springer Road. Raised intersections at the intersections of Cuesta Drive & Arboleda Drive and Cuesta Drive & S Clark Avenue were identified as the appropriate traffic calming devices.

During the first community open house meeting and Complete Streets Commission meeting for the project on January 23, 2019 the commission and residents expressed concern regarding the two raised intersection tables alone not being effective enough to adequately reduce vehicle speeds along Cuesta Drive. In addition, residents along Arboleda Drive, San Luis Avenue, S Clark Avenue, Benvenue Avenue, and Paco Avenue expressed concerns regarding spillover traffic from Cuesta Drive if any traffic calming measures were deployed without complementary traffic calming measures on their streets. Arboleda Drive residents expressed the greatest amount of concern at the January 23, 2019 meeting as their street is immediately adjacent to Cuesta Drive and with a direct connection from Springer Road.

City staff decided to reinitiate the planning phase for the project in February 2019 and to include Arboleda Drive for accompanying traffic calming measures as part of a base project. An expanded data collection effort to document existing traffic volumes and vehicle's speeds on all project and adjacent streets was also initiated to help advise the planning phase and to measure any future traffic spillover upon implementation.

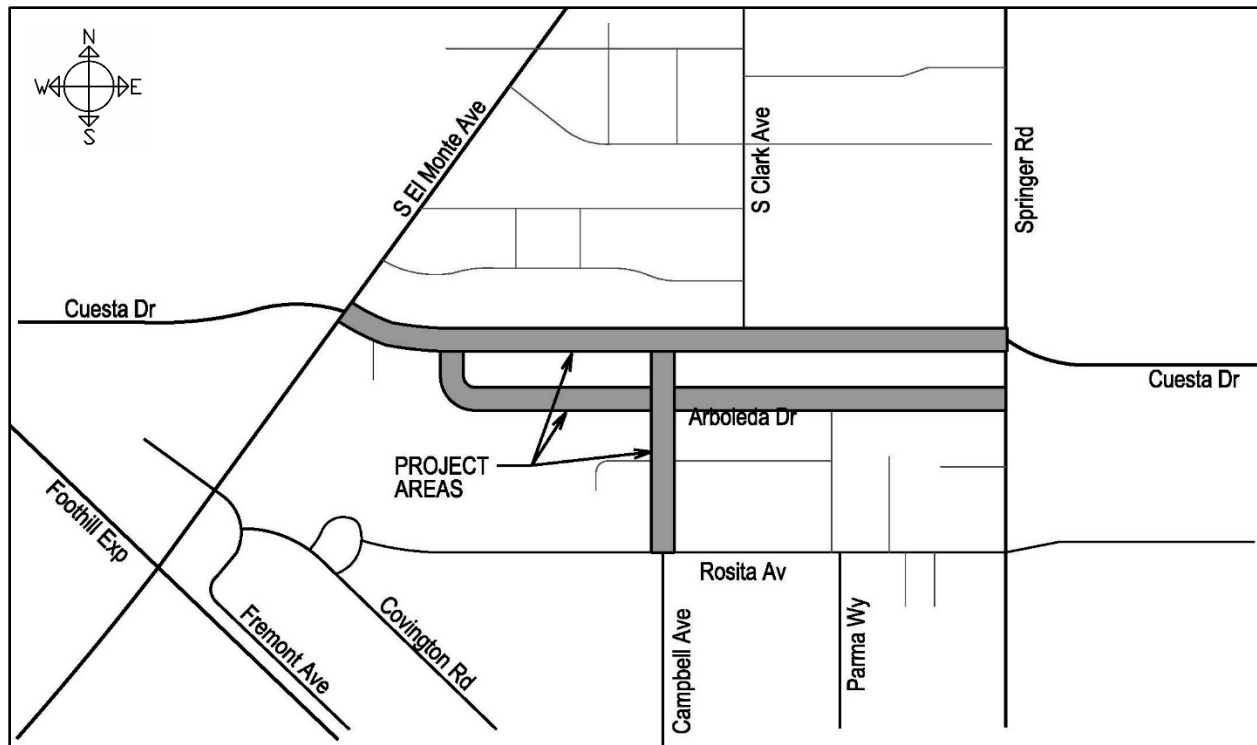
A second community open house meeting, along with an accompanying Complete Streets Commission meeting, was held on March 27, 2019. Residents were presented with three different concept plans at that time identifying varying traffic calming measures including speed tables along Cuesta Drive, speed humps along Arboleda Drive, and varying crosswalk and Multi-Way Stop treatments in efforts to address not only vehicle speeds but also enhance bicycle/pedestrian pathway options and Safe Routes to School alternatives for access to Covington Elementary School.

The refined concept plan line (Attachment 1) for the Cuesta Drive-Arboleda Drive traffic calming project was presented to the Complete Streets Commission on April 24, 2019. The City also initiated a Silent Resident Survey of Support for the project that includes mailer surveys sent to all residents and property owners along project limits of Cuesta Drive, Arboleda Drive, and Campbell Avenue.



Subject: Cuesta Drive-Arboleda Drive Traffic Calming Project

Cuesta Drive-Arboleda Drive Project Limits Map



Discussion/Analysis

The refined conceptual plan line drawing for the Cuesta Drive-Arboleda Drive traffic calming project (Attachment 1) was presented to the Complete Streets Commission at their April 28, 2019 meeting identifies Speed Tables along Cuesta Drive, Speed Humps along Arboleda Drive, and new Multi-Way Stop and signage & striping changes along the project area as preferred traffic calming measures.

Silent Resident Survey of Support

The City released a Silent Resident Survey of Support to residents living on Cuesta Drive, Arboleda Drive, and Campbell Avenue within the project limits. There are a total of 135 parcels within the project area but a total of 154 surveys were sent out on April 17, 2019; the additional surveys are likely from rental units with home owners at different addresses. Initially, the City asked residents to respond back by May 1, 2019 but following input from residents and the commissioners at the April 24, 2019 Complete Streets Commission, the City released a second round of surveys on April 30th to households that had not responded by May 1, 2019, a total of 64 follow-up surveys were sent at that time with a return request date of May 17, 2019.



Subject: Cuesta Drive-Arboleda Drive Traffic Calming Project

A copy of the Silent Resident Survey of Support is provided in Attachment 3. The survey asks residents to indicate their support for the proposed improvements and to sign and return the survey using a self-addressed stamped envelope provided by the City. Several residents helped organize responses and returned the surveys directly to the City.

The result of the Silent Survey of Support below shows overwhelming resident support for the installation of the traffic calming measures in the Refined Concept Plan Line.

Silent Resident Survey of Support Results

Street Segment	No. of Households ¹	YES	NO	% Support ²
Cuesta Dr (W El Monte Ave to Springer Rd)	64	47	4	92% ³
Arboleda Dr (Cuesta Dr to Springer Rd)	64	45	7	87% ³
Campbell Ave (Arboleda Dr to Rosita Ave)	17	8	4	67% ³

1. Survey Responses for Households at Project Intersections were counted towards up to two streets.

2. % Support based on total number of responses per street segment.

3. Survey results as of May 17, 2019.

As the Silent Survey of Support was being administered, residents provided additional input to help refine the plan line drawing. The comments varied from minor adjustments to the position of speed tables or speed humps to better accommodate driveway access to suggestions on roadway marking adjustments to help preserve the neighborhood character of each street.

The Final Concept Plan Line drawing for the Cuesta Drive-Arboleda Drive project is provided in Attachment 2, this is the plan line drawing that is being presented to the City Council for consideration of approval so that final design may proceed.

A detailed description of the Final Plan Line drawing is provided below.

Summary of Recommended Traffic Calming Improvements

1) Cuesta Drive, Shelby Lane to Arboleda Drive

A raised speed table is recommended mid-block between Shelby Lane and Arboleda Drive along Cuesta Drive.



Subject: Cuesta Drive-Arboleda Drive Traffic Calming Project

- 2) Cuesta Drive and Arboleda Drive
Painted intersection returns with oversized raised pavement markers are recommended to help tighten the intersection returns along the west side of Cuesta Drive to slow down vehicles as motorists turn onto Arboleda Drive.
- 3) Cuesta Drive, Arboleda Drive to Campbell Avenue
Two raised speed tables are recommended between Arboleda Drive and Campbell Avenue. The speed tables will be spaced approximately 350 ft apart.
- 4) Cuesta Drive and Campbell Avenue
This is an existing Multi-Way Stop controlled intersection. A new raised speed table that doubles as a marked crosswalk will be provided at the existing crosswalk location on the west leg of the intersection. High-visibility bike markings will be provided across the Campbell Avenue approach.
- 5) Cuesta Drive – Campbell Avenue to S. Clark Avenue (North side)
Students walking to Covington School from north of Cuesta Drive walk along the north side of Cuesta Drive between S. Clark Avenue and Campbell Avenue. Options to provide a consistent with pathway will be explored during the final design. Currently there is an asphalt berm that separates the roadway from adjacent parking. Removal of the asphalt berm will be explored to expand a shared parking/bike-ped pathway.
- 6) Cuesta Drive and S. Clark Avenue
New Multi-Way Stop controls are recommended for this intersection. A marked crosswalk will be provided along the west leg of the intersection. Community input recommended a marked crosswalk along the east leg of the intersection, but driveway conflicts prohibit crosswalk placement along the east leg.
- 7) Cuesta Drive, S. Clark Avenue to Springer Road
Two raised speed tables are recommended between S Clark Avenue and Springer Road. The speed tables will be spaced approximately 400 ft apart.
- 8) Cuesta Drive and Springer Road
The existing median island on the west leg will be maintained in its current location with no changes. The City presented various alternatives to the community including an option to provide a bulb-out along the northeast corner of the intersection and an option to provide a single lane for the southbound approach from Los Altos towards Mountain View. The traffic study for the project found the intersection Level of Service (LOS) to be negatively impacted if a single southbound lane were provided and the community support for changes were not sufficient enough to justify further changes at the intersection.



Subject: Cuesta Drive-Arboleda Drive Traffic Calming Project

- 9) Arboleda Drive, Cuesta Drive to School crossing
Initially, edge lines and center lines were being considered in this section of Arboleda Drive but residents were consistent in their feedback during the support survey that they preferred not to have edge lines along Arboleda Drive in efforts to preserve the residential character of their street. The Final Plan Line removes the edge lines as requested by the residents. The center line will be maintained through the curve in the roadway per industry standard but the center line will be moved slightly north to take advantage of a wider pavement section; this will also better accommodate parking on both sides of the street with bike-pedestrian traffic. A speed table is proposed at the school crossing location
- 10) Arboleda Drive, School crossing to Campbell Avenue
Two raised speed humps are recommended between the School crossing and Campbell Avenue. The speed humps will be spaced approximately 250 ft apart.
- 11) Arboleda Drive and Campbell Avenue
A new Multi-Way Stop will be provided with marked high-visibility crosswalks.
- 12) Arboleda Drive, Campbell Avenue to Parma Way
Two raised speed humps are recommended between the Campbell Avenue and Parma Way. The speed humps will be spaced approximately 250 ft apart.
- 13) Arboleda Drive and Parma Way
Centerline striping improvements are recommended to help provide awareness regarding the intersection approach to motorists on Arboleda Drive.
- 14) Arboleda Drive, Parma Way to Springer Road
Two raised speed humps are recommended between Parma Way and Springer Road. The speed humps will be spaced approximately 250 ft apart.
- 15) Arboleda Drive and Springer Road
Painted intersection returns with oversized raised pavement markers are recommended to help tighten the intersection returns along the west side of Springer Road.
- 16) Campbell Avenue and Los Pajaros Court-Glen Alto Drive
Painted high-visibility crosswalks across the Los Pajaros Court and Glen Alto Drive approaches will be provided.
- 17) Campbell Avenue and Rosita Avenue
A new Multi-Way Stop will be provided with marked high-visibility crosswalks.



Subject: Cuesta Drive-Arboleda Drive Traffic Calming Project

Traffic Date and Traffic Study Findings

The findings of the traffic data collection effort were presented at the April 24, 2019 Complete Streets Commission meeting.

Traffic data collected includes vehicle speed/volume tube counts along the following locations:

- Cuesta Drive
- Arboleda Drive
- Campbell Avenue
- S. Clark Avenue
- San Luis Avenue
- Benveneu Avenue
- Paco Drive

Turning movement count data was also collected at select intersections that include pedestrian and bicycle count data:

- Cuesta Drive and S. El Monte Avenue
- Cuesta Drive and Springer Road
- Cuesta Drive and S. Clark Avenue
- Arboleda Drive and Campbell Avenue
- Arboleda Drive and Springer Road
- Campbell Avenue and Rosita Avenue

The traffic data shows the highest 85th percentile speeds and volumes along Cuesta Drive at 36 MPH and 9,186 average daily vehicles. 85th percentile speeds and volumes along Arboleda Drive were upwards of 34 MPH with an average daily traffic count of 516 vehicles.

The traffic report (Attachment 4) was not available during the April 24, 2019 meeting of the Complete Streets Commission. The exhibits section of the traffic report are excluded from this staff report due to the sheet size of all the exhibits. The complete exhibits section is available online at the project's website at www.losaltosca.gov/CuestaDrive-ArboledaDrive.

The traffic reports findings were presented to the commission and do support the following recommendations:

1. Installation of Traffic Calming measures including speed tables along Cuesta Drive and speed humps along Arboleda Drive.
2. Multi-Way Stops at Cuesta Drive and S. Clark Avenue, Arboleda Drive and Campbell Avenue, and Campbell Avenue and Rosita Avenue
3. Maintenance of existing eastbound Cuesta Drive approach at Springer Road.



Subject: Cuesta Drive-Arboleda Drive Traffic Calming Project

Cuesta Drive Pavement Preservation Treatments

Prior to the initiation of the Cuesta Drive collector traffic calming project, the portion of Cuesta Drive between S. El Monte Avenue and Campbell Avenue was scheduled for microsurface treatment as part of the Fiscal Year 2018-19 Annual Street Resurfacing Program. Pavement preservation treatments were initiated in April 2019 with the removal of existing roadway markings. Application of the new microsurface treatment and roadway markings will continue through June 2019.

The microsurface pavement treatments are consistent with pavement treatments being considered as part of the Cuesta Drive traffic calming project.

Options

- 1) Approve the Final Plan Line Drawing for Cuesta Dr-Arboleda Dr-Campbell Ave – this option includes authorizing staff to proceed with the development of Plans, Specifications & Estimates (PS&E) construction documents for the traffic calming treatments along Cuesta Dr, Arboleda Dr, and Campbell Ave as shown in Attachment 2

Advantages: Proposed improvements are consistent with resident support; traffic calming measures will help reduce vehicle speeds on project streets

Disadvantages: Traffic calming measures impact both commuters and residents; construction Phase is not funded but estimated cost of this option is up to \$750,000 depending on the amount of pavement restoration completed with the project

- 2) Continue with Original Design with Two Intersection Raised Tables on Cuesta Drive only

Advantages: Improvements are consistent with prior Collector Street Policy (2011)

Disadvantages: Improvements will likely not result in a reduction in vehicle speeds along Cuesta Drive; no improvements along Arboleda Drive or any other adjacent street; Cost of this option is estimated at upwards of \$1,500,000

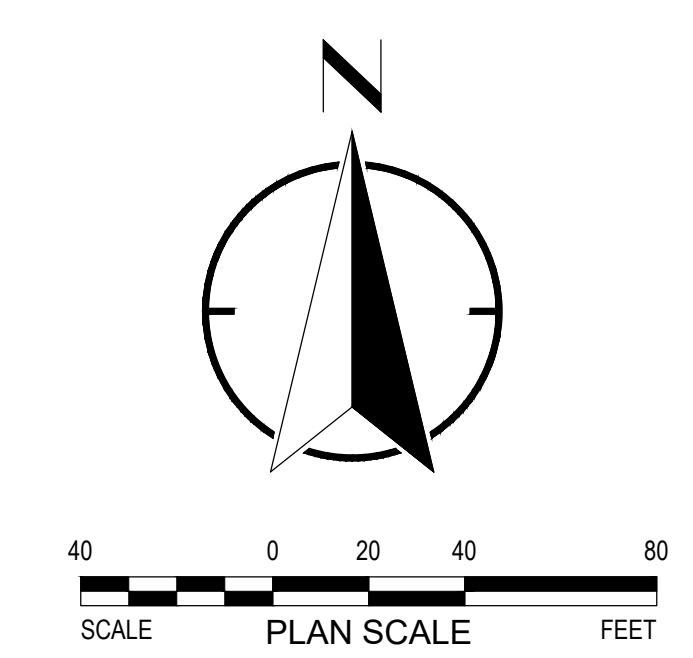
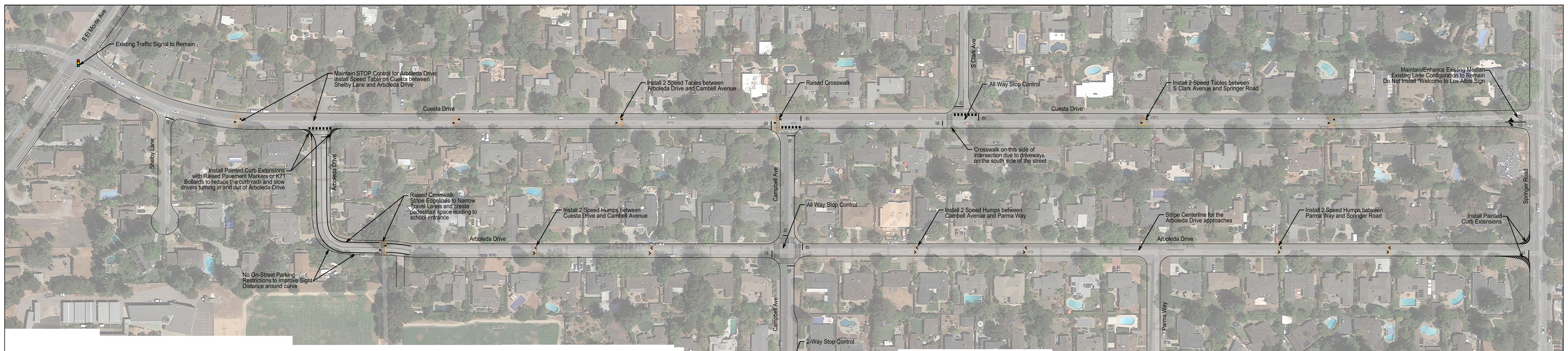
- 3) Do Nothing – this option includes making no changes along any of the project streets and leaving them in their current existing condition

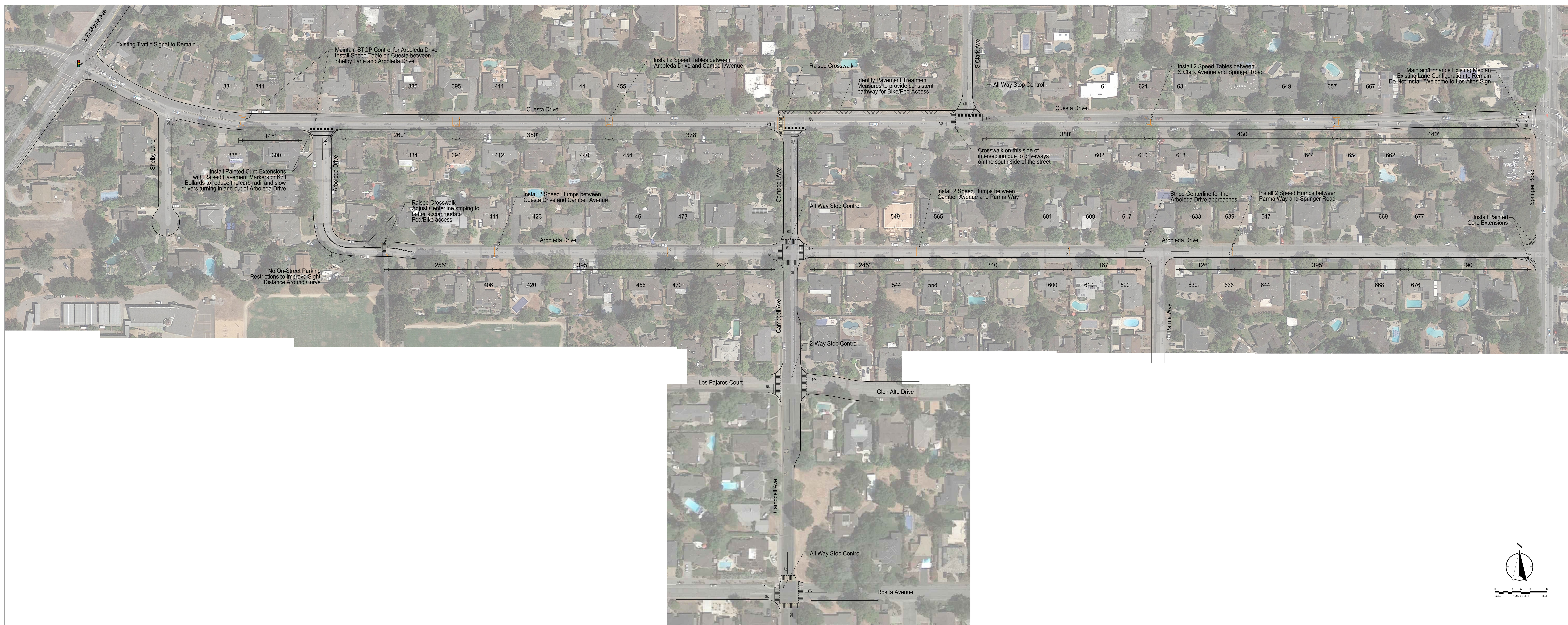
Advantages: None

Disadvantages: No change in vehicle speeds along any project street

Recommendation

The staff recommends Option 1.







Your Feedback is Requested - Resident Silent Survey of Support for:

Cuesta Drive – Arboleda Drive Traffic Calming Project

The City of Los Altos is working with residents of both Cuesta Drive and Arboleda Drive to identify traffic calming improvements between S El Monte Avenue and Springer Road to help reduce vehicle speeds along both streets and to enhance bicycle and pedestrian facilities for the community. A refined conceptual plan has been prepared based on community feedback gathered over the past few months and is now available on the City's project webpage at:

www.losaltosca.gov/CuestaDrive-ArboledaDrive

Please review the updated conceptual plan online and return the Resident Silent Survey of Support (below) by April 30, 2019 using the enclosed self-addressed stamped envelope.

The City needs to hear from you to ensure that residents living on streets where improvements are proposed are supportive of the planned improvements before they are deployed. Resident support in the amount of at least 66.66% for each street is required for improvements to be installed. Each street will be surveyed separately so that installation can be considered individually. Installation of the improvements will be funded by the City. The results of the silent survey will be discussed at both the April 24, 2019 Complete Streets Commission meeting and a future City Council meeting.

The Proposed Plan

Traffic calming measures identified in the plan include Raised Speed Tables along Cuesta Drive spaced approximately 400-FT apart, Speed Humps along Arboleda Drive spaced approximately 250-FT apart, and new Multi-Way STOP controls along both corridors including Campbell Avenue. Be sure to review detailed plans available at www.losaltosca.gov/CuestaDrive-ArboledaDrive.

Tear along Line and Return to the City of Los Altos

Resident Silent Survey of Support for: «SITUS_ADDR_FULL», Los Altos, CA 94024

I have reviewed the Refined Conceptual Plan Line drawings for traffic calming improvements on and along Cuesta Drive, Arboleda Drive, and Campbell Avenue. My support for these improvements is identified below:

- ☐ YES, I support installation of the proposed traffic calming improvements
- ☐ NO, I do not support installation of the proposed traffic calming improvements

Signature of Home Owner or Resident (Circle One)



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Oakland, CA 94607
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EXECUTIVE SUMMARY

Introduction

Cuesta Drive and Arboleda Drive are both two-lane roadways that runs through the City of Los Altos, CA. The Cuesta Drive Traffic Calming Project (Project) includes the addition of traffic calming measures along both corridors and Campbell Avenue including: Speed Tables along Cuesta Drive, Speed Humps along Arboleda Drive, new Multi-Way STOP Controls at select intersections, and signage & striping improvements. The proposed improvements, provided in **Appendix E**, were developed as part of an extensive community engagement process.

This analysis evaluates the Existing traffic conditions and a comparison Project analysis where improvements are proposed. The analysis focuses on a Level of Service (LOS) comparison, as a measure of Delay. The analysis also includes the processing of Establishment Criteria where Multi-Way STOP controls are proposed against industry-standard measures.

The purpose of the Project is to provide enforceable vehicle speeds on Cuesta Drive, provide complementary traffic calming measures along Arboleda Drive, increase accessibility to biking and walking in the neighborhood, and to document street characteristics of adjacent streets for future comparison.

Scope of Work

This traffic analysis includes a review and operational analysis of the Cuesta Drive corridor (S. El Monte Ave. to Springer Rd.), Arboleda Drive corridor (Cuesta Dr. to Springer Rd.), and several adjacent intersections within the surrounding neighborhood, with respect to mobility of people walking, bicycling, and driving. Specifically, Alta has performed an existing conditions operational analysis and an analysis of the operational impacts from the proposed roadway changes, as well as Multi-Way STOP control warrant analyses for the intersections where a change to a Multi-Way Stop control is proposed. LOS, delay, and queueing were evaluated to assess the operational impacts as they can provide a quantitative comparison between the existing and proposed conditions.

For the purposes of this analysis, the proposed Project consists of introducing new intersection controls, adding new crosswalks at specific intersections, and implementing traffic calming measures along Cuesta Drive and Arboleda Drive all in order to reduce vehicle speeds. The impacts of these improvements were assessed at the following intersections:

1. Cuesta Drive & S. El Monte Avenue
2. Cuesta Drive & Arboleda Drive
3. Cuesta Drive & Campbell Avenue
4. Cuesta Drive & S. Clark Avenue
5. Cuesta Drive & Springer Road
6. Arboleda Drive & Campbell Avenue
7. Arboleda Drive & Springer Road
8. Campbell Avenue & Rosita Avenue

Conclusions and Recommendations

The Project intersections currently operate at an acceptable Level of Service (LOS D or better) in the Existing condition and are expected to continue to do so under the Project conditions, with the exception of Cuesta Drive & Springer Rd (where the existing and proposed conditions experience a LOS F).

Three new Multi-Way STOP controls are recommended based on the findings from the warrants completed as part of this analysis: Cuesta Drive & S Clark Avenue, Arboleda Drive & Campbell Avenue, and Campbell Avenue & Rosita Avenue

It is recommended that the City pursue the installation of the proposed new Multi-Way STOP control intersections pending the community engagement process of resident support. The proposed traffic calming measures along Cuesta Drive and Arboleda Drive are also recommended including Speed Table and Speed Humps respectively.

The intersection of Cuesta Drive & Springer Road was analyzed to consider a reduction in the number of lanes on the eastbound approach of Cuesta Drive from the existing 2-lanes to 1-lane but this not recommended due to significant impacts to LOS at the intersection.

See the **Conclusions and Recommendation Section** at the end of this report for further details.

Traffic Analysis

The following section summarizes the results of a preliminary traffic analysis for implementing the proposed Project conditions at the study intersections.

Currently, the existing Project Area consists of signalized and stop controlled intersections. Cuesta Drive is categorized as a collector road according to the City of Los Altos General Plan, Circulation Element (2002). Springer Road and El Monte Avenue are also collector roads, while other corridors in the Project Area, including Arboleda Drive and Campbell Ave., are considered local roads.

The traffic analysis is based upon observed physical conditions, 12-hour turning movement counts collected March 12, 2019, and 24-hour speed counts collected on March 12, 2019. Detailed summaries of the collected data can be found in Appendix A.

Alta performed an analysis of the operational impacts from the proposed Project conditions. Level of Service (LOS), approach/intersection delay, and queueing were the primary conditions evaluated to assess the operational impacts.

Existing Traffic Analysis

Capacity analyses were performed for the existing AM and PM peak hour periods using Synchro software (v.10) to determine the LOS and delay for each of the study intersections. LOS analysis can help determine the ability of an intersection to accommodate vehicular traffic volume demand and the effect of changes to the number of lanes or storage capacity of turn pockets. The analysis uses Highway Capacity Manual (HCM) 2010 methodology, and accounts for roadway characteristics such as intersection geometry, traffic control devices, and traffic (vehicle and pedestrian) volumes.

LOS is defined by letter characters that range from A to F, with A representing the best traffic operating conditions that have little or no delay to vehicles utilizing the intersection and F characterizing poor conditions that have significant delay. LOS A through D are typically considered acceptable operations, while LOS E is representative of conditions where improvements could be needed if traffic volumes are expected to significantly increase in the future. LOS F is considered failing operations indicating the demand exceeds the capacity of the intersection as it is currently designed, and significant delays can be expected.

Additionally, a change in a LOS from A, B, C, or D to an E or F between the existing and Project conditions at signalized intersections may be considered significant and can indicate impacts resulting from the proposed Project conditions. Under these circumstances, improvements may be needed, in the form of traffic control modification, geometric changes, or a combination of both, for the purpose of reducing vehicle delay. This is supported by the City of Los Altos General Plan, which identifies the performance criterion at city-controlled intersections is LOS D or better. The delay limits for each LOS category, based on the HCM, are shown in **Table 1** below:

Table 1: Level of Service Delay Limits

Level of Service (LOS)	Signalized Intersection Delay per Vehicle (sec/veh)	Unsignalized Intersection Delay per Vehicle (sec/veh)
A	≤10.0	≤10.0
B	10.1 - 20.0	10.1 - 15.0
C	20.1 - 35.0	15.1 - 25.0
D	35.1 - 55.0	25.1 - 35.0
E	55.1 - 80.0	35.1 - 50.0
F	> 80.0	> 50.0

The existing conditions Synchro model incorporated all available traffic data including turning movement counts for all road users, heavy vehicle percentages, signal phases, vehicle speeds, and lane configuration data. The results of the Existing Conditions Analysis can be found in **Table 2**. A detailed LOS summary can be seen in the attached reports, in **Appendix B**.

Table 2: Peak Hour Intersection LOS – Existing Conditions (2018)

ID	Intersection	Existing Conditions 2018				
		Traffic Control	A.M. Peak		P.M. Peak	
			Delay	LOS	Delay	LOS
1	Cuesta Dr & S. El Monte Ave	Traffic Signal	12.8	B	11.3	B
2	Cuesta Dr & Arboleda Dr	1-Way Stop	16.2	C	15.0	C
3	Cuesta Dr & Campbell Ave	All Way Stop	18.3	C	13.3	B
4	Cuesta Dr & S. Clark Ave	1-Way Stop	14.6	B	13.6	B
5	Cuesta Dr & Springer Rd	All Way Stop	N/A	F	N/A	F
6	Arboleda Dr & Campbell Ave	2-Way Stop	11.6	B	11.0	B
7	Arboleda Dr & Springer Rd	1 Way Stop	19.7	C	N/A	F
8	Campbell Ave & Rosita Ave	2-Way Stop	B	13.5	B	10.5

Notes:

- HCM LOS 2010 Methodology was used.
- Delay is presented in seconds per vehicle; LOS = Level of Service
- Delay is average vehicle delay.
- Delay for two-way stop-controlled intersections is reported as the worst movement's delay.
- Delay for signalized intersections and all-way stop controlled intersections is average vehicle delay.
- N/A for a stop-controlled intersection is a reported delay greater than 50.
- N/A for a signalized intersection is a reported delay greater than 80.

As shown in **Table 2**, the existing conditions operational analysis indicated that all of the intersections, except for two, operate at LOS D or better. The two intersections with existing operations below LOS D during the peak hour periods of the day are:

- Cuesta Dr & Springer Rd LOS F in AM and PM
- Arboleda Dr & Springer Rd LOS F in the PM

Queuing Analysis

Queuing analyses were performed for the existing AM and PM peak hour periods using Synchro software (v.10) and its associated modelling Software; Sim Traffic (v.10) to determine the 95th percentile queue lengths for each approach of the study intersections.

Queue lengths are used to assess the amount of congestion that is predicted to occur at intersections, and determine if the queues will result in the blockage of adjacent intersections, major driveways, or other ingress/egress points. ‘Spill-over’ from one intersection into another intersection caused by excessive queuing can hinder the operating capacity of the overall network, creating ‘congestion swelling’ at various adjoining intersections. Intersection blocking can also result in vehicles illegally stopping in an intersection due to queues, which can create unnecessary delays for all movements. Blocked intersections create more dangerous conditions for all users, but especially for bicyclists and pedestrians who may have their paths of travel blocked, and may not be able to predict the actions of vehicles that are within the blocked intersections.

The purpose of the queuing analysis for this project is to assess the current queuing conditions, compare them to the predicted queuing of the project conditions to assess the impacts of the project, and determine if queues caused by the project conditions result in the blocking of signalized or all-ways stop controlled intersections in the Project Area (particularly, Cuesta Dr. at S. El Monte Ave., Cuesta Dr. at Campbell Ave., and Cuesta Dr. at Springer Rd.).

When reporting queue lengths, 95th percentile queues are used. These queues represent the ‘worst-case scenario’ that may be experienced on an average day for an intersection. Queue lengths were averaged between 5 separate hour-based model runs, with 15-minute seeding periods for the models, in order to ensure a higher accuracy of the results. Queueing models are simulations generated by Sim Traffic, based upon the Synchro models generated for the LOS analysis.

The results of the Existing Conditions Queuing Analysis can be found in **Table 3**. A detailed queuing summary can be seen in the attached reports, in **Appendix B**.

Table 3: Peak Hour Intersection Queueing – Existing Conditions (2018)

ID	Intersection	Existing Conditions 2018		
		Traffic Control	A.M. Queue (FT)	P.M. Queue (FT)
1	Cuesta Dr. & S. El Monte Ave.	Signal	205	144
2	Cuesta Dr & Arboleda Dr	1-Way Stop	38	33
3	Cuesta Dr & Campbell Ave	All Way Stop	118	132
4	Cuesta Dr & S. Clark Ave	1-Way Stop	57	54
5	Cuesta Dr & Springer Rd	All Way Stop	297	341
6	Arboleda Dr & Campbell Ave	2-Way Stop	46	47
7	Arboleda Dr & Springer Rd	1 Way Stop	126	91
8	Campbell Ave & Rosita Ave	2-Way Stop	59	47

Notes: table is labeled LOS but shows queue lengths

- Queue lengths are reported in feet (ft.).
- Reported intersection queue lengths are the 95th percentile for the worst approach lane of the intersection.
- -E- for an intersection indicates that the queue lengths exceed the Project Area or reach a signalized intersection.

As shown in **Table 3**, the queue lengths of the existing conditions do not generate a ‘spill-over’ condition for either the AM or PM peak hours for any intersections within the Project Area, when compared to the distances between intersections. The intersection with the largest queues is Cuesta Dr & Springer Rd at 341-FT in the PM peak hour but the closest adjacent intersection at Cuesta Dr & S Clark Ave is approximately 1,300-FT away. These queues reported are for the westbound approach in the AM peak hour, and the eastbound approach for the PM peak hour. These queues may generate temporary blockages of resident driveways. The extent of these queue lengths is related to the failing LOS and delay from each intersection.

Speed Analysis

Speed data was collected for streets within the Project Area. The locations where these speeds were collected, as well as the 85th percentile speeds that were observed, can be found in **Table 4**.

Table 4: 85th Percentile Speed Collection Data within Project Area

ID	Street	Cross-streets Between	Direction 1 (MPH)	Direction 2 (MPH)
A	Cuesta Dr	Arboleda Dr & Campbell Ave	34.6 (EB)	34.2 (WB)
B	Cuesta Dr	S. Clark Ave & Springer Rd	36.1 (EB)	35.1 (WB)
C	Arboleda Dr	Cuesta Dr & Campbell Ave	31.4 (EB)	27.5 (WB)
D	Arboleda Dr	Parma Wy & Springer Rd	33.8 (EB)	30.6 (WB)
E	Campbell Ave	Arboleda Dr & Glen Alta Dr	32.7 (NB)	31.4 (SB)

Notes:

- *Speeds shown represent 85th percentile speeds as calculated from consecutive 24-hour counts performed at the identified locations*
- *Speeds shown are per direction of travel*
- *EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound)*
- ***Bolden*** *represents non-enforceable 85th percentile speeds*

Along Cuesta Drive, the primary project corridor, the 85th percentile speeds range between 34.2-MPH and 36.1-MPH in the eastbound and westbound directions. The current 25-MPH posted speed limit is not enforceable as it would be considered a Speed Trap.

The local streets studied also have 85th percentile speeds exceeding 25-MPH but are enforceable without the need for an Engineering & Traffic Survey (Speed Survey) by Prima Facie definition within the California Vehicle Code.

Proposed Conditions Traffic Analysis

Operational analyses were performed for the proposed condition AM and PM peak hour periods using Synchro software (v.10) to determine the LOS and delay for each of the study intersections with the proposed conditions. The analyses used the same methodology and inputs as those outlined in the Existing Traffic Analysis section, with the exception that the inputs changed to meet the proposed conditions outlined below. The delay limits for each LOS category remains the same as thresholds outlined in **Table 1**.

The proposed conditions included the following changes:

- All-way Stop control at Cuesta Drive at S. Clark Avenue
- All-way stop control at Arboleda Drive at Campbell Avenue
- All-way stop control at Rosita Avenue at Campbell Avenue
- Traffic calming along Cuesta Drive and Arboleda Drive to reduce 85th percentile speeds to an enforceable speed (<30 MPH) in the form of speed humps and speed tables
- Removal of the eastbound right-turn lane at Cuesta Drive at Springer Road

These conditions were modelled by changing the control types at the intersection with an all-way stop control conversion, reducing the modelled travel speeds to 25 MPH, and removing the eastbound right turn lane from the intersection of Cuesta Dr. at Springer Rd [which approach?].

The resulting intersection LOS for the study intersections are summarized in **Table 5**. A detailed LOS summary can be seen in the attached reports, in **Appendix B**.

Table 5: Peak Hour Intersection LOS - Existing Plus Project Conditions

ID	Intersection	Existing Conditions 2018					Existing Plus Project Conditions 2018				
		Traffic Control	A.M. Peak		P.M. Peak		Traffic Control	A.M. Peak		P.M. Peak	
			Delay	LOS	Delay	LOS		Delay	LOS	Delay	LOS
1	Cuesta Dr & S. El Monte Ave	Signal	12.8	B	11.3	B	Signal	12.8	B	11.3	B
2	Cuesta Dr & Arboleda Dr	1-Way Stop	16.2	C	15.0	C	1-Way Stop	16.2	C	15.0	C
3	Cuesta Dr & Campbell Ave	All-Way Stop	18.3	C	13.3	B	All-Way Stop	18.3	C	13.3	B
4	Cuesta Dr & S. Clark Ave	1-Way Stop	14.6	B	13.6	B	All-Way Stop	13.4	B	11.3	B
5	Cuesta Dr & Springer Rd	All-Way Stop	N/A	F	N/A	F	All-Way Stop	N/A	F	N/A	F
6	Arboleda Dr & Campbell Ave	2-Way Stop	11.6	B	11.0	B	All-Way Stop	8.8	A	8.1	A
7	Arboleda Dr & Springer Rd	1-Way Stop	19.7	C	N/A	F	1-Way Stop	19.7	C	N/A	F
8	Rosita Ave & Campbell Ave	2-Way Stop	B	13.5	B	10.5	All-Way Stop	8.9	A	7.9	A

Notes:

- HCM LOS 2010 Methodology was used.
- Delay is presented in seconds per vehicle; LOS = Level of Service
- Delay is average vehicle delay.
- Delay for two-way stop-controlled intersections is reported as the worst movement's delay.
- Delay for signalized intersections and all-way stop controlled intersections is average vehicle delay.
- N/A for a stop-controlled intersection is a reported delay greater than 50.
- N/A for a signalized intersection is a reported delay greater than 80.
- **Bolden** indicates a change in LOS or change in control type.

As shown in **Table 5**, the proposed Project conditions operational analysis indicates that all intersections are expected to operate acceptably (LOS D or better) with the exception of the intersections of Cuesta Dr & Springer Rd and Arboleda Dr & Springer Rd. The LOS for these two intersections remain the same as the existing conditions.

As can be seen at the intersections of Cuesta Dr & Arboleda Dr and Cuesta Dr & Campbell Ave, the change in the modelling speed for the two corridors, as well as the inclusion of crosswalks at these intersections, do not have any measurable impact on the reported LOS or delay.

The Project improvements also increase operational characteristics for the intersections of Cuesta Dr & S. Clark Ave, Arboleda Dr & Campbell Ave, and Campbell Ave where the proposed Multi-Way STOP condition helps to better facilitate traffic improving the overall delay experienced by motorists at the intersections. Two of these intersections (Arboleda Avenue & Campbell Ave and Campbell Ave & Rosita Ave) experience a positive change in LOS from B to A, in both the AM and PM peak hours for the intersections. The intersection of Cuesta Dr & S. Clark Ave experienced a reduction in average vehicle delay, and the LOS remains the same for both AM and PM peak hours.

The introduction of the Multi Way STOP controls at these intersections reduces the delay of the minor street approaches. The major street approaches receive some increase in delay, due to the change from free-flowing traffic, where delay can only occur for left-turning vehicles, or be created by pedestrian conflicts, to stop controlled, where every vehicle must stop at the intersection, and give the right of way to vehicles already at the intersection from other approaches. The minor street approaches then receive a decrease in average vehicle delay, as their opportunity for making their movement increases. Due to the low volume of vehicles on both corridors (minus peak hours of the day), and the ratio of traffic volumes between the major and minor street approaches, the intersections experience an overall increase in operational conditions.

See **Appendix B** for detailed LOS summaries, and see **page 11** for the detailed discussion on the **Multi Way Stop Control Analysis** conducted as part of this report.

Queuing Analysis

Table 6: Peak Hour Intersection Queue - Existing Plus Project Conditions

ID	Intersection	Existing Conditions 2018			Existing Plus Project Conditions 2018		
		Traffic Control	A.M. Queue (FT)	P.M. Queue (FT)	Traffic Control	A.M. Queue (FT)	P.M. Queue (FT)
1	Cuesta Dr & S. El Monte Ave	Signal	205	144	Signal	208	151
2	Cuesta Dr & Arboleda Dr	1-Way Stop	38	33	1-Way Stop	39	34
3	Cuesta Dr & Campbell Ave	All-Way Stop	118	132	All-Way Stop	114	132
4	Cuesta Dr & S. Clark Ave	1-Way Stop	57	54	All-Way Stop	76	78
5	Cuesta Dr & Springer Rd	All-Way Stop	297	341	All-Way Stop	752	-E-
6	Arboleda Dr & Campbell Ave	2-Way Stop	46	47	All-Way Stop	56	53
7	Arboleda Dr & Springer Rd.	1-Way Stop	126	91	1-Way Stop	157	101
8	Campbell Ave & Rosita Ave	2-Way Stop	59	47	All-Way Stop	56	52

Notes:

- Queue lengths are reported in feet (ft.).
- Reported intersection queue lengths are the 95th percentile for the worst approach lane of the intersection.
- **-E-** for an intersection indicates that the queue lengths exceed the Project Area or reach a signalized intersection.
- **Bolden** indicates a significant change in queue length or change in control type.

As shown in **Table 6**, the intersection of Cuesta Dr & Springer Rd experiences a significant increase in queue lengths for both AM and PM peak hours as a result of the proposed lane removal. Both reported queues for the intersection under project conditions are for the eastbound approach. The PM peak hour queue length exceeds the length between the intersections with Springer Rd and S. Clark Ave on Cuesta Dr, which results in queues ‘spilling-over’ to the intersection of S. Clark Ave. and hindering operational conditions for that intersection. Both queue lengths also block minor drive-way access along the corridor, preventing left-turn ingress into the driveways from opposing traffic. These queues are not expected to frequently clear, and create impacts to the roadway operation that are not accounted for in the model by blocking these driveways.

The significant impact on these queues is a result of the existing failing LOS and delay for the intersection of Cuesta Dr at Springer Rd, in combination with the removal of the right-turn turn bay at the intersection as proposed.

Stop Warrant Analyses

All-way Stop Warrant analyses were performed for the intersections identified in the Project area that would experience a change in intersection control type, from 1-way or 2-way stop controls to all-way stop controls. These intersections include:

- **4:** Cuesta Dr & S. Clark Ave
- **6:** Arboleda Dr & Campbell Ave
- **8:** Rosita Ave & Campbell Ave

Stop warrant analyses are based upon the 2014 California - Manual on Uniform Traffic Control Devices (CA-MUTCD).

Section 2B.07 of the CA-MUTCD, titled “Multi-Way Stop Applications,” identifies the criteria used to establish whether or not a multi-way stop control is warranted at an intersection. These criteria include:

- A. Where traffic control signals are justified, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.
- B. Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation.¹
- C. Minimum volumes:
 1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day; *and*
 2. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; *but*
 3. If the 85th-percentile approach speed of the major-street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the values provided in Items 1 and 2.
- D. Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.

The CA-MUTCD also identifies the following as optional criteria to consider for the all-way stop analyses:

- The need to control left turn conflicts
- The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes
- Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersections unless conflicting cross traffic is also required to stop; and
- An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection.

For the purpose of this study, the optional criteria will be considered.

All three intersections identified above were assessed with these criteria. Traffic volume, speed, and delay data were used from the counts from the LOS and queuing analyses of this report, and the crash data was provided by the City of Los Altos Police Department. See **Appendix A** for detailed count data and **Appendix D** for collisions data. The results of the analysis can be found in **Table 9**. See **Appendix C** for detailed stop warrant worksheets.

¹ Such crashes include right-turn and left-turn collisions, as well as right-angle collisions.

City of Los Altos, Stop Control Policies & Precedence

The City of Los Altos has an established STOP Sign Policy. The policy indicates that any intersection considered for a STOP sign within the City limits shall be analyzed through an engineering study, in accordance with the criteria established by the CAMUTCD. In addition, the City identifies the following criteria that may also be assessed in a stop-control analysis:

- **Unusual Intersection Geometrics** – Installation of a STOP sign may be justified where unusual intersection design or geometrics (horizontal and/or vertical curves, or intersection offsets) require the installation of a stop sign.
- **Visible Signs** – Installation of a STOP sign may be justified where visible signs of potential traffic problems exist, such as, skid marks, evidence of fixed object collisions, etc.
- **Volume Equilibrium** – Installation of a STOP sign may be justified if the intersection approach volumes for the minor/major legs near equilibrium (45%/55%).

The City also identifies that if the following criteria are met, the intersection may be considered to be in a residential area and the volume warrant thresholds may be reduced by 60% of the MUTCD values:

1. Both streets have residential frontages with existing 25 mph speed limits
2. Neither street is classified as a collector or arterial street within the General Plan Circulation Element
3. Both streets are two-lane streets
4. No existing stop sign or signal is located on the more heavily traveled street within a distance of 200 feet, minimum
5. Intersection with streets extending 500 feet or more away from the intersection on at least three sides
6. Installation of a multi-way stop is compatible with the overall traffic circulation needs for the residential area

City policy, which is supported by the CA-MUTCD policies, establishes that even if an intersection meets one or more of the criteria for a Multi-Way STOP control intersection, it does not necessarily justify the installation of the STOP signs. Los Altos Public Works Department reserves the right to exercise engineering judgment on a case-by-case basis to determine if the need for STOP signs is justified based on which criteria and considerations are satisfied. The purpose of this Multi-Way STOP control analysis is to identify which criteria are met, and provide recommendations to the City of Los Altos in regards to the installation of Multi-Way STOP controls.

According to City Policy, if the criteria of a STOP-control analysis is not met, the City may approve the installation of a STOP sign if the following findings may be made:

- Installation of the STOP sign will not prevent the street from operating consistent with its functional classification level (arterial, collector or local street) as defined in the General Plan Circulation Element.
- Installation of the STOP sign will not unduly restrict the delivery of emergency services to the surrounding neighborhood.
- Installation of the STOP sign will not create any potentially hazardous conflicts with driveways near the intersection.
- Installation of a STOP sign will not create any significant queuing at the intersection.
- Installation of a STOP sign is not expected to result in additional accidents at the intersection.
- The installation of a STOP sign will not adversely affect any adjacent controlled intersection.
- There are no other feasible methods to successfully address the traffic issues associated with the request for the stop sign.

In addition to the City's STOP Sign Policy, STOP signs are also identified in the City of Los Altos Neighborhood Traffic Management Program (2005) as a Category I Neighborhood Traffic Management Device. However, it identifies that a STOP sign may not be installed as a stand-alone traffic calming measure, used as a 'speed breaker,' but identifies that corridor traffic calming measures shall be installed in conjunction with STOP signs. It also identifies that STOP signs should only be installed when they meet the city policies, outlined above.

Table 7: Multi-Way STOP Establishment Criteria Findings (2019)

ID	Intersection	Criteria Met?						
		Existing Controls	A Interim to Traffic Signal	B ² Crash History	C Volume Thresholds	D ² Volume Thresholds 80%	E Qualitative Factors	All-Way STOP Installation Recommended
4	Cuesta Dr & S. Clark Ave	1-Way Stop	No	No	No	No	Yes	Yes
6	Arboleda Dr & Campbell Ave	2-Way Stop	No	No	No	No	Yes	Yes
8	Rosita Ave & Campbell Ave	1-Way Stop	No	No	No	No	Yes	Yes

As shown in **Table 7**, all three intersections analyzed for all-way stop controls met the criteria for Section E (*optional criteria*) as set forth by the CAMUTCD.

- **The intersection of Cuesta Dr & S. Clark Ave. meets Criteria E.B., in regards to pedestrian conflicts.** This intersection is identified as a safe route to school in the SRTS Maps for Blach Intermediate School and Covington Elementary School (*both updated October 2014*). Roadway geometry on Cuesta Dr requires pedestrians from S Clark Ave to cross Cuesta Dr and walk on the south side of the street. This requires students to cross the non-controlled, major approaches of the intersection. Community members identified this route as one of the more popular routes amongst Covington Elementary School students during public outreach events.
- **The intersection of Arboleda Dr & Campbell Ave meets Criteria E.B., in regards to pedestrian conflicts.** It is a part of the SRTS maps for Blach Intermediate School and Covington Elementary School. Covington Elementary School also has a back entrance on Arboleda Dr that the public has identified as a popular point of access. In order to access this entrance, any students east of Campbell Ave would need to cross Campbell Ave, and this intersection represents the most convenient location. This is supported by the pedestrian counts taken at the intersection (See **Appendix A** for detailed count data), which shows pedestrians crossing all legs of the intersection.
- **The intersection of Campbell Ave & Rosita Ave meets Criteria E.B., in regards to pedestrian conflicts.** This intersection is identified as a safe route to school in the SRTS Maps for Blach Intermediate School and Covington Elementary School, similar to Cuesta Dr & S. Clark Ave, and both route maps recommend crossing Campbell Ave, which is the uncontrolled corridor of the intersection. This intersection also has a Class I, shared use path terminate at its northwest corner. This may be considered unique geometry for the intersection and a pedestrian generator. Covington Elementary School Campus is also less than 500 feet from the intersection, which is considered a major, nearby pedestrian generator.

² Collision data provided by the City of Los Altos Police Department did not include collision types. As a conservative approach, it was assumed that all collisions reported, unless involving fixed objects, at the study locations were possible to be mitigated by the all-way stop control. Even with this assumption, the collision volumes were not high enough to trigger Warrants B or D for any intersection, in accordance with the CAMUTCD criteria, which means that the collision types do not affect the outcomes defined in this study.

Data Collection Beyond the Project Area

As part of the data collection process, 24-hour vehicle volumes and 85th percentile speeds were collected at adjacent neighborhood corridors (Benvenue Ave, San Luis Ave, Paco Dr, and S. Clark Ave). This data was collected with the purpose of establishing a baseline of the existing conditions, which will be compared to the conditions after the project is completed. The data was also collected in order to inform the City of existing volumes and speeds on these corridors, for future considerations of traffic calming measures. The 85th percentile speeds and 24-hour volumes can be found in Table 8:

Table 8: 85th Percentile Speed Collection Data within Project Area

ID	Street	Cross-streets Between	Volume (VPD)	Direction 1 (MPH)	Direction 2 (MPH)
F	Paco Dr	Ramon Dr & Silva Dr	228	28.7 (EB)	28.7 (WB)
G	Paco Dr	S. Clark Ave & Springer Rd	443	33.4 (EB)	31.4 (WB)
H	S. Clark Ave	San Luis Ave & Benvenue Ave	1493	29.1 (NB)	30.0
I	San Luis Ave	Lerida Ave & S. El Monte Ave	259	25.6 (EB)	25.8 (WB)
J	San Luis Ave	S. Clark Ave & Amador Ave	186	27.7 (EB)	25.5 (WB)

Notes:

- *Speeds shown represent 85th percentile speeds as calculated from consecutive 24-hour counts performed at the identified locations*
- *Volumes represent vehicles per day as observed from consecutive 24-hour counts performed at the identified locations*
- *Speeds shown are per direction of travel*
- *Volumes shown are for both directions of travel*
- *EB = Eastbound, WB = Westbound, NB = Northbound, SB = Southbound)*
- ***Bolden*** represents non-enforceable 85th percentile speeds

The local streets studied beyond the project area also have 85th percentile speeds exceeding 25-MPH but are enforceable without the need for an Engineering & Traffic Survey (Speed Survey) by Prima Facie definition within the California Vehicle Code.

Conclusions and Recommendations

The traffic analysis conducted herein provides insight on how the proposed Refined Concept Plan Line for the Cuesta Dr-Arboleda Dr traffic calming project would operate compared to the existing street conditions.

The Project Conditions result in acceptable operational level of service and delay at most locations, including locations where Multi-Way STOP controls are proposed. **Alta recommends implementing the following Project conditions throughout the project area:**

- Traffic calming measure along Cuesta Drive and Arboleda Drive including Speed Tables on Cuesta Drive and Speed Humps on Arboleda Drive
- Proposed crosswalks
- Multi-WAY STOP controls at Cuesta Dr & S. Clark Ave
- Multi-Way STOP controls at Arboleda Dr & Campbell Ave
- Multi-Way STOP controls at Rosita Ave & Campbell Ave

It is recommended that the City of Los Altos considers all three proposed Multi-Way STOP controls, per City policy.

The three proposed Multi-Way STOP controls are along the SRTS maps for two separate neighborhood schools, and implementing the proposed STOP controls will offer the benefit of deterring vehicles from using Arboleda Dr and Campbell Avenue as an alternative route from Cuesta Drive, once these traffic calming measures are installed. The balancing of traffic calming measures between Arboleda Drive, Campbell Avenue, and Cuesta Drive is designed so that the existing preferred routes for vehicles does not change due to the project conditions. The Multi-Way STOP control is part of this balanced traffic calming design and is predicted to help ensure the preferred circulation of traffic through the neighborhood.

Not all of the proposed Project improvements are recommended by this report without further investigation. Specifically, no changes to the intersection of Cuesta Dr & Springer Rd are recommended at this time due to impacts to intersection LOS and queue impacts. The analysis considered as part of this study that considers a reduction in the amount of eastbound lanes from two to one on the Cuesta Dr approach shows this option as not feasible. Alternative considerations for the Cuesta Dr & Springer Rd can include treatments such as traffic signal controls but this is an option not considered by the community engagement process for the Cuesta Dr-Arboleda Dr traffic calming project so this was not analyzed as part of this study.

Implementing the proposed traffic calming measures along Cuesta Drive (Speed Tables spaced at ~400-FT) and Arboleda Drive (Speed Humps spaced at ~250-FT) is recommended in order to achieve the project goals of reaching an enforceable 85th percentile speed on Cuesta Drive and preserving Arboleda Drive from potential traffic spillover. It is recommended that the City continues to monitor speeds and volumes at the study locations after the installation of the project in order to continue to assess the project impacts.



REGULAR CITY COUNCIL MEETING

TUESDAY, MAY 28, 2019 – 7:00 P.M.

Blach Intermediate School Gym
1120 Covington Road, Los Altos, California

Please note: The Regular City Council Meeting will begin immediately following the Joint City Council/Complete Streets Commission Study Session beginning at 6:00 p.m. The Regular Meeting will not begin before 7:00 p.m.

Note: Councilmember Bruins may participate via teleconference call from the Redwood Conference Room at Los Altos City Hall, 1 North San Antonio Road, Los Altos, California.

ESTABLISH QUORUM

PLEDGE OF ALLEGIANCE

CLOSED SESSION ANNOUNCEMENT

CHANGES TO THE ORDER OF THE AGENDA

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Members of the audience may bring to the Council's attention any item that is not on the agenda. Please complete a "Request to Speak" form and submit it to the City Clerk. Speakers are generally given two or three minutes, at the discretion of the Mayor. Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during the Public Comment Period. According to State Law (also known as "the Brown Act") items must first be noticed on the agenda before any discussion or action.

CONSENT CALENDAR

These items will be considered by one motion unless any member of the Council or audience wishes to remove an item for discussion. Any item removed from the Consent Calendar for discussion will be handled at the discretion of the Mayor.

1. Council Minutes: Approve the minutes of the May 14, 2019 regular meeting (J. Maginot)
2. Resolution No. 2019-07: Two-Lot Subdivision at 831 Arroyo Road: Adopt Resolution No. 2019-07 making findings denying Subdivision Application No. 18-DL-01 (831 Arroyo Road) (J. Biggs)
3. Countywide Household Hazardous Waste Collection Program and AB 939 Implementation Fee: Authorize the City Manager to execute the Agreements for Countywide Household Hazardous Waste Collection Program and Countywide AB 939 Implementation Fee with the County of Santa Clara on behalf of the City (A. Fairman)

Anita Enander
Councilmember

Jan Pepper
Vice Mayor

Lynette Lee Eng
Mayor

Jeannie Bruins
Councilmember

Neysa Fligor
Councilmember

4. Resolution No. 2019-12: Solid Waste Rate Adjustment: Adopt Resolution No. 2019-12 authorizing the increase of Solid Waste Collection Rates by 3.9629% effective July 1, 2019 (A. Fairman)

DISCUSSION ITEMS

5. Resolution No. 2019-17: Open Government Policy: Receive the report from the Open Government Standing Committee; adopt Resolution No. 2019-17 amending the Open Government Policy and consider changes to the Council Norms and Procedures and Commission Handbook (J. Maginot)

COUNCIL/STAFF REPORTS AND DIRECTIONS ON FUTURE AGENDA ITEMS

ADJOURNMENT

SPECIAL NOTICES TO THE PUBLIC

In compliance with the Americans with Disabilities Act and California Law, it is the policy of the City of Los Altos to offer its programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact department staff. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. The City ADA Coordinator can be reached at (650) 947-2607 or by email: ada@losaltosca.gov.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.losaltosca.gov/citycouncil/meetings>. Council Meetings are televised live and rebroadcast on Cable Channel 26. On occasion the City Council may consider agenda items out of order.

If you wish to provide written materials, please provide the City Clerk with 10 copies of any document that you would like to submit to the City Council for the public record. Written comments may be submitted to the City Council at council@losaltosca.gov. To ensure that all members of the Council have a chance to consider all viewpoints, you are encouraged to submit written comments no later than 24 hours prior to the meeting.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, and that are distributed to a majority of the legislative body, will be available for public inspection at the Office of the City Clerk's Office, City of Los Altos, located at One North San Antonio Road, Los Altos, California at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the City Clerk at (650) 947-2720 for the final document.

If you challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this meeting, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Please take notice that the time within which to seek judicial review of any final administrative determination reached at this meeting is governed by Section 1094.6 of the California Code of Civil Procedure.

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LOS ALTOS, HELD ON TUESDAY, MAY 14, 2019,
BEGINNING AT 7:00 P.M. AT LOS ALTOS YOUTH CENTER, 1 NORTH
SAN ANTONIO ROAD, LOS ALTOS, CALIFORNIA**

ESTABLISH QUORUM

PRESENT: Mayor Lee Eng, Vice Mayor Pepper, Councilmembers Bruins, Enander and Fligor

ABSENT: None

PLEDGE OF ALLEGIANCE

Mayor Lee Eng led the Pledge of Allegiance to the flag.

CLOSED SESSION ANNOUNCEMENT

1. Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6(a)
Employee organization: Sanitary Truck Drivers and Helpers Local No. 350
Agency designated representatives: Chris Jordan, City Manager
Christopher Diaz, City Attorney
Sharif Etman, Administrative Services Director
Jen Leal, Human Resources Manager
Lisa Charbonneau, Lead Negotiator
2. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Ryan Langone v. City of Los Altos, Workers' Compensation Appeals Board, ADJ1122146; ADJ9890587
3. Conference with Legal Counsel – Anticipated Litigation
Pursuant to Government Code Section 54956.9(d)(2) – One case (831 Arroyo Road two-lot subdivision)

Mayor Lee Eng announced that no action was taken during the closed session.

SPECIAL PRESENTATIONS

Mayor Lee Eng recognized the Margaret Thompson Historical Essay Contest winners. Mayor Lee Eng presented two proclamations recognizing Foster Care/Resource Parent Awareness Month and The Nail Bar.

CHANGES TO THE ORDER OF THE AGENDA

There were no changes to the order of the agenda.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individual provided public comment: Los Altos resident Gary Hedden.

CONSENT CALENDAR

Upon a motion by Councilmember Bruins, seconded by Vice Mayor Pepper, the Council unanimously approved the Consent Calendar, as follows:

1. Council Minutes: Approved the minutes of the April 9, 2019 and April 23, 2019 regular meetings.
2. Ordinance No. 2019-456: Managing PCBs during building demolition: Adopted Ordinance No. 2019-456 amending the Los Altos Municipal Code by adding Chapter 6.15 and establishing a program for assessing and managing PCBs, containing priority building materials, during demolition projects in accordance with the Municipal Regional Stormwater Permit requirements.
3. Sanitary Sewer Root Foaming material and equipment purchase: Authorized the purchase of material and equipment from WECO Industries in an amount not to exceed \$155,085 for Sanitary Sewer Root Foaming.
4. Resolution No. 2019-11: Windimer Drive Storm Drain Ditch, Project CD-01012: Adopted Resolution No. 2019-11 accepting completion of the Windimer Drive Storm Drain Ditch, Project CD-01012 and authorized the Interim Engineering Services Director to record a Notice of Completion as required by law.

PUBLIC HEARING

5. Ordinance No. 2019-458: Development Review Process Code Amendments: Introduce and waive further reading of Ordinance No. 2019-458 to amend Chapters 14.78 and 14.80 of the Los Altos Municipal Code regarding the Development Review Process

Planning Services Manager Dahl presented the report.

Mayor Lee Eng opened the public hearing.

Public Comment: The following individual provided public comment: Complete Streets Commissioner Nadim Maluf.

Mayor Lee Eng closed the public hearing.

Direction: Councilmembers directed staff to modify the requirements for when a development application is to be reviewed by the Complete Streets Commission to be for all design review applications that are approved by City Council and to send the entirety of the draft ordinance to the Complete Streets Commission for review.

DISCUSSION ITEMS

6. Resolution No. 2019-07: Two-Lot Subdivision at 831 Arroyo Road: Adopt Resolution No. 2019-07 to approve subdivision application 18-DL-01 (831 Arroyo Road) subject to the listed findings and conditions

Community Development Director Biggs and City Attorney Diaz introduced the item.

Rick Hartman, representing the applicant, presented the application.

Public Comment: The following individuals provided public comment: Los Altos residents Sue Greathouse, Jason Guesman, Roberta Phillips, Ron Ligon, Susan Flesher, Allyson Johnson, Linda Buiochi, Anita Siegel, Frank Sasselli, James Woo, Joanne Reed, Adele Hennig and Nancy Ellickson.

The applicant provided a rebuttal.

Action: Upon a motion by Councilmember Enander, seconded by Mayor Lee Eng, the Council directed staff to draft a resolution denying subdivision application 18-DL-01 (831 Arroyo Road), by the following vote: AYES: Enander, Lee Eng and Pepper; NOES: Bruins and Fligor; ABSTAIN: None; ABSENT: None.

Mayor Lee Eng recessed the meeting at 9: 03 p.m. The meeting resumed at 9:14 p.m.

DISCUSSION ITEMS CONTINUED

7. Request from the Friends of the Los Altos Library to Utilize Land on the Civic Center Campus: Direct staff to enter into a lease agreement with Friends of the Library allowing that organization to utilize approximately 500 sq. ft. of land between the Police Station and the History Museum at no cost until the new Community Center is constructed

Mary Jo Kelly, representing the Friends of the Library, Chris Brown, representing Santa Clara County Library District, and Allan Epstein presented the request.

Mayor Lee Eng recessed the meeting at 9: 56 p.m. The meeting resumed at 10:03 p.m.

Public Comment: The following individuals provided public comment: Suzanne Epstein, Lloyd Lettis, Linda Palmor, Maddie Kelly, Chris Kelly, Elisabeth Ward (representing Los Altos History Museum), David Struthers, Eric Steinle, Roberta Phillips, Keith Amidon, Danielle Madden, Duncan MacMillan, Hardin Smith, Pierre Bedard (representing Library Commission), Alyce Boster, Jennifer Miller, John Gerich, Jim Hlavka, Alice Johnson, Karen Dickenson, Sandy Kelly, Allan McLeod and Scott Rotondo.

The applicant provided a rebuttal.

Action: Upon a motion by Councilmember Bruins, seconded by Mayor Lee Eng, the Council unanimously directed staff to continue working with the Friends of the Library to look at alternative ideas and to allow and the Friends of the Library to remain at Hillview Community Center as long as possible, and invited the Friends of the Library to invite a member of staff to attend a Friends Board meeting to discuss options and ideas, and to proceed as quickly as possible.

8. FY2019/20 – 2020/21 Operating Budget and 5-year Capital Improvement Plan: Discuss the FY 2019/20 – 2020/21 Operating Budget and 5-year Capital Improvement Plan and provide direction as desired by the City Council

Administrative Services Director Etman presented the report.

Public Comment: The following individuals provided public comment: Los Altos residents Stacy Banerjee and Roberta Phillips.

Direction: Councilmembers provided feedback on the proposed FY 2019/20 – FY 2020/21 Operating Budget and 5-year Capital Improvement Plan.

9. Lehigh Hanson and Stevens Creek Quarry: Authorize the Mayor to send a letter to the Santa Clara County Planning Department supporting the requests for prompt action on the violations at Lehigh Hanson and Stevens Creek Quarry outlined in a January 31, 2019 letter from the City of Cupertino

Public Comment: The following individual provided public comment: Rhoda Fry.

Action: Upon a motion by Councilmember Bruins, seconded by Councilmember Enander, the Council unanimously authorized the Mayor to send a letter to the Santa Clara County Planning Department, with copies to the County Board of Supervisors, State Senator Jerry Hill and Assemblymember Mark Berman, as revised to include language regarding the impact to the Los Altos drainage basin and acknowledgement of recent enforcement actions.

10. City Council Authorization for Mayor to send letter opposing SB 50: Authorize the Mayor to send a letter to the City's State Legislators expressing the opposition of the City Council to SB 50

Public Comment: The following individuals provided public comment: Rhoda Fry and Los Altos resident Eric Steinle.

Action: Motion made by Vice Mayor Pepper, seconded by Councilmember Enander, to authorize the Mayor to work with the City Manager to draft and send a letter to the City's State Legislators opposing SB 50 by May 17, 2019.

Councilmember Bruins offered an amendment, which was accepted, to have Councilmember Fligor work with Mayor Lee Eng and the City Manager on the letter. The motion, as amended, passed unanimously.

11. Discussion of Stanford University General Use Permit: Consider the proposed General Use Permit and determine whether to provide comments to Santa Clara County

Public Comment: The following individual provided public comment: Rhoda Fry.

Action: Upon a motion by Councilmember Bruins, seconded by Councilmember Fligor, the Council unanimously authorized the Mayor to send a letter to Supervisor Simitian's office, with the following changes to the draft letter: 1) paragraph two to read "dire jobs/housing imbalance;" and 2) paragraph three, last sentence to read "both peak periods."

COUNCIL/STAFF REPORT AND DIRECTIONS ON FUTURE AGENDA ITEMS

City Manager Jordan reported that the mirco-surfacing road project currently underway will be delayed because of rain, that the Council is looking to schedule a facilitated retreat on June 5, 2019 and that the May 28, 2019 joint meeting with the Complete Streets Commission will be held at 6:00 p.m. at Blach Intermediate School.

ADJOURNMENT

Mayor Lee Eng adjourned the meeting at 12:54 a.m.

Lynette Lee Eng, MAYOR

Jon Maginot, CMC, CITY CLERK



CONSENT CALENDAR

Agenda Item # 2

AGENDA REPORT SUMMARY

Meeting Date: May 28, 2019

Subject: Resolution No. 2019-07: Two-Lot Subdivision at 831 Arroyo Road

Prepared by: Jon Biggs, Community Development Director

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Resolution No. 2019-07

Initiated by:

Ying-Min Li, Applicant and Property Owner

Previous Council Consideration:

March 26, 2019; April 23, 2019; May 14, 2019

Staff Recommendation:

Adopt Resolution No. 2019-07 making findings denying Subdivision Application 18-DL-01 (831 Arroyo Road)

Reviewed By:

City Manager

CJ

City Attorney

CD

Finance Director

SE

RESOLUTION NO. 2019-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
DENYING A TENTATIVE MAP FOR A TWO-LOT SUBDIVISION AT 831
ARROYO ROAD**

WHEREAS, the City of Los Altos received a subdivision application that includes a tentative map from Ying-Min Li for a two-lot subdivision, application 18-DL-01, referred to herein as the “Application;” and

WHEREAS, this action is exempt from environmental review as a project that is disapproved in accordance with Section 15270 of the California Environmental Quality Act of 1970 Guidelines (“CEQA Guidelines”) and, as a separate and independent basis CEQA Guidelines Section 15061(b)(3); and

WHEREAS, the Application was processed in accordance with the applicable provisions of the California Government Code and the Los Altos Municipal Code; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the Application on February 7, 2019; and

WHEREAS, the City Council held duly noticed public hearings on the Application on March 26, 2019, April 23, 2019 and May 14, 2019; and

WHEREAS, the City Council afforded the Applicant and all other interested parties the opportunity to comment on the Application and has thoroughly and independently reviewed all written evidence and oral testimony presented to date on this matter; and

WHEREAS, the State Subdivision Map Act provides that the City Council shall deny approval of a tentative subdivision or parcel map if it makes any of the findings specified in Government Code Section 66474; and

WHEREAS, based upon such evidence and testimony, and the entire record of proceedings and matters of general knowledge to the City, including without limitation the Los Altos General Plan, the Los Altos Municipal Code and other laws, regulations, policies, procedures and requirements the City Council has determined that one or more of the findings specified in Government Code Section 66474 apply and, therefore, warrant denial of the Application; and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon which the City Council’s findings and decision are hereby made are located in the Office of the City Clerk of the City of Los Altos.’

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby denies the Application. This determination is based on the Recitals set forth above together with the findings and determinations, as specified in California Government Code Section 66474, as set forth in Exhibit A, each of which is based upon the evidence

presented in the record as a whole and each of which provides a separate and independent basis for this decision.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the ____ day of ____, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lynette Lee Eng, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

EXHIBIT A

FINDINGS

With regard to division of land application 18-DL-01, (the “Application”) the City Council makes the following findings in accordance with the California Government Code, Chapter 4, Article 1, Section 66474 of the Subdivision Map Act of the State of California, each of which provides a separate and independent basis, based upon substantial evidence in the record, for the City Council’s decision to deny the Application:

A. The proposed subdivision is not in conformance with the Los Altos General Plan. The Application is inconsistent with, among other policies and provisions of the General Plan, Housing Element 1.5, which provides that the City will ensure that the level of development permitted in the creation of land divisions results in an orderly and compatible development pattern within the subdivision and in relation to its surroundings; provides for quality site planning and design; and provides for quality structural design. As specified in Housing Element Program 15.1, the City is required to review the compatibility of land divisions as part of the permit review and approval process.

Consistent with these requirements, the City Council hereby finds and determines that the Application would be inconsistent with the General Plan and would not achieve an orderly or compatible development. The Application is inconsistent with the existing pattern or orderly development achieved in the surrounding Montebello Acres neighborhood and would fail to retain the very distinctive character of this long-established neighborhood. As discussed with examples of more details below, the Application fails to satisfy this finding necessary to approve the subdivision.

The Application does not provide for creation of a subdivision that would result in an orderly or compatible development pattern, either within the subdivision or in relation to its surroundings. Among other things, the Application would create lots that are substantially smaller than, and out of character with, the surrounding Montebello Acres neighborhood. The predominant character of the surrounding neighborhood comprises substantially larger lots, which are at odds with the lots proposed in the Application. This incompatibility is particularly concerning for the Application’s proposed corner lot, which is substantially smaller than the interior lots in the surrounding neighborhood. The proposal departs from the recognized City planning practice for the area for corner lots in a neighborhood to comprise a substantially larger area than interior lots. This planning concept and the Application’s inconsistency with the same was discussed at length in the City Council proceedings on the Application. It is further recognized that in the Los Altos Zoning Code provisions for the subject zoning, it establishes a greater minimum lot size for corner lots, than for interior lots (*See* Los Altos Municipal Code Section 14.06.040).

B. The site is not physically suitable for the type and density of development proposed in the Application. The Application proposes a subdivision that would create lots that are substantially smaller than, and are out of character with, the surrounding neighborhood.

C. The design of the subdivision and the proposed improvement could cause environmental damage due to its incompatibility with surrounding development and its failure to provide for orderly development.

D. The design of the subdivision could cause public health, safety or welfare problems due to its incompatibility with the surrounding neighborhood and its failure to provide for orderly development.



CONSENT CALENDAR

Agenda Item # 3

AGENDA REPORT SUMMARY

Meeting Date: May 28, 2019

Subject: Countywide Household Hazardous Waste Collection Program and AB 939 Implementation Fee

Prepared by: Aida Fairman, Interim Engineering Services Director

Approved by: Chris Jordan, City Manager

Attachments:

1. Agreement for Countywide Household Hazardous Waste Collection Program
2. Agreement for Countywide AB 939 Implementation Fee
3. First Amendment to the agreement for countywide household hazardous waste collection program

Initiated by:

Staff

Previous Council Consideration:

April 14, 2015; May 10, 2016; May 23, 2017; May 8, 2018

Fiscal Impact:

The amount of \$70,143 will be included in the proposed FY 2019/20 Solid Waste Budget.

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- None

Summary:

- On April 14, 2015, the City Council approved agreements for the City's participation with Santa Clara County for Household Hazardous Waste (HHW) Program management, which must be amended annually
- HHW is an important, part of solid waste diversion and it is illegal to dispose of hazardous waste in sanitary landfills, therefore the program provides residents a safe method to dispose of items that require special handling

Staff Recommendation:

Authorize the City Manager to execute the Agreements for Countywide Household Hazardous Waste Collection Program and Countywide AB 939 Implementation Fee with the County of Santa Clara on behalf of the City



Subject: Countywide Household Hazardous Waste Collection Program and AB 939 Implementation Fee

Purpose

Authorize the City Manager to execute the agreements for Countywide Household Hazardous Waste Collection Program and Countywide AB 939 Implementation Fee with the County of Santa Clara on behalf of the City.

Background

On April 14, 2015, the City Council approved a three-year agreement for the City's participation with Santa Clara County for Household Hazardous Waste (HHW) Program management. The City has participated in the program since 2000. The Countywide HHW Collection program enables residents to conveniently dispose of small quantities of hazardous waste at any of the collection facilities in the County, and at a well-publicized annual event in the City. Hazardous wastes that are not allowed to be placed in household garbage containers include, but are not limited to, cleaning products, mercury thermostats, pesticides, flammable liquids, corrosives, solvents, car batteries, used motor oil, antifreeze, paint, fluorescent lights, electronic waste and other items.

AB 939 mandates and provides authority for agencies to collect funds for planning and implementation of integrated waste management programs. The HHW is a minor, but important, part of the diversion of waste to landfills. It is also illegal to dispose of hazardous waste in sanitary landfills, therefore the program provides residents a safe method to dispose of items that require special handling.

The agreement with the County for HHW Program and AB 939 implementation provides for collection of fees on waste disposed or treated at County landfills. The agreement provides for the City to receive \$1.50 per ton of landfilled waste that the City then uses to partially fund integrated waste management programs. A fee of \$2.60 per ton is collected for County-wide HHW programs. The HHW Program agreement defines the County, for the specific services it provides to municipalities, as the program manager.

Discussion/Analysis

This agreement between the City and County will begin a new three-year term to provide HHW collection services, the agreement must be amended annually with a new operating schedule and a new augmentation amount for service levels above what is funded through AB 939 Implementation Fees. The AB939 fees will continue to support a four percent level of participation by Los Altos residents in the County HHW Program. Funding augmentation for the HHW Program for FY 2019/20 is needed in the amount of \$70,143 based on anticipated participation from City residents. It is important to note when reviewing the attached amendment that the County uses the term "FY 2020" to describe the fiscal year from July 1, 2019 to June 30, 2020.



Subject: Countywide Household Hazardous Waste Collection Program and AB 939 Implementation Fee

Options

- 1) Authorize the City Manager to execute the Agreements for Countywide Household Hazardous Waste Collection Program and Countywide AB 939 Implementation Fee with the County of Santa Clara on behalf of the City

Advantages: The County administration of the HHW and AB 939 Fee is an efficient program that provides residents with safe, convenient and economical means of disposing HHW

Disadvantages: None

- 2) The City could choose to not participate in the County's administration of AB 939 Fees, which would require an alternative method be developed to recover the City's costs of administering source reduction and recycling, and to collect and dispose of HHW.

Advantages: None

Disadvantages: Due to the comparatively small size of Los Altos, economies of scale gained by central administration of these programs County-wide would be lost if this alternative was pursued

Recommendation

The staff recommends Option 1.

**AGREEMENT FOR COUNTYWIDE
HOUSEHOLD HAZARDOUS WASTE
COLLECTION PROGRAM**

This Agreement is made by and between the City of Los Altos (CITY) and the County of Santa Clara (COUNTY) on the 19th day of June, 2018.

RECITALS

WHEREAS, the County Board of Supervisors has approved a Countywide Household Hazardous Waste Collection Program whereby residents of the County and participating jurisdictions will have an opportunity to safely dispose of household hazardous wastes (HHW), regardless of the specific location at which the collection has been scheduled; and

WHEREAS, the participating jurisdictions desire to provide residents with convenient opportunities to safely dispose of their HHW in order to encourage the proper disposal of toxic products, and avoid unauthorized or improper disposal in the garbage, sanitary sewer, storm drain system, or on the ground, in a manner which creates a health or environmental hazard; and

WHEREAS, the participating jurisdictions desire to provide a safe, convenient, and economical means for residents to dispose of HHW. These wastes include, but are not limited to, common household products such as household cleaning products, furniture polish, solvents, oven cleaner, pesticides, oil based paints, motor oil, antifreeze, car batteries, mercury thermostats, fluorescent lamps, household batteries, and electronic waste. Residents of the CITY listed above will be eligible to bring HHW to any Household Hazardous Waste Collection Event or facility where these wastes will be accepted for proper disposal as described below; and

WHEREAS, the participating jurisdictions desire to schedule Household Hazardous Waste Collection Events (Events) for residents for FY 2019 through FY 2021 (July 1, 2018 – June 30, 2021); and

WHEREAS, the participating jurisdictions desire to provide household hazardous waste collection services to a minimum of 4% of the households per fiscal year in each participating jurisdiction; and

WHEREAS, the County Board of Supervisors has approved a Countywide AB939 Household Hazardous Waste Fee (AB939 HHW Fee), as authorized by Public Resources Code 41901, to be collected at \$2.60 in FY 2019 through FY 2021 (July 1, 2018 – June 30, 2021) on each ton of waste landfilled or incinerated within the county, received at any non-disposal or collection facility located within the county and subsequently transported for disposal or incineration outside of the county, collected from any location within the county by a solid waste hauler operating

AGREEMENT FOR COUNTYWIDE
HOUSEHOLD HAZARDOUS WASTE
COLLECTION PROGRAM

Page 1 of 26

ATTACHMENT 1



Approved: 06/19/2018

90681

JUN 19 2018

pursuant to a franchise, contract, license, or permit issued by any local jurisdiction and subsequently transported for disposal or incineration outside of the county, or removed from any location in the county by any person or business for disposal or incineration outside the county.

NOW, THEREFORE, CITY and COUNTY AGREE AS FOLLOWS:

1. PURPOSE

The purpose of this Agreement is to state the terms and conditions under which CITY will participate in the Countywide Household Hazardous Waste Collection Program (CoHHW Program) available to its residents. Participating jurisdictions are those jurisdictions that enter into an AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM.

2. PROGRAM FUNDING SOURCE

HHW Program services are directly mandated under AB939, which establishes statutory authority to provide for funding to support planning and implementation of integrated waste management programs. The AB939 HHW Fee, of \$2.60 per ton, collected as part of the AGENCY AGREEMENT FOR COUNTYWIDE AB939 IMPLEMENTATION FEE will be the primary source of funding for CoHHW Program services.

Funds derived from the AB939 HHW Fee will be allocated among five types of CoHHW Program service costs as follows:

- A. Fixed Program Costs will be apportioned based on the number of households in each participating jurisdiction. The number of households will be determined at the beginning of each Fiscal Year by statistics compiled by the California Department of Finance, Demographic Research Unit from their most recent Report, "Population Estimates for California Cities and Counties."
- B. San Jose Facility Use Surcharge will be apportioned based on CITY's anticipated participation at the County Household Hazardous Waste Collection Facility located at 1608 Las Plumas Avenue, San Jose, CA 95133.
- C. Variable Cost Per Car provides a base level service of 4% of households in all participating jurisdictions. The number of households will be determined at the beginning of each Fiscal Year by statistics compiled by the California Department of Finance, Demographic Research Unit from their most recent Report, "Population Estimates for California Cities and Counties."
- D. Available Discretionary Funding funded on tonnage generated per participating jurisdiction.

E. Abandoned Waste Disposal Costs will fund disposal of HHW illegally abandoned at nonprofit charitable reuse organizations as defined in PUBLIC RESOURCES CODE SECTION 41904.

The projected AB939 HHW Implementation Fee Allocation by jurisdiction is set out in Attachment A, attached hereto and incorporated herein.

3. FIXED PROGRAM COST

Fixed Program Costs shall be \$2.99 per household in Fiscal Years 2019, 2020 and 2021. Estimated HHW Fixed Costs are projected in Attachment B, attached hereto and incorporated herein. Fixed Program Costs may include, but are not limited to up to ten (10) CoHHW Program staff members, facility leasing costs, vehicle lease costs, office rent, office supplies, county administrative overhead, county legal counsel, training costs, equipment and facility maintenance and union negotiated salary and benefit changes.

4. ABANDONED WASTE DISPOSAL COST

Abandoned Waste Disposal Costs for Fiscal Year 2019, 2020 and 2021 will be \$0.05 per household for all households in the cities and towns of Santa Clara County and in the unincorporated area of the County. The Abandoned Waste Disposal Cost will fund disposal of HHW illegally abandoned at Nonprofit Charitable Reuser organizations defined in PUBLIC RESOURCES CODE SECTION 41904. Estimated Abandoned Waste Disposal Cost is projected in Attachment A, attached hereto and incorporated herein.

For the purposes of this agreement, PUBLIC RESOURCES CODE SECTION 41904 defines a nonprofit charitable reuse organization as follows: "Nonprofit charitable reuser" means a charitable organization, as defined in Section 501(c)(3) of the federal Internal Revenue Code, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than 50 percent of its revenues from the handling and sale of those donated goods or materials.

5. SAN JOSE FACILITY USE SURCHARGE

The San Jose Facility Use Surcharge is estimated to be \$6.83 per car for Fiscal Years 2019, 2020 and 2021. The total San Jose Facility Use Surcharge for CITY will be based on CITY's participation at the County Household Hazardous Waste Collection Facility located at 1608 Las Plumas Avenue, San Jose. Estimated San Jose Facility Use Surcharges are projected in Attachment A, attached hereto and incorporated herein.

6. VARIABLE COST PER CAR

The Variable Cost Per Car is the cost associated with actual labor, waste disposal, transportation and other services provided to the residents at the County Household Hazardous Waste Collection Facilities (CoHHWCF) and at Temporary Events. The Variable Cost Per Car is estimated to be approximately \$62 per car for Fiscal Years 2019, 2020 and 2021. The estimated cost per car will be adjusted to reflect actual service costs. After Fixed Program Costs are allocated on a per household basis and San Jose Facility Use Surcharge is allocated on a participation basis, the Variable Cost Per Car will be used to calculate the costs to service 4% of households across all participating jurisdictions. If the level of 4% of households is not reached in a particular jurisdiction, the CoHHW Program may use the remaining balance of funds, in cooperation with the CITY that has less than 4% participation levels, to increase public outreach and/or provide additional services in that jurisdiction the following year.

7. AVAILABLE DISCRETIONARY FUNDING

The Available Discretionary Funding portion of the AB939 HHW Fee will be allocated based on the tons of waste generated within each jurisdiction, and after allocation of Fixed Program Costs, San Jose Facility Use Surcharge, and Variable Cost Per Car allocation. Available Discretionary Funds will be paid as directed by each jurisdiction. Available Discretionary Funds must be used for HHW purposes. Options for how to spend these funds include, but are not limited to, increasing the number of residents served in that jurisdiction by the CoHHW Program, subsidizing curbside used motor oil collection, electronic waste (e-waste) collection, universal waste collection, emergency HHW services, funding HHW public education, the support of capital infrastructure projects to accommodate HHW drop-off and collection events, or providing special programs such as retail collection of certain waste and/or door-to-door collection of HHW for the elderly and/or persons with disabilities and neighborhood clean-up events.

8. ADMINISTRATION AND PAYMENT OF THE AB939 HHW FEE

The Santa Clara County Recycling and Waste Reduction Division will administer the AB939 HHW Fee, as part of the existing online disposal reporting and payment system. Administration and payment will be made in accordance with the AGREEMENT FOR COUNTYWIDE AB939 IMPLEMENTATION FEE.

Notwithstanding the foregoing, the COUNTY shall maintain records of the amount, use, and distribution of Fixed Program Cost expenditures for at least five (5) years after the termination date of this Agreement, unless otherwise required by law to retain such records for a longer period. CITY may request in writing a review by COUNTY of the Fixed Program Cost records. The review shall be performed within 30 days of request and results shall be reported to participating cities in writing.

9. PROGRAM PUBLICITY

The CoHHW Program shall have available to the public a HHW brochure for distribution. The brochure will be made available at various events, including but not limited to, environmental events and community fairs. The brochure may also be distributed, upon request, to cities within the County and to County residents and businesses. The CITY shall be responsible for developing and coordinating citywide awareness of the HHW Program. The CoHHW Program shall be responsible for Countywide public education for used oil recycling. CoHHW Program public awareness responsibilities shall include, but not be limited to, the following activities:

- Serving as the formal contact to the local media such as local newspapers and television news stations;
- Providing participating jurisdictions with educational materials developed for the CoHHW Program;
- Promoting oil and oil filter recycling by developing, purchasing, and distributing educational materials, media relations materials, basic art work and camera ready advertising materials for distribution countywide and for use by jurisdictions;
- Representing the program through educational presentations at schools and businesses and attendance at community events such as local fairs and festivals; and
- Providing participating jurisdictions opportunities to review and comment on the development of countywide outreach materials.

CITY's public awareness responsibilities, at the sole discretion of the CITY, shall include, but not be limited to, the following activities:

- Providing a copy of HHW promotional materials to the CoHHW Program for review for accuracy and completeness, prior to publication;
- Developing and distributing communications to residents for local and CITY newsletters, newspapers and to the electronic media;
- Providing the CoHHW Program with a copy of locally produced materials; and,
- Conducting and supporting outreach and publicity to attain the 4% goal of household participation.

10. TEMPORARY HHW EVENTS

COUNTY shall conduct Temporary HHW Events at various sites located in Santa Clara County. COUNTY shall obtain all necessary permits and licenses required for the Temporary HHW Events and shall provide or contract for the services of properly trained, qualified personnel and hazardous waste haulers, and shall provide or secure suitable equipment and supplies to properly receive, package, label, haul, recycle and dispose of the household hazardous wastes collected at the Temporary HHW Events.

11. HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITIES

COUNTY shall conduct collection operations at two County Household Hazardous Waste Collection Facilities (CoHHWCF).

The CoHHWCF are located at:

- ◆ *San Martin, 13055 Murphy Avenue, San Martin*
- ◆ *San Jose, 1608 Las Plumas, San Jose*

The COUNTY shall obtain all necessary permits and licenses required for the CoHHWCF and shall provide or contract for services, equipment, and supplies to properly receive, package, label, haul, recycle and dispose of wastes collected.

12. SMALL BUSINESS RECYCLING AND DISPOSAL PROGRAM

COUNTY will provide services to accept hazardous waste from Conditionally Exempt Small Quantity Generators (CESQG). A CESQG is defined by federal regulation as a business that generates less than 100 Kilograms (220 lbs.) of hazardous waste or 1 Kilogram (2.2 lbs.) of extremely hazardous waste per month. Eligible businesses within the County will be allowed to bring their hazardous waste to CoHHWCF. Services to businesses will be provided on a cost recovery basis, which will include program administration, on-site collection, transportation, and disposal costs. COUNTY will assume responsibility for fee collection from participating businesses. This program may, at the sole discretion of CITY, be subsidized by participating jurisdictions using outside funding not associated with AB939 HHW Fee. For purposes of definition, CESQG as defined is equivalent to Very Small Quantity Generator (VSQG) in 40 CFR 262.14.

13. ABANDONED HOUSEHOLD HAZARDOUS WASTE

The CoHHW Program will allow for the disposal of abandoned HHW by government agencies and qualified nonprofit charitable reusers. Abandoned HHW means HHW left at a property by an unknown party. Abandoned household hazardous waste does not include waste generated by a known organization or agency in the course of normal business operations such as, but not limited to, the assembly or manufacture of products from new or used materials or the provision of charitable services such as classroom education, meal preparation, and shelter, or the provision of services for a fee.

A) GOVERNMENT AGENCIES

Government agencies shall be charged for disposal of abandoned HHW according to the CoHHW Program's published rates for CESQGs.

B) NONPROFIT CHARITABLE REUSER

A Nonprofit Charitable Reuser organization as established in Public Resources Code Section 41904, is a nonprofit as defined in Section 501(c) (3) of the United States Internal Revenue Code, or a distinct operating unit or

division of the charitable organization. A Nonprofit Charitable Reuser is further defined as an organization that reuses and recycles donated material and receives more than 50% of its revenues from the handling and sale of those donated goods or materials. In order to qualify as a Nonprofit Charitable Reuser, the business must submit to the County Executive a request to be so designated. The County Executive shall review the request and supporting documentation and shall make a final decision on the designation. COUNTY will accept abandoned HHW from Nonprofit Charitable Reusers and will waive disposal fees on the cost of disposal of the abandoned HHW in an annual amount not to exceed funds available from the existing unexpended abandoned waste fund. Funding for disposal available to Nonprofit Charitable Reuser shall be on a first come first serve basis. Once the cost for disposal of the abandoned HHW from Nonprofit Charitable Reusers is equal to the available funds, disposal fees shall no longer be waived, and Nonprofit Charitable Reusers shall be charged for disposal of abandoned HHW according to the CoHHW Program's published rates for CESQGs. No additional costs shall be applied to the budget of a participating jurisdiction.

14. HOUSEHOLD HAZARDOUS WASTES ACCEPTED

HHW accepted by the CoHHW Program shall be limited to materials as defined in Health and Safety Code Section 25218, as amended from time to time, and include, but are not limited to, automotive fluids, automotive and other types of batteries, latex and oil paint, oil filters, garden chemicals, household cleaners, pool chemicals, mercury thermostats, fluorescent lamps containing mercury, household batteries, e-waste and other common hazardous consumer products.

15. WASTES NOT ACCEPTED

Certain hazardous wastes shall not be accepted for collection and disposal. These include, but are not limited to, compressed gas cylinders larger than 5 gallons, radioactive materials, and explosives. Other wastes not accepted by the CoHHW Program are wastes generated as part of operating a business, including a home operated business, except that waste from CESQGs as provided for in Section 12 of this Agreement shall be accepted.

16. ADDITIONAL SERVICES UNDER THIS AGREEMENT

CITY may elect to augment funding provided for in this Agreement with CITY funds. Additional services shall be made available upon written agreement between the CITY's authorized representative and the County Executive. Additional services may include, but are not limited to, additional appointments (charged at the Variable Cost Per Car rate), door-to-door HHW collection, used oil filter collection, universal waste collection, electronic waste collection, and abandoned waste collection.

CITY agrees to augment up to an additional \$ 70,143.24 to the Countywide HHW Program during Fiscal Year 2019 for the purpose of attaining or increasing resident participation above the 4% service level at the scheduled collection dates listed in Attachment C, attached hereto and incorporated herein. Augmentation will be calculated at the Variable Cost Per Car rate. Other services will be charged based on a cost recovery basis. CITY authorizes the COUNTY to use CITY'S Available Discretionary Funding portion of the AB939 HHW Fee, if available, to pay for the above agreed additional augmentation amount.

At the end of each fiscal year, a final annual cost statement shall be prepared by COUNTY and issued to CITY by November 30th. The annual cost statement will take into consideration costs incurred on behalf of CITY for additional services and all payments made by CITY to COUNTY. If any balance is owed to COUNTY, it will be due within 30 days following receipt of the annual cost statement. If any credit is owed to CITY, COUNTY will refund that amount to CITY within 30 days following delivery of the annual cost statement.

17. INFORMATION AND APPOINTMENT LINE

COUNTY will operate a telephone information and appointment desk Monday through Friday, from the hours of 9:00 a.m. to 5:00 p.m. The information service will register residents for the Temporary HHW Events and the collections at CoHHWCF. The information service will provide information about hazardous household materials. CITY will be notified immediately if resident participation approaches a level of service that may not be supported by available funding.

18. SCHEDULING AND SITE SELECTION

COUNTY shall work with CITY to determine the date(s) of Temporary Events and collections at the CoHHWCF. CITY shall coordinate with COUNTY in locating and securing sites for Temporary HHW Events. It is recognized that some of the jurisdictions participating in the CoHHW Program may not have appropriate sites available. A proposed HHW schedule for Fiscal Year 2019 of Temporary Events and collections at CoHHWCF is included as Attachment C. COUNTY will schedule an adequate number of collection days to serve the 4% level of service. The COUNTY determines the adequate number of collection days by tracking attendance at each event.

19. OUTSIDE FUNDING

During the term of this agreement, COUNTY may seek outside funding sources to begin services that would supplement existing services such as permanent collection sites, equipment, retail take-back collection and operational funding. If funding is obtained, the Program will, at COUNTY's discretion, proceed with development of additional programs without affecting CITY's available funding allocation.

20. REGIONAL GRANT AND OIL PAYMENT PROGRAM PARTICIPATION

The CoHHW Program is hereby given permission by all participating jurisdictions to apply for future grants and the Oil Payment Program, from the California Department of Resources Recycling and Recovery (CalRecycle). The CoHHW Program will act on behalf of all participating jurisdictions, as the lead applicant and administrator. The CoHHW Program will oversee how the moneys are used and work in cooperation with CITY as to how the funds will be spent. Nothing in this section shall preclude a participating jurisdiction from applying for grant funds in any case where the CoHHW Program does not apply.

21. EMERGENCY SERVICES

Participating jurisdictions, at their option, may desire to provide residents with convenient emergency opportunities to safely dispose of their HHW in the event of a disaster. The purpose of this emergency planning for HHW is to minimize potential public health and safety impacts, as well as to minimize costs and confusion. Attachment D sets out CITY and COUNTY responsibilities for the collection of household hazardous wastes in response to an emergency. CITY shall make good faith efforts to provide the public with information related to the problems associated with HHW. Upon the decision to hold an emergency collection event, it is CITY's responsibility to make a good faith effort to prepare and disseminate the necessary outreach to notify the public of an emergency collection event. An emergency collection event shall be initiated by a written request from CITY to COUNTY. Emergency collection events can be scheduled in as little as ten (10) working days of CITY's written request or at an agreed upon date thereafter. The emergency collection plan is set out in Attachment D, County Household Hazardous Waste Emergency Collection Plan.

COUNTY agrees to conduct the Emergency Collection Event at a mutually agreeable site and time. The COUNTY will obtain the necessary permit from the State Department of Toxic Substances Control and will handle wastes in accordance with State law. COUNTY will bill CITY for all Emergency Collection Events on a cost recovery basis and all payments shall be due COUNTY within thirty days following the receipt of the invoice.

22. PRIVATE SPONSORED EVENTS

COUNTY may also secure funding from corporations or agencies to conduct HHW Collection Events for corporate employees and residents of participating jurisdictions and to pay for special programs such as Universal Waste collection at retail locations. The transportation, treatment and disposal liability for nonresident employee participation in these events shall be shared by all participating jurisdictions and the COUNTY, as described in Section 26 of this Agreement. Summary information concerning these corporate sponsored events, if any, will be included in the CoHHW Program's annual report to the participating jurisdictions.

23. INSURANCE REQUIREMENTS

Contractors who provide hazardous waste transportation, treatment, or disposal services shall have the required insurance as outlined in Attachment E, Exhibit B-2D (revised) Insurance Requirements for Environmental Services Contract. Other contractors shall have insurance in amounts to be determined by COUNTY Insurance Manager, after consultation with CITY. COUNTY shall obtain insurance certificates from each of the contractors prior to the contractor providing service to the program naming the COUNTY as an additional insured.

24. WASTE TRACKING AND REPORTING

COUNTY will provide a mid-year report to CITY regarding participation rates from each participating jurisdiction by March 15, 2019. Mid-year and year end reports will outline the types and quantities of waste collected, the amount of waste diverted for reuse or recycling and the waste management method for each waste stream and associated costs for services. COUNTY will prepare a report summarizing program activities which will be delivered to the participating jurisdictions no later than six months after the end of COUNTY's fiscal year.

It will be assumed for cost and reporting purposes that each participating jurisdiction is contributing to the waste stream in proportion to the number of its residents who directly participate.

COUNTY shall take steps to assure that the bi-annual statements to jurisdictions reflect the funds necessary to cover costs for CITY participation in services scheduled during the next quarter.

25. PARTICIPATION REPORTING

COUNTY shall employ means necessary to verify the place of residence of all participants in the CoHHW Program.

26. HOLD HARMLESS AND INDEMNIFICATION

In lieu of and notwithstanding the pro rata risk allocation which might otherwise be imposed between CITY and COUNTY pursuant to Government Code Section 895.6, the parties agree that all losses or liabilities incurred by a party shall not be shared pro rata but instead COUNTY and CITY agree that pursuant to Government Code Section 895.4, each of the parties hereto shall fully indemnify and hold each of the other parties, their officers, board members, employees and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying party, its officers, employees or agents, under or in connection with or

arising out of any work, authority or jurisdiction delegated to such party under this Agreement. No party, nor any officer, board member, employee or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of the other parties hereto, their officers, board members, employees or agents, under or in connection with or arising out of any work authority or jurisdiction delegated to such other parties under this Agreement.

Additionally, CITY shall indemnify COUNTY for CITY's apportioned share of any liability incurred and attributed to the Countywide HHW Program for the transportation, treatment, or disposal of the household hazardous waste, once the waste has been accepted by a licensed hazardous waste hauler. Apportionment for disposal liability shall be determined by each participating jurisdiction's pro rata proportion of household participation in the Program. Apportionment for transportation and treatment liability shall be determined by each participating jurisdiction's pro rata household participation at the event where the waste was generated. COUNTY will use reasonable efforts to obtain recovery from all available resources, including insurance, of any liable hauler or liable disposal facility operator. No liability shall be apportioned to CITY for transportation, treatment or disposal in any case where COUNTY has contracted for such services and has failed to require the contractor to maintain the insurance requirements set forth in Section 23 above.

CITY shall further indemnify COUNTY for CITY's apportioned share of liability incurred and attributed to the Countywide HHW Program for the transportation, treatment or disposal of household hazardous waste at corporate sponsored events where non-county resident employees of the corporate sponsor are authorized to participate in the event. Liability for the nonresident portion of the disposal of waste shall be shared by the cities and the COUNTY as described above. The nonresident portion shall be determined by calculating the percentage of nonresidents participating in the event. This percentage will then be subtracted from the total liability for the household hazardous waste prior to assessing CITY's apportioned share of any liability for the household hazardous waste.

COUNTY shall require CESQGs and Nonprofit Charitable Reusers to indemnify COUNTY for their apportioned share of any liability incurred and attributed to the Countywide HHW Program for the transportation, treatment, or disposal of their hazardous waste, once the waste has been accepted by a licensed hazardous waste hauler. The CESQG and Nonprofit Charitable Reuser portion of the waste shall be determined by calculating the percentage, by weight, of the total household hazardous waste accepted by the CoHHW Program. This percentage will be used to calculate the portion of liability attributed to CESQGs and Nonprofit Charitable Reusers and will be subtracted from the total liability prior to assessing CITY's apportioned share of any liability for household hazardous waste.

27. TERMINATION

This Agreement may be terminated by either the COUNTY or CITY upon thirty (30) days written notice given by the terminating party.

28. TERM OF AGREEMENT

The term of this Agreement shall be from July 1, 2018 to June 30, 2021, or until all revenue from the last quarter's Fee payments has been distributed, whichever is later.

29. INDEPENDENT CONTRACTOR

Each party shall perform responsibilities and activities described herein as an independent contractor and not as an officer, agent, servant or employee of any of the parties hereto. Each party shall be solely responsible for the acts and omissions of its officers, agents, employees, contractors and subcontractors, if any. Nothing herein shall be considered as creating a partnership or joint venture between the parties.

30. EXECUTION BY COUNTERPART

This Agreement may be executed in any number of counterparts, each of which shall for all purposes be deemed an original and all of which shall together constitute one and the same instrument.

31. CONTROLLING LAW

This Agreement shall be governed and construed in accordance with the laws of the State of California.

32. ENTIRE AGREEMENT

This document embodies the entire Agreement between the parties with respect to the subject matter hereof. No modification of this Agreement shall be effective unless and until modification is evidenced by writing signed by all parties or their assigned designates.

33. NOTICES

All notices and communications herein required shall be in writing to the other party as follows, unless expressly changed in writing:

CITY of <u>LOS ALTOS</u>	City Representative <u>CHRIS LAMM</u>
	Representative's Title <u>ENGINEERING SERVICES MANAGER</u>
	City Address <u>1 N. SAN ANTONIO RD.</u>
	<u>LOS ALTOS CA 94022</u>

Santa Clara County

Director
Consumer and Environmental Protection Agency
1553 Berger Drive
San Jose, CA 95112

34. CONTRACT EXECUTION

Unless otherwise prohibited by law or County policy, the parties agree that an electronic copy of a signed contract, or an electronically signed contract, has the same force and legal effect as a contract executed with an original ink signature. The term “electronic copy of a signed contract” refers to a transmission by facsimile, electronic mail, or other electronic means of a copy of an original signed contract in a portable document format. The term “electronically signed contract” means a contract that is executed by applying an electronic signature using technology approved by the County.

Attachments:

- A Projected Fiscal Years 2019, 2020, and 2021 AB939 HHW Fee Funding Allocation by Jurisdiction
- B Estimated HHW Program Fixed Costs for Fiscal Years 2019, 2020, and 2021
- C HHW Schedule of Collection Events for Fiscal Year 2019
- D Household Hazardous Waste Emergency Collection Plan
- E Exhibit B-2D (revised) Insurance Requirements for Environmental Services Contracts

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IN WITNESS WHEREOF, the parties have executed this AGREEMENT FOR
COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION
PROGRAM on the dates as stated below:

"COUNTY"



S. Joseph Simitian, President
Board of Supervisors

Date: JUN 19 2018

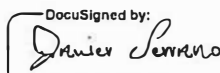
Signed and Certified that a copy of this document
has been delivered by electronic or other means to
the President, Board of Supervisors.

ATTEST:



JUN 19 2018
MEGAN DOYLE Date
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

DocuSigned by:
 4/23/2018
15F60EECC9E7405
Javier Serrano Date
Deputy County Counsel

"CITY"

CITY/TOWN OF LOS ALTOS
A municipal corporation

By: 
Christopher Jordan
Title: City Manager

Date: 5/30/2018

Attachment A: Projected Fiscal Years 2019-2021 Annual HHW Fee Funding Allocation by Jurisdiction

Cities	No of Households	4% of Households	Disposal Tonnage	AB939 HHW Fee \$2.60 per Ton	Fixed Cost \$2.99 per HH	SJ Facility \$6.83 Surcharge	Variable Cost \$62 per Car	Abandoned Waste Disposal Cost \$3.05 per Household	Discretionary Fund	Estimated Augmentation	Anticipated Participation	Anticipated Participation at SJ Facility
Campbell	17,832	713.28	38,979.51	\$ 101,346.73	\$ 53,317.68	\$ 6,718.88	\$ 44,223.36	\$ 891.60	\$ (3,804.80)	\$ 26,104.34	1,073	984
Cupertino	21,064	842.56	44,875.46	\$ 116,676.20	\$ 62,981.36	\$ 3,061.2	\$ 3,720.00	\$ 1,053.20	\$ 48,615.52	\$	60	45
Gilroy	16,258	650.32	49,766.41	\$ 129,392.67	\$ 48,611.42	\$ 1,075.34	\$ 40,319.84	\$ 812.90	\$ 38,573.17	\$ 15,294.16	897	158
Los Altos	11,660	466.40	18,006.34	\$ 46,816.48	\$ 34,863.40	\$ 4,937.12	\$ 28,916.80	\$ 583.00	\$ (22,483.84)	\$ 70,143.24	1,235	723
Los Altos Hills	3,108	124.32	3,164.89	\$ 8,228.71	\$ 9,292.92	\$ 871.26	\$ 7,707.84	\$ 155.40	\$ (9,798.70)	\$ 15,780.46	221	128
Los Gatos	13,289	531.56	25,570.37	\$ 66,482.96	\$ 39,734.11	\$ 7,974.75	\$ 32,956.72	\$ 664.45	\$ (14,847.07)	\$ 57,896.15	1,226	1,168
Milpitas	21,532	861.28	74,523.39	\$ 193,760.81	\$ 64,380.68	\$ 3,987.38	\$ 53,399.36	\$ 1,076.60	\$ 70,916.80	\$ 5,351.84	948	584
Monte Sereno	1,311	52.44	1,207.90	\$ 3,140.54	\$ 3,919.89	\$ 957.60	\$ 3,251.28	\$ 65.55	\$ (5,053.78)	\$ 11,285.40	153	140
Morgan Hill	14,415	576.60	51,502.27	\$ 133,905.90	\$ 43,100.85	\$ 1,875.95	\$ 35,749.20	\$ 720.75	\$ 52,459.15	\$ 54,659.20	1,458	275
Mountain View	35,595	1,423.80	54,389.71	\$ 141,413.25	\$ 106,429.05	\$ 5,572.91	\$ 88,275.60	\$ 1,779.75	\$ (60,644.06)	\$ 73,899.66	1,638	817
Palo Alto	29,124	0.00	43,478.06	\$ 113,042.96				\$ 1,456.20	\$ 111,586.76			
San Jose	332,574	13,302.96	683,263.56	\$ 1,776,485.26	\$ 994,396.26	\$ 116,026.35	\$ 824,783.52	\$ 16,628.70	\$ (175,349.57)	\$ 436,037.25	17,508	16,999
Santa Clara	46,535	1,861.40	166,527.00	\$ 432,970.20	\$ 139,139.65	\$ 10,062.63	\$ 115,406.80	\$ 2,326.75	\$ 166,034.37	\$ 82,450.70	3,191	1,474
Saratoga	11,226	449.04	19,744.70	\$ 51,336.22	\$ 33,565.74	\$ 5,439.47	\$ 27,840.48	\$ 561.30	\$ (16,070.77)	\$ 42,275.69	872	797
Sunnyvale	58,308	2,332.32	110,483.61	\$ 287,257.39	\$ 174,340.92	\$ 6,687.49	\$ 144,603.84	\$ 2,915.40	\$ (41,290.26)	\$ 63,029.32	2,683	980
Unincorporated	18,538	741.52	42,334.16	\$ 110,068.82	\$ 55,428.62	\$ 2,417.54	\$ 45,974.24	\$ 926.90	\$ 5,321.51	\$ 29.76	742	354
Total	652,369	24,929.80	1,427,817.34	\$ 3,712,325.08	\$ 1,863,502.55	\$ 174,910.78	\$ 1,497,128.88	\$ 32,618.45	\$ 144,164.42	\$ 954,237.18	33,904	25,627

Notes: No of HH based on 1/1/17 estimates. Disposal tonnage is based on FY2016-2017 actual. Anticipated participation and anticipated participation at SJ facility are based on 15% increase from FY2016-2017 actual participation.

Attachment B: Estimated Annual HHW Program Fixed Costs for Fiscal Years 2019, 2020, and 2021

FIXED COST		
Staff Salary and Benefits	.5 HMPM, Sr. HMS, 3 HMTs, Acct II, Sr MA, AMA, .8 OSIII,	\$1,210,647
County Admin Overhead		\$242,129
County Counsel		\$13,000
Phones and Communications		\$10,100
Facilities Lease Costs	San Jose	\$174,911
Vehicle Costs		\$32,500
Office Supplies and postage		\$1,825
Maintenance, Software		\$27,000
HHW Hotline		\$38,500
Garbage & Utilities		\$34,750
Membership & Dues		\$10,000
Training & Conference		\$4,600
Safety Wear		\$11,000
Printing		\$5,800
Other Services & Supplies		\$46,500
ESTIMATED ANNUAL TOTAL		\$1,863,262

**ATTACHMENT C: HHW SCHEDULE OF PERMANENT & TEMPORARY
COLLECTION EVENTS FOR FISCAL YEAR 2018-2019***

2018/Month	Day	Date	Location	Type of Event	County Holidays/ Notes
July	Fri,Sat	6,7	San Martin	Permanent	
	Thurs,Fri,Sat	5,6,7	San Jose	Permanent	
	Thurs,Fri,Sat	12,13,14	San Jose	Permanent	
	Thurs,Fri,Sat	19,20,21	San Jose	Permanent	
	Saturday	21	Sunnyvale	Temporary	
	Thurs,Fri,Sat	26,27,28	San Jose	Permanent	
August	Fri,Sat	3,4	San Martin	Permanent	
	Thurs,Fri,Sat	2,3,4	San Jose	Permanent	
	Thurs,Fri,Sat	9,10,11	San Jose	Permanent	
	Saturday	11	Mountain View	Temporary	
	Thurs,Fri,Sat	16,17,18	San Jose	Permanent	
	Thurs,Fri,Sat	23,24,25	San Jose	Permanent	
September	Thurs,Fri,Sat	30,31,1	No Event	No Event	LABOR DAY WEEKEND
	Fri,Sat	7,8	San Martin	Permanent	
	Thurs,Fri,Sat	6,7,8	San Jose	Permanent	
	Thurs,Fri,Sat	13,14,15	San Jose	Permanent	
	Thurs,Fri,Sat	20,21,22	San Jose	Permanent	
	Thurs,Fri,Sat	27,28,29	San Jose	Permanent	
	Saturday	29	Santa Clara	Temporary	
October	Fri,Sat	5,6	San Martin	Permanent	
	Saturday	4,5,6	San Jose	Permanent	
	Thurs,Fri,Sat	11,12,13	San Jose	Permanent	
	Thurs,Fri,Sat	18,19,20	San Jose	Permanent	
	Saturday	20	Sunnyvale	Temporary	
	Thurs,Fri,Sat	25,26,27	San Jose	Permanent	
November	Fri,Sat	2,3	San Martin	Permanent	
	Thurs,Fri,Sat	1,2,3	San Jose	Permanent	
	Thurs,Fri,Sat	8,9,10	San Jose	Permanent	
	Thurs,Fri,Sat	15,16,17	San Jose	Permanent	
	Thurs,Fri,Sat	22,23,24	No Event	No Event	THANKSGIVING
December	Fri,Sat	30,1	San Martin	Permanent	
	Thurs,Fri,Sat	29,30,1	San Jose	Permanent	
	Thurs,Fri,Sat	6,7,8	San Jose	Permanent	
	Thurs,Fri,Sat	13,14,15	San Jose	Permanent	
	Thurs,Fri,Sat	20,21,22	San Jose	Permanent	
	Thurs,Fri,Sat	27,28,29	No Event	No Event	

**ATTACHMENT C: HHW SCHEDULE OF PERMANENT & TEMPORARY COLLECTION
EVENTS FOR FISCAL YEAR 2018-2019 (Continued)**

2019/Month	Day	Date	Location	Type of Event	County Holidays/ Notes
January	Fri,Sat	4,5	San Martin	Permanent	
	Thurs,Fri,Sat	3,4,5	San Jose	Permanent	
	Thurs,Fri,Sat	10,11,12	San Jose	San Jose	
	Thurs,Fri,Sat	17,18,19	San Jose	San Jose	
	Saturday	19	Sunnyvale	Temporary	
	Thurs,Fri,Sat	24,25,26	San Jose	Permanent	
February	Fri,Sat	1,2	San Martin	Permanent	
	Thurs,Fri,Sat	31,1,2	San Jose	Permanent	
	Thurs,Fri,Sat	7,8,9	San Jose	Permanent	
	Thurs,Fri,Sat	14,15,16	San Jose	Permanent	
	Thurs,Fri,Sat	21,22,23	San Jose	Permanent	
March	Fri,Sat	1,2	San Martin	Permanent	
	Thurs,Fri,Sat	28,1,2	San Jose	Permanent	
	Thurs,Fri,Sat	7,8,9	San Jose	Permanent	
	Thurs,Fri,Sat	14,15,16	San Jose	Permanent	
	Thurs,Fri,Sat	21,22,23	San Jose	Permanent	
	Thurs	28	San Jose	Permanent	
	Fri & Sat	29 & 30	No Event	No Event	Caser Chavez Day
April	Fri,Sat	5,6	San Martin	Permanent	
	Thurs,Fri,Sat	4,5,6	San Jose	Permanent	
	Thurs,Fri,Sat	11,12,13	San Jose	Permanent	
	Saturday	TBD	Los Altos	Temporary	
	Thurs,Fri,Sat	18,19,20	San Jose	Permanent	
	Saturday	20	Sunnyvale	Temporary	
	Thurs,Fri,Sat	25,26,27	San Jose	Permanent	
	Saturday	27	Santa Clara	Temporary	
May	Fri,Sat	3,4	San Martin	Permanent	
	Thurs,Fri,Sat	2,3,4	San Jose	Permanent	
	Thurs,Fri,Sat	9,10,11	San Jose	Permanent	
	Thurs,Fri,Sat	16,17,18	San Jose	Permanent	
	Thurs,Fri	23,24	San Jose	Permanent	
	Saturday	27	No Event	No Event	MEMORIAL DAY WEEKEND
June	Fri,Sat	31,1	San Martin	Permanent	
	Thurs,Fri,Sat	30,31,1	San Jose	Permanent	
	Thurs,Fri,Sat	6,7,8	San Jose	Permanent	
	Thurs,Fri,Sat	13,14,15	San Jose	Permanent	
	Thurs,Fri,Sat	20,21,22	San Jose	Permanent	
	Saturday	22	Milpitas	Temporary	
	Thurs,Fri,Sat	27,28,29	San Jose	Permanent	

*SUBJECT TO CHANGE

11/16/2017

ATTACHMENT D: COUNTY HOUSEHOLD HAZARDOUS WASTE EMERGENCY COLLECTION PLAN

1. Purpose

The purpose of the Household Hazardous Waste Emergency Collection Plan is to minimize potential public health and safety impacts, as well as to minimize costs and confusion during an emergency or disaster. This Attachment describes the services the County can provide and the responsibilities of each party for the collection of household hazardous wastes (HHW) in response to an emergency as defined by the local jurisdiction.

Jurisdictions should contact local emergency agencies, the Governor's Office of Emergency Services (OES), and the Department of Toxic Substances Control (DTSC) for more specific information on hazardous materials emergency response.

2. Timing of HHW

While it is important to have special collection opportunities for disaster-related HHW as soon as possible to avoid illegal disposal or harm to people and/or the environment, having an event or service too soon after a disaster may result in low participation. Sufficient public notification, assessment and monitoring of the disaster, and cleanup process by the designated City HHW Coordinator(s) is essential.

3. Public Information/Notification

Cities should be prepared to provide the public with information related to the problems associated with HHW along with information about special collection events and services. Upon the decision to hold an emergency collection event, it is the City's responsibility to prepare and deliver the necessary public outreach to notify the public of an upcoming event. A City's public outreach program should evaluate all forms of media including: newspaper ads, posters, flyers, press releases, banners, door-to-door notices, roadside signs, signs on dumpsters, radio public service announcements, social media outlets and television public access stations. Be aware of communities where multiple language outreach efforts will be necessary.

4. State HHW Collection Permits

The State Department of Toxic Substances Control (DTSC) is responsible for issuing the necessary state permits for HHW collection facilities. During an emergency, the County will obtain the necessary emergency permit for special collection of household hazardous waste from DTSC through their expedited approval process.

5. Collection Events

Temporary collection events can be set-up at various sites including parking lots, city maintenance yards, within neighborhoods needing service, and at landfills or a

centralized location to service larger segments of the population. Waste collected will be transported with a transportation vehicle provided by the HHW Program. In addition, events can be scheduled at the two existing Countywide Household Hazardous Waste Collection Facilities (CoHHWCF). The following options are available to each participating City.

- Neighborhood Drop-off Events: The County is able to provide localized service to specific areas in need of household hazardous waste collection services. The County will work with City Solid Waste Coordinators to conduct coordinated efforts to residents in the affected area. After a specific event, waste will be transported by County staff or a hazardous waste contractor to an appropriate facility.
- Mobile HHW Event: The County conducts Household Hazardous Waste Collection Event (Events) at various sites located in Santa Clara County throughout the year. Events will be expanded to give priority to disaster victims when requested by the City. The County shall obtain all necessary permits and licenses required for the events and shall provide and/or contract for the services of properly trained personnel and hazardous waste haulers. The County shall also provide or secure suitable equipment and supplies to properly receive, package, label, haul, recycle and dispose of the household hazardous wastes collected at events.
- CoHHWCF: The County operates two permitted HHW collection facilities for the collection and storage of HHW. The County shall provide or contract for services, equipment, and supplies to properly receive, package, label, haul, recycle and dispose of wastes collected at the CoHHWCF.

The CoHHWCF are located at:

- *San Martin, 13055 Murphy Ave, San Martin*
- *San Jose, 1608 Las Plumas, San Jose*

6. Costs, Documentation, and Reimbursements

Cities will be billed on a cost recovery basis. Costs of emergency events will be tracked and billed separately. Emergency funding applications pending from the State or Federal government for reimbursements in no way relieves the City of responsibility to make timely payment to the County in accordance with the terms of the AGENCY AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM.

The County agrees to provide the City with a detailed accounting of services provided for an emergency collection. Documentation will track the time and materials of staff, outside contractor expenses, and quantities and types of waste collected to demonstrate that the wastes were generated above and beyond existing collection programs.

Services to businesses will be provided on a cost recovery basis and according to Section 12 of the AGENCY AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM, which includes program administration, on-site collection, transportation, and disposal costs. The County will assume responsibility for collecting fees from participating businesses.

7. State and Federal Assistance and Funds

It is the city's responsibility to pursue reimbursement from State or Federal agencies.

State Office of Emergency Services (OES)

The OES is responsible for requesting assistance on behalf of local jurisdictions for resources beyond the capability of the jurisdiction. State assistance may include assistance available from State, Federal, or private sources. If a local jurisdiction is declared a state disaster area, and the local jurisdiction deems that the needs of the disaster response are beyond its capabilities, then the local jurisdiction can request assistance and reimbursement of costs from OES.

Follow Standardized Emergency Management System (SEMS)

All requests and emergency responses must be in accordance with the SEMS. The State Department of Toxic Substances Control may have funding available for hazardous waste response and collection.

Federal Assistance

If a state disaster area is declared a federal disaster, then federal funding assistance may be available through the State OES. Funding and assistance may be available from Federal agencies such as FEMA and the U.S. EPA.

Damage estimates: The city should provide to the State OES estimates of damages and a "scope of work requested." It is recommended that the local HHW coordinator meet ahead of time with local emergency agencies or State OES contacts regarding the proper procedures and wording of requests for assistance.

Funding Process: The funding process may vary depending on the unique circumstances of the disaster. The process can either be the traditional FEMA reimbursement process, or by direct assistance from EPA.

REFERENCES

California Integrated Waste Management Board, Integrated Waste Management Disaster Plan: Guidance for local government on disaster debris management, January 1997.

EXHIBIT B-2D (revised)

INSURANCE REQUIREMENTS FOR
ENVIRONMENTAL SERVICES CONTRACTS

(Hazardous Waste Disposal, Remediation Services, Environmental Consulting, etc.)

Indemnity

The Contractor shall indemnify, defend, and hold harmless the County of Santa Clara (hereinafter "County"), its officers, agents and employees from any claim, liability, loss, injury or damage arising out of, or in connection with, performance of this Agreement by Contractor and/or its agents, employees or sub-contractors, excepting only loss, injury or damage caused by the sole negligence or willful misconduct of personnel employed by the County. It is the intent of the parties to this Agreement to provide the broadest possible coverage for the County. The Contractor shall reimburse the County for all costs, attorneys' fees, expenses and liabilities incurred with respect to any litigation in which the Contractor contests its obligation to indemnify, defend and/or hold harmless the County under this Agreement and does not prevail in that contest.

Insurance

Without limiting the Contractor's indemnification of the County, the Contractor shall provide and maintain at its own expense, during the term of this Agreement, or as may be further required herein, the following insurance coverages and provisions:

A. Evidence of Coverage

Prior to commencement of this Agreement, the Contractor shall provide a Certificate of Insurance certifying that coverage as required herein has been obtained. Individual endorsements executed by the insurance carrier shall accompany the certificate. In addition, a certified copy of the policy or policies shall be provided by the Contractor upon request.

This verification of coverage shall be sent to the requesting County department, unless otherwise directed. The Contractor shall not receive a Notice to Proceed with the work under the Agreement until it has obtained all insurance required and such insurance has been approved by the County. This approval of insurance shall neither relieve nor decrease the liability of the Contractor.

B. Qualifying Insurers

All coverages, except surety, shall be issued by companies which hold a current policy holder's alphabetic and financial size category rating of not less than A- V, according to the current Best's Key Rating Guide or a company of equal financial stability that is approved by the County's Insurance Manager.

EXHIBIT B-2D (revised)

C. Notice of Cancellation

All coverage as required herein shall not be canceled or changed so as to no longer meet the specified County insurance requirements without 30 days' prior written notice of such cancellation or change being delivered to the County of Santa Clara or their designated agent.

D. Insurance Required

1. Commercial General Liability Insurance - for bodily injury (including death) and property damage which provides limits as follows:
 - a. Each occurrence - \$1,000,000
 - b. General aggregate - \$2,000,000
 - c. Products/Completed Operations aggregate - \$2,000,000
 - d. Personal Injury - \$1,000,000
2. General liability coverage shall include:
 - a. Premises and Operations
 - b. Products/Completed
 - c. Personal Injury liability
 - d. Severability of interest
3. General liability coverage shall include the following endorsement, a copy of which shall be provided to the County:

Additional Insured Endorsement, which shall read:

“County of Santa Clara, and members of the Board of Supervisors of the County of Santa Clara, and the officers, agents, and employees of the County of Santa Clara, individually and collectively, as additional insureds.”

Insurance afforded by the additional insured endorsement shall apply as primary insurance, and other insurance maintained by the County of Santa Clara, its officers, agents, and employees shall be excess only and not contributing with insurance provided under this policy. Public Entities may also be added to the

EXHIBIT B-2D (revised)

additional insured endorsement as applicable and the contractor shall be notified by the contracting department of these requirements.

4. Automobile Liability Insurance

For bodily injury (including death) and property damage which provides total limits of not less than one million dollars (\$1,000,000) combined single limit per occurrence applicable to all owned, non-owned and hired vehicles. Coverage shall include Environmental Impairment Liability Endorsement MCS90 for contracts requiring the transportation of hazardous materials/wastes.

4a. Aircraft/Watercraft Liability Insurance (Required if Contractor or any of its agents or subcontractors will operate aircraft or watercraft in the scope of the Agreement)

For bodily injury (including death) and property damage which provides total limits of not less than one million dollars (\$1,000,000) combined single limit per occurrence applicable to all owned, non-owned and hired aircraft/watercraft.

5. Workers' Compensation and Employer's Liability Insurance

- a. Statutory California Workers' Compensation coverage including broad form all-states coverage.
- b. Employer's Liability coverage for not less than one million dollars (\$1,000,000) per occurrence.

6. Contractors Pollution Liability Insurance

Coverage shall provide a minimum of not less than five million dollars (\$5,000,000) per occurrence and aggregate for bodily injury, personal injury, property damage and cleanup costs both on and offsite.

7. Professional Errors and Omissions Liability Insurance (required for contractors providing professional services, such as through a professional engineer, registered geologist, etc.)

- a. Coverage shall be in an amount of not less than one million dollars (\$1,000,000) per occurrence/aggregate.
- b. If coverage contains a deductible or self-retention, it shall not be greater than fifty thousand dollars (\$50,000) per occurrence/event.

EXHIBIT B-2D (revised)

- c. Coverage as required herein shall be maintained for a minimum of two years following termination or completion of this Agreement.

8. Claims Made Coverage

If coverage is written on a claims made basis, the Certificate of Insurance shall clearly state so. In addition to coverage requirements above, such policy shall provide that:

- a. Policy retroactive date coincides with or precedes the Consultant's start of work (including subsequent policies purchased as renewals or replacements).
- b. Policy allows for reporting of circumstances or incidents that might give rise to future claims.

E. Special Provisions

The following provisions shall apply to this Agreement:

- 1. The foregoing requirements as to the types and limits of insurance coverage to be maintained by the Contractor and any approval of said insurance by the County or its insurance consultant(s) are not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Contractor pursuant to this Agreement, including but not limited to the provisions concerning indemnification.
- 2. The County acknowledges that some insurance requirements contained in this Agreement may be fulfilled by self-insurance on the part of the Contractor. However, this shall not in any way limit liabilities assumed by the Contractor under this Agreement. Any self-insurance shall be approved in writing by the County upon satisfactory evidence of financial capacity. Contractors obligation hereunder may be satisfied in whole or in part by adequately funded self-insurance programs or self-insurance retentions.
- 3. Should any of the work under this Agreement be sublet, the Contractor shall require each of its subcontractors of any tier to carry the aforementioned coverages, or Contractor may insure subcontractors under its own policies.
- 4. The County reserves the right to withhold payments to the Contractor in the event of material noncompliance with the insurance requirements outlined above.

F. Fidelity Bonds (Required only if contractor will be receiving advanced funds or payments)

Before receiving compensation under this Agreement, Contractor will furnish County with evidence that all officials, employees, and agents handling or having access to funds received or disbursed under this Agreement, or authorized to sign or

EXHIBIT B-2D (revised)

countersign checks, are covered by a BLANKET FIDELITY BOND in an amount of AT LEAST fifteen percent (15%) of the maximum financial obligation of the County cited herein. If such bond is canceled or reduced, Contractor will notify County immediately, and County may withhold further payment to Contractor until proper coverage has been obtained. Failure to give such notice may be cause for termination of this Agreement, at the option of County.

**AGREEMENT FOR COUNTYWIDE
AB939 IMPLEMENTATION FEE**

This Agreement is made by and among the Cities and Towns of Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Morgan Hill, Monte Sereno, Mountain View, Palo Alto, San José, Santa Clara, Saratoga, and Sunnyvale (CITIES) and the County of Santa Clara (COUNTY) on the _____ day of _____ 2018. The term CITIES may refer to Cities collectively or a City individually.

RECITALS

WHEREAS, pursuant to Public Resources Code Section 41901, a city, county, or city and county may impose fees in amounts sufficient to pay the costs of preparing, adopting, and implementing an integrated waste management plan;

WHEREAS, the Board of Supervisors established the Countywide AB939 Implementation Fee effective July 1, 1992 to fund local costs of preparing, adopting, and implementing integrated waste management plans and programs;

WHEREAS, the Recycling and Waste Reduction Commission of Santa Clara County (“Commission”) has determined that a Countywide AB939 Implementation Fee (Fee) is necessary, pursuant to Public Resource Code 41901, to assist in funding the costs of preparing, adopting and implementing integrated waste management plans and programs in the fifteen cities and the unincorporated area of the county;

WHEREAS, in 2015, the Board of Supervisors approved the Fee for Fiscal Years 2016, 2017, and 2018 at \$4.10 per ton of waste to be disposed;

WHEREAS, the Commission hereby recommends that the Board approve the Fee for Fiscal Years 2019, 2020, and 2021 at \$4.10 per ton of waste to be disposed;

WHEREAS, the Fee shall be imposed on each ton of waste landfilled or incinerated within the County; received at any non-disposal or collection facility located within the County and subsequently transported for disposal or incineration outside of the County; collected from any location within the County by a solid waste hauler operating pursuant to a franchise, contract, license, or permit issued by any local jurisdiction and subsequently transported for disposal or incineration outside of the County; or removed from any location in the County by any person or business for disposal or incineration outside the County; and

WHEREAS, State law requires jurisdictions to plan and implement household hazardous waste (HHW) services; and

WHEREAS, HHW programs provide household hazardous waste management services to residents of Santa Clara County and are necessary services to enable jurisdictions to meet the requirements of State law; and

WHEREAS, jurisdictions in Santa Clara County desire to provide safe, convenient, and economical means for residents to properly dispose of household hazardous wastes in an environmentally safe manner in order to avoid unauthorized or improper disposal in the garbage, sanitary sewer, storm drain system, or on the ground, in a manner which creates a health or environmental hazard. These wastes include, but are not limited to, common household products such as household cleaning products, furniture polish, solvents, oven cleaner, pesticides, oil based paints, motor oil, antifreeze, fluorescent lamps, and batteries; and

WHEREAS, the County will collect the Fee on behalf of the fifteen cities and the unincorporated area and will apportion the Fee according to the terms of this Agreement.

NOW, THEREFORE, CITIES and COUNTY AGREE AS FOLLOWS:

1. PURPOSE

The purpose of this Agreement is to state the terms and conditions under which the COUNTY will collect and distribute the Fee of \$4.10 per ton in Fiscal Years 2019, 2020 and 2021 of waste to be disposed. The Fee is divided into two parts: 1) a Program Fee of \$1.50 per ton to assist in funding the costs of preparing, adopting, and implementing the integrated waste management plan in the fifteen cities and the unincorporated area of the County; and 2) a Household Hazardous Waste (HHW) Fee of \$2.60 per ton to provide funding to implement the Countywide HHW Program. The Program Fee will be allocated among jurisdictions as described in Exhibit C, attached hereto and incorporated herein. The HHW Fee will be allocated to the COUNTY, CITIES, and Countywide HHW Program and participating jurisdictions as described in Exhibit C, attached hereto and incorporated herein. The Fee shall be imposed on each ton of waste landfilled or incinerated within the County; received at any non-disposal or collection facility located within the County and subsequently transported for disposal or incineration outside of the County; collected from any location within the County by a solid waste hauler operating pursuant to a franchise, contract, license, or permit issued by any local jurisdiction and subsequently transported for disposal or incineration outside of the County; or removed from any location in the County by any person or business for disposal or incineration outside the County. Non-Disposal Facilities are defined as those facilities included in the County of Santa Clara Non-Disposal Facility Element (and subsequent amendments to that Element) and are listed in Exhibit A, attached hereto and incorporated herein.

2. SERVICES PROVIDED BY COUNTY

COUNTY will collect and distribute the Fee. COUNTY will collect the Fee from landfills and non-disposal facilities listed in Exhibit A, and any landfill or non-disposal facility subsequently permitted, on a quarterly basis using data from tonnage reports filed by landfill and non-disposal facility operators with the County Recycling and Waste Reduction Division. The COUNTY shall require each landfill and non-disposal facility to submit required payment, documentation of tonnages disposed, and state-mandated Disposal Reporting System Reports on a quarterly basis, within 45 days of the end of each calendar quarter. Late submissions and/or payments shall be subject to a late filing penalty and delinquent penalties. COUNTY will research Santa Clara County tonnage reported to COUNTY by landfills outside the COUNTY in significant

amounts to determine the identity of the hauler. That hauler will subsequently be billed in the same fashion subject to the same penalties as mentioned above. Collected funds and any late filing payments and delinquency penalties shall be distributed to CITIES and Countywide HHW Program based on the formula set forth in Exhibits B and C. COUNTY shall not be obligated to distribute funds that COUNTY has been unable to collect from landfill or non-disposal facility operators.

3. ROLE OF CITIES

CITIES shall review the Disposal Reporting System Reports as prepared and submitted by the COUNTY and within 30 days of receipt shall report to COUNTY, with appropriate documentation, errors in waste allocations among jurisdictions.

4. COLLECTION AND USE OF FEE

Each ton of waste will be subject to the Fee. Best efforts will be made to prevent tonnage from being assessed a double fee (once at a non-disposal facility and again at a landfill within Santa Clara County). The Program Fee funding share paid to CITIES shall be used to assist in funding the costs of preparing, adopting, and implementing the integrated waste management plan of each of the CITIES and the unincorporated area of the COUNTY. The HHW Fee portion shall assist in funding the costs of each of the CITIES share of HHW operations.

5. INSURANCE

Each party shall maintain its own insurance coverage, through third party insurance, self-insurance or a combination thereof, against any claim, expense, cost, damage or liability arising out of the performance of its responsibilities pursuant to this Agreement. CITIES agree to provide evidence of such insurance to COUNTY via Certificate of Insurance or other documentation acceptable to the COUNTY upon request.

6. INDEMNIFICATION

In lieu of and notwithstanding the pro rata risk allocation which might otherwise be imposed between CITIES and COUNTY pursuant to Government Code Section 895.6, the parties agree that all losses or liabilities incurred by a party shall not be shared pro rata but instead the parties agree that each of the parties hereto shall fully indemnify and hold each of the other parties harmless from any claim, expense or cost, damage or liability arising out of, or in connection with, performance of its responsibilities pursuant to this Agreement and as described in Exhibit D.

Additionally, CITIES shall indemnify, hold harmless, and defend COUNTY, its officers, agents, and employees with respect to any loss, damage, liability, cost or expenses, including attorney fees and court costs, arising from any misuse of the Fee distributed to CITIES. COUNTY shall indemnify, hold harmless, and defend CITIES, its officers, agents, and employees with respect to any loss, damage, liability, cost or expenses,

including attorney fees and court costs, brought by third parties based on COUNTY's sole negligence in the collection or distribution of said Fees.

7. DISTRIBUTION OF FEE

COUNTY shall distribute the Fee to CITIES and the Countywide HHW Program pursuant to the formulas described in Exhibits B and C within 45 days of receipt of landfill and non-disposal facility payments and disposal documentation required for calculation of Fee distribution amounts. Distributions shall begin December 15, 2018, and continue quarterly through October 15, 2021.

8. PARTICIPATION IN THE COUNTYWIDE HHW PROGRAM

CITIES, at their option, may individually participate in the Countywide HHW Program by entering into the AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM.

9. LATE PAYMENTS

If Fee payments and disposal documentation are not received from landfill or non-disposal facility operators prior to scheduled distribution of payments to CITIES and the Countywide HHW Program, payment distribution shall be calculated on a pro rata share of monies received. Upon collection, late payments and accrued delinquent penalties, if any, shall be distributed among CITIES and the Countywide HHW Program according to the formula in Exhibits B and C.

10. ACCOUNTING

COUNTY shall maintain records of all transactions related to collection, use and distribution of the Fee for at least five (5) years after the termination date of this Agreement, unless otherwise required by law to retain such records for a longer period. Such records will be available for inspection upon written request by CITIES, and will include but not be limited to tonnage reports submitted by landfills and non-disposal facilities, waste stream documentation provided by cities, payments made by the landfills and non-disposal facilities to the COUNTY and by the COUNTY to CITIES, and expenditures for programmatic and overhead costs.

11. REQUEST FOR REVIEW

In the event CITIES have a dispute regarding the calculation of its share of the Fee or the distribution or use of the Fee, CITIES may request in writing a review by COUNTY within 10 days of receipt of their Fee allocation. The review shall be performed within 30 days of request and results shall be reported to CITIES in writing.

12. EFFECTIVE DATE OF AGREEMENT

This agreement is effective upon approval by all fifteen CITIES and the COUNTY.

13. AMENDMENT

This Agreement may be amended only by a written instrument signed by all fifteen CITIES and the COUNTY.

14. INDEPENDENT CONTRACTOR

Each party shall perform responsibilities and activities described herein as an independent contractor and not as an officer, agent, servant or employee of any of the parties hereto. Each party shall be solely responsible for the acts and omissions of its officers, agents, employees, contractors and subcontractors, if any. Nothing herein shall be considered as creating a partnership or joint venture between the parties.

15. TERM OF AGREEMENT

The term of this Agreement shall be from July 1, 2018 to June 30, 2021, or until all funds collected covering the period through June 30, 2021 have been distributed, whichever is later. COUNTY shall bill the operators of the landfills and non-disposal facilities listed in Exhibit A for the Fee commencing with the Quarter ending September 30, 2018. Said landfills and non-disposal facilities will be billed for the Fee through June 30, 2021.

16. NOTICES

All notices required by this Agreement will be deemed given when in writing and delivered personally or deposited in the United States mail, postage prepaid, return receipt requested, addressed to the other party at the address set forth below or at such address as the party may designate in writing in accordance with this section.

City of _____

Contact: _____

Title: _____

Address: _____

County of Santa Clara

Contact: Recycling and Waste Reduction Division Manager
Recycling and Waste Reduction Division

Address: 1555 Berger Drive, Suite 300

City: San Jose, CA 95112

17. CONTROLLING LAW

This Agreement shall be governed and construed in accordance with the laws of the State of California.

18. ENTIRE AGREEMENT

This document embodies the entire Agreement between the parties with respect to the subject matter hereof. No modification of this Agreement shall be effective unless and until modification is evidenced by writing signed by all parties or their assigned designees.

19. COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

20. CONTRACT EXECUTION

Unless otherwise prohibited by law or County policy, the parties agree that an electronic copy of a signed contract, or an electronically signed contract, has the same force and legal effect as a contract executed with an original ink signature. The term “electronic copy of a signed contract” refers to a transmission by facsimile, electronic mail, or other electronic means of a copy of an original signed contract in a portable document format. The term “electronically signed contract” means a contract that is executed by applying an electronic signature using technology approved by the County.

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IN WITNESS WHEREOF, the parties have executed this **AGENCY AGREEMENT
FOR COUNTYWIDE AB939 IMPLEMENTATION FEE** on the dates as stated below:

“COUNTY”

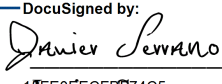
S. Joseph Simitian, President
Board of Supervisors

Date: _____

ATTEST:

Megan Doyle Date
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

DocuSigned by:
 3/22/2018

Javier Serrano Date
Deputy County Counsel

“CITY”

CITY/TOWN OF _____,
A municipal corporation

By: _____

Title: _____

Date: _____

EXHIBIT A

LANDFILLS LOCATED IN SANTA CLARA COUNTY

Guadalupe Rubbish Disposal Site
Kirby Canyon Sanitary Landfill
Newby Island Sanitary Landfill
Zanker Materials Processing Facility
Zanker Road Landfill

NON-DISPOSAL FACILITIES AND TRANSFER STATIONS LOCATED IN SANTA CLARA COUNTY

California Waste Solutions Recycling & Transfer Station
City of Palo Alto Green Composting Facility
Environmental Resource Recovery, Inc. (Valley Recycling)
Green Earth Management LLC Kings Row Recycling Facility
Green Waste Materials Facility and Transfer Station
Green Waste Recovery Facility
Guadalupe Landfill
Lam Hauling Chipping and Grinding
Lam Hauling Inert Debris Type A
Leo Recycle
Material Recovery Systems Facility
Mission Trail Waste Systems, Inc.
Newby Island Compost Facility
Pacheco Pass Transfer Station
Pacific Coast Recycling, Inc.
Premier Recycle Facility
Recology Silicon Valley Processing and Transfer Facility
The Recyclery at Newby Island
San Martin Transfer Station
Smurfit-Stone Recycling San Jose Facility
South Valley Organics
Stanford Recycling Center and Direct Transfer Facility
Sunnyvale Food Materials Transfer/Processing Operations
Sunnyvale Materials Recovery and Transfer Station (SMaRT Station)
Valley Recycling San Jose CDI Processing/Transfer Facility
Wood Processing Facility at Recology Pacheco Pass
Z-Best Composting Facility
Zanker Materials Processing Facility
Zanker Road Class III Landfill
Zero Waste Energy Development Company Anaerobic Digestion Facility

EXHIBIT B

FORMULA FOR DISTRIBUTION OF AB939 PROGRAM FEE

As documented in quarterly reports submitted by the County to the State Disposal Reporting System, each jurisdiction located in Santa Clara County (County) will receive \$1.50 per ton of solid waste, which originates from their respective jurisdiction, that is:

- a) disposed of in landfills or incinerated within the County,
- b) received at any non-disposal or collection facility located within the County and subsequently transported for disposal or incineration outside of the County,
- c) collected from any location within the County by a solid waste hauler operating pursuant to a franchise, contract, license, or permit issued by any local jurisdiction and subsequently transported for disposal or incineration outside of the County, or
- d) removed from any location in the County by any person or business for disposal or incineration outside the County.”

Fees collected from undocumented disposed tonnage, or tonnage originating outside of Santa Clara County, will be distributed according to each jurisdiction’s percent of countywide population, according to the latest available population report issued by the California Department of Finance.

EXHIBIT C

COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE PROGRAM FEE (HHW Fee)

1. PROGRAM FUNDING SOURCE

HHW Program services are directly mandated under AB939, which establishes statutory authority to provide for funding to support planning and implementation of integrated waste management programs. The AB939 HHW Fee, of \$2.60 per ton, collected as part of the AGENCY AGREEMENT FOR COUNTYWIDE AB939 IMPLEMENTATION FEE will be the primary source of funding for Countywide Household Hazardous Waste (CoHHW) Program services.

Funds derived from the AB939 HHW Fee will be allocated among five types of CoHHW Program service costs as follows:

- A. Fixed Program Costs will be apportioned based on the number of households in each participating jurisdiction. The number of households will be determined at the beginning of each Fiscal Year by statistics compiled by the California Department of Finance, Demographic Research Unit from their most recent Report, "Population Estimates for California Cities and Counties."
- B. San Jose Facility Use Surcharge will be apportioned based on CITY's anticipated participation at the County Household Hazardous Waste Collection Facility located at 1608 Las Plumas Avenue, San Jose.
- C. Variable Cost Per Car provides a base level service of 4% of households in all participating jurisdictions. The number of households will be determined at the beginning of each Fiscal Year by statistics compiled by the California Department of Finance, Demographic Research Unit from their most recent Report, "Population Estimates for California Cities and Counties."
- D. Available Discretionary Funding funded on tonnage generated per participating jurisdiction.
- E. Abandoned Waste Disposal Costs will fund disposal of HHW illegally abandoned at Nonprofit Charitable Reuser organizations as defined in PUBLIC RESOURCES CODE SECTION 41904.

2. FIXED PROGRAM COST

Fixed Program Costs shall be \$2.99 per household in Fiscal Years 2019, 2020 and 2021. Estimated HHW Fixed Costs are projected in Attachments A and B, attached hereto and incorporated herein. Fixed Program Costs may include, but are not limited to up to ten (10) CoHHW Program staff members, facility leasing costs, vehicle lease costs, office rent, office

supplies, county administrative overhead, county legal counsel, training costs, equipment and facility maintenance and union negotiated salary and benefit changes.

3. ABANDONED WASTE DISPOSAL COST

Abandoned Waste Disposal Costs for Fiscal Year 2019, 2020 and 2021 will be \$0.05 per household for all households in the cities and towns of Santa Clara County and in the unincorporated area of the County. The Abandoned Waste Disposal Cost will fund disposal of HHW illegally abandoned at Nonprofit Charitable Reuser organizations defined in PUBLIC RESOURCES CODE SECTION 41904. Estimated Abandoned Waste Disposal Cost is projected in Attachment A of the AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM.

For the purposes of this agreement, PUBLIC RESOURCES CODE SECTION 41904 defines a nonprofit charitable reuse organization as follows: "Nonprofit charitable reuser" means a charitable organization, as defined in Section 501(c)(3) of the federal Internal Revenue Code, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than 50 percent of its revenues from the handling and sale of those donated goods or materials.

4. SAN JOSÉ FACILITY USE SURCHARGE

The San José Facility Use Surcharge is estimated to be \$6.83 per car for Fiscal Years 2019, 2020 and 2021. The total San José Facility Use Surcharge for CITY will be based on CITY's participation at the County Household Hazardous Waste Collection Facility located at 1608 Las Plumas Avenue, San José. Estimated San José Facility Use Surcharges are projected in Attachment A of the AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM.

5. VARIABLE COST PER CAR

The Variable Cost Per Car is the cost associated with actual labor, waste disposal, transportation and other services provided to the residents at the County Household Hazardous Waste Collection Facilities (CoHHWCF) and at Temporary Events. The Variable Cost Per Car is estimated to be approximately \$62 per car for Fiscal Years 2019, 2020 and 2021. The estimated cost per car will be adjusted to reflect actual service costs. After Fixed Program Costs and San Jose Facility Use Surcharge are allocated on a per household basis, the Variable Cost Per Car will be used to calculate the costs to service 4% of households across all participating jurisdictions. If the level of 4% of households is not reached in a particular jurisdiction, the CoHHW Program may use the remaining balance of funds, in cooperation with the CITY that has less than 4% participation levels, to increase public outreach and/or provide additional services in that jurisdiction the following year.

6. AVAILABLE DISCRETIONARY FUNDING

The Available Discretionary Funding portion of the AB939 HHW Fee will be allocated based on the tons of waste generated within each jurisdiction, and after allocation of Fixed Program Costs, San José Facility Use Surcharge, and Variable Cost Per Car allocation. Available Discretionary Funds will be paid as directed by each jurisdiction. Available Discretionary Funds must be used for HHW purposes. Options for how to spend these funds include, but are not limited to, increasing the number of residents served in that jurisdiction by the CoHHW Program, subsidizing curbside used motor oil collection, electronic waste (e-waste) collection, universal waste collection, emergency HHW services, funding HHW public education, the support of capital infrastructure projects to accommodate HHW drop-off and collection events, or providing special programs such as retail collection of certain waste and/or door-to-door collection of HHW for the elderly and/or persons with disabilities and neighborhood clean-up events.

7. PROGRAM FUNDING PASS-THROUGH

Annual funding calculations include HHW Fees collected on behalf of all County jurisdictions. CITIES, at their option, may participate in the Countywide Household Hazardous Waste Program by entering into the AGENCY AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM. CITIES not participating in the Agency Agreement will receive their pro-rata share of funding received by the COUNTY from the HHW Fee.

If CITIES not participating in the AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM desire to permit residents to participate in HHW Program services on an emergency basis, then services to these residents will be provided on a cost recovery basis. A charge equal to the established rates charged by the Countywide HHW Program to Conditionally Exempt Small Quantity Generators (CESQG) will be billed to the CITIES. A CITY'S representative must call the Countywide HHW Program appointment line to schedule an appointment for the resident. The pro-rata share of liability will be shared as defined in Section 27 of AGENCY AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM and as described in Exhibit D.

EXHIBIT D**SECTION 27 OF AGENCY AGREEMENT
FOR COUNTYWIDE HOUSEHOLD HAZARDOUS
WASTE COLLECTION PROGRAM****HOLD HARMLESS AND INDEMNIFICATION**

In lieu of and notwithstanding the pro rata risk allocation which might otherwise be imposed between CITY and COUNTY pursuant to Government Code Section 895.6, the parties agree that all losses or liabilities incurred by a party shall not be shared pro rata but instead COUNTY and CITY agree that pursuant to Government Code Section 895.4, each of the parties hereto shall fully indemnify and hold each of the other parties, their officers, board members, employees and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying party, its officers, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such party under this Agreement. No party, nor any officer, board member, employee or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of the other parties hereto, their officers, board members, employees or agents, under or in connection with or arising out of any work authority or jurisdiction delegated to such other parties under this Agreement.

Additionally, CITY shall indemnify COUNTY for CITY's apportioned share of any liability incurred and attributed to the Countywide HHW Program for the transportation, treatment, or disposal of the household hazardous waste, once the waste has been accepted by a licensed hazardous waste hauler. Apportionment for disposal liability shall be determined by each participating jurisdiction's pro rata proportion of household participation in the Program. Apportionment for transportation and treatment liability shall be determined by each participating jurisdiction's pro rata household participation at the event where the waste was generated. COUNTY will use reasonable efforts to obtain recovery from all available resources, including insurance, of any liable hauler or liable disposal facility operator. No liability shall be apportioned to CITY for transportation, treatment or disposal in any case where COUNTY has contracted for such services and has failed to require the contractor to maintain the insurance requirements set forth in Section 24 above.

CITY shall further indemnify COUNTY for CITY's apportioned share of liability incurred and attributed to the Countywide HHW Program for the transportation, treatment or disposal of household hazardous waste at corporate sponsored events where non-county resident employees of the corporate sponsor are authorized to participate in the event. Liability for the nonresident portion of the disposal of waste shall be shared by the cities and the COUNTY as described above. The nonresident portion shall be determined by calculating the percentage of nonresidents participating in the event. This percentage will then be subtracted from the total liability for the household hazardous waste prior to assessing CITY's apportioned share of any liability for the household hazardous waste.

COUNTY shall require CESQGs and Nonprofit Charitable Reusers to indemnify COUNTY for their apportioned share of any liability incurred and attributed to the Countywide HHW Program for the transportation, treatment, or disposal of their hazardous waste, once the waste has been accepted by a licensed hazardous waste hauler. The CESQG and Nonprofit Charitable Reuser portion of the waste shall be determined by calculating the percentage, by weight, of the total household hazardous waste accepted by the CoHHW Program. This percentage will be used to calculate the portion of liability attributed to CESQGs and Nonprofit Charitable Reusers and will be subtracted from the total liability prior to assessing CITY's apportioned share of any liability for household hazardous waste.

FIRST AMENDMENT TO THE AGREEMENT FOR COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM

The Agreement for Countywide Household Hazardous Waste Collection Program (AGREEMENT) by and between the City of Los Altos (CITY) and the County of Santa Clara (COUNTY) previously entered into on July 1, 2018, is hereby amended as set forth below.

The COUNTY and the CITY agree that:

1. Section 16. ADDITIONAL SERVICES UNDER THIS AGREEMENT is amended in full to read:

16. ADDITIONAL SERVICES UNDER THIS AGREEMENT

CITY may elect to augment funding provided for in this Agreement with CITY funds. Additional services shall be made available upon written agreement between the CITY's authorized representative and the County Executive, or designee. Additional services may include, but are not limited to, additional appointments (charged at the Variable Cost Per Car rate), door-to-door HHW collection, used oil filter collection, universal waste collection, electronic waste collection, and abandoned waste collection.

CITY agrees to augment up to an additional \$70,143.24 to the Countywide HHW Program during Fiscal Year 2018-2019 for the purpose of attaining or increasing resident participation above the 4% service level at the scheduled collection dates listed in Attachment C, attached hereto and incorporated herein. Augmentation will be calculated at the Variable Cost Per Car rate. Other services will be charged based on a cost recovery basis. CITY authorizes COUNTY to use CITY's Available Discretionary Funding portion of the AB939 HHW Fee, if available, to pay for the above agreed additional augmentation amount.

CITY agrees to augment up to an additional \$_____ to the Countywide HHW Program during Fiscal Year 2019-2020 for the purpose of attaining or increasing resident participation above the 4% service level at the scheduled collection dates listed in Attachment C-1, attached hereto and incorporated herein. Augmentation will be calculated at the Variable Cost Per Car rate. Other services will be charged based on a cost recovery basis. CITY authorizes the COUNTY to use CITY'S Available Discretionary Funding portion of the AB939 HHW Fee, if available, to pay for the above agreed additional augmentation amount.

At the end of each fiscal year, a final annual cost statement shall be prepared by COUNTY and issued to CITY by November 30th. The annual cost statement will take into consideration costs incurred on behalf of CITY for additional services and all payments made by CITY to COUNTY. If any balance is owed to COUNTY, it will be due within 30 days following receipt of the annual cost statement. If any credit is owed to CITY, COUNTY will refund that amount to CITY within 30 days following delivery of the annual cost statement.

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2. Attachment C-1 "HHW Schedule For Collection Events for Fiscal Year 2019/2020" attached hereto and incorporated herein by this reference is hereby added to the AGREEMENT.

Except as provided herein, all terms and conditions of the AGREEMENT shall remain in full force and effect.

IN WITNESS WHEREOF, COUNTY and CITY, through their duly authorized representatives, have entered into this First Amendment to the AGREEMENT on the last date shown below:

COUNTY OF SANTA CLARA

CITY OF LOS ALTOS

Signature:

Signature:

Sylvia Gallegos
Deputy County Executive

Name: _____
Title: _____

Date: _____

Date: _____

APPROVED AS TO FORM AND LEGALITY

Michael Rossi
Lead Deputy County Counsel

Date: _____

ATTACHMENT C - 1

HHW SCHEDULE FOR COLLECTION EVENTS FOR FISCAL YEAR 2019/2020

2019/Month	Day	Date	Location	Type of Event	County Holidays/ Notes
July	Thurs,Fri,Sat	4,5,6	No Event	No Event	4th OF JULY WEEK
	Fri,Sat	12,13	San Martin	Permanent	
	Thurs,Fri,Sat	11,12,13	San Jose	Permanent	
	Thurs,Fri,Sat	18,19,20	San Jose	Permanent	
	Saturday	20	Sunnyvale	Temporary	
	Thurs,Fri,Sat	25,26,27	San Jose	Permanent	
August	Fri,Sat	2,3	San Martin	Permanent	
	Thurs,Fri,Sat	1,2,3	San Jose	Permanent	
	Thurs,Fri,Sat	8,9,10	San Jose	Permanent	
	Saturday	10	Mountain View	Temporary	
	Thurs,Fri,Sat	15,16,17	San Jose	Permanent	
	Thurs,Fri,Sat	22,23,24	San Jose	Permanent	
	Thurs, Fri	29,30	San Jose	Permanent	
	Saturday	31	No Event	No Event	LABOR DAY WEEKEND
September	Fri,Sat	6,7	San Martin	Permanent	
	Thurs,Fri,Sat	5,6,7	San Jose	Permanent	
	Fri,Sat	6,7	West Valley	Temporary	TBD
	Thurs,Fri,Sat	12,13,14	San Jose	Permanent	
	Thurs,Fri,Sat	19,20,21	San Jose	Permanent	
	Thurs,Fri,Sat	26,27,28	San Jose	Permanent	
	Saturday	28	Santa Clara	Temporary	
October	Fri,Sat	4,5	San Martin	Permanent	
	Saturday	3,4,5	San Jose	Permanent	
	Thurs,Fri,Sat	10,11,12	San Jose	Permanent	
	Thurs,Fri,Sat	17,18,19	San Jose	Permanent	
	Saturday	19	Sunnyvale	Temporary	
	Thurs,Fri,Sat	24,25,26	San Jose	Permanent	
November	Fri,Sat	1,2	San Martin	Permanent	
	Thurs,Fri,Sat	31,1,2	San Jose	Permanent	
	Thurs,Fri,Sat	7,8,9	San Jose	Permanent	
	Thurs,Fri,Sat	14,15,16	San Jose	Permanent	
	Thurs,Fri,Sat	21,22,23	San Jose	Permanent	
	Thurs,Fri,Sat	28,29,30	No Event	No Event	THANKSGIVING
December	Fri,Sat	6,7	San Martin	Permanent	
	Thurs,Fri,Sat	5,6,7	San Jose	Permanent	
	Thurs,Fri,Sat	12,13,14	San Jose	Permanent	
	Thurs,Fri,Sat	19,20,21	San Jose	Permanent	
	Thurs,Fri,Sat	26,27,28	No Event	No Event	CHRISTMAS
2020/Jan	Fri,Sat	3,4	San Martin	Permanent	
	Thurs,Fri,Sat	2,3,4	San Jose	Permanent	
	Thurs,Fri,Sat	9,10,11	San Jose	San Jose	
	Thurs,Fri,Sat	16,17,18	San Jose	San Jose	
	Saturday	18	Sunnyvale	Temporary	
	Thurs,Fri,Sat	23,24,25	San Jose	Permanent	
	Saturday	25	Santa Clara	Temporary	

HHW SCHEDULE FOR COLLECTION EVENTS FOR FISCAL YEAR 2019/2020
-continued

2020/Month	Day	Date	Location	Type of Event	County Holidays/ Notes
February	Fri,Sat	31,1	San Martin	Permanent	
	Thurs,Fri,Sat	30,31,1	San Jose	Permanent	
	Thurs,Fri,Sat	6,7,8	San Jose	Permanent	
	Thurs,Fri,Sat	13,14,15	San Jose	Permanent	
	Thurs,Fri,Sat	20,21,22	San Jose	Permanent	
	Thurs,Fri,Sat	27,28,29	San Jose	Permanent	
March	Fri,Sat	6,7	San Martin	Permanent	
	Thurs,Fri,Sat	12,13,14	San Jose	Permanent	
	Thurs,Fri,Sat	19,20,21	San Jose	Permanent	
	Thurs,Fri,Sat	26,27,28	San Jose	Permanent	
April	Fri,Sat	3,4	San Martin	Permanent	
	Thurs,Fri,Sat	2,3,4	San Jose	Permanent	
	Thurs,Fri,Sat	9,10,11	San Jose	Permanent	
	Saturday	11	Los Altos	Temporary	TBD
	Thurs,Fri,Sat	16,17,18	San Jose	Permanent	
	Saturday	18	Sunnyvale	Temporary	TBD
	Thurs,Fri,Sat	23,24,25	San Jose	Permanent	
	Saturday	25	Santa Clara	Temporary	
May	Fri,Sat	1,2	San Martin	Permanent	
	Thurs,Fri,Sat	30,1,2	San Jose	Permanent	
	Thurs,Fri,Sat	7,8,9	San Jose	Permanent	
	Thurs,Fri,Sat	14,15,16	San Jose	Permanent	
	Thurs,Fri	21,22	San Jose	Permanent	
	Saturday	23	No Event	No Event	MEMORIAL DAY WEEKEND
	Thurs,Fri,Sat	28,29,30	San Jose	Permanent	
June	Fri,Sat	5,6	San Martin	Permanent	
	Thurs,Fri,Sat	4,5,6	San Jose	Permanent	
	Thurs,Fri,Sat	11,12,13	San Jose	Permanent	
	Thurs,Fri,Sat	18,19,20	San Jose	Permanent	
	Saturday	20	Milpitas	Temporary	
	Thurs,Fri,Sat	25,26,27	San Jose	Permanent	

*SUBJECT TO CHANGE

Rev. 4/24/19



CONSENT CALENDAR

Agenda Item # 4

AGENDA REPORT SUMMARY

Meeting Date: May 28, 2019

Subject: Resolution No. 2019-12: Solid Waste Rate Adjustment

Prepared by: Aida Fairman, Interim Engineering Services Director

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Resolution No. 2019-12

Initiated by:

Staff; Solid Waste Franchise Agreement

Previous Council Consideration:

June 12, 2018

Fiscal Impact:

A 3.9629% increase in rates charged for service affects all rate payers, including the City.

Environmental Review:

Statutorily Exempt – CEQA Section 15273(a)

Policy Question(s) for Council Consideration:

None

Summary:

- The City of Los Altos Municipal Code Section 6.12.020 - Charge for solid waste collection service states that “Any and all charges for solid waste collection service shall be set forth in the franchise agreement, contract or the collection service agreement between the City and its franchised hauler”
- The Franchise Agreement with Mission Trail Waste Systems (MTWS) provides for periodic rate adjustments based on the Consumer Price Index
- The calculated increase that will be applied to the existing Solid Waste Collection rates is 3.9629%

Staff Recommendation:

Adopt Resolution No. 2019-12, authorizing the increase of Solid Waste Collection Rates by 3.9629% effective July 1, 2019

Reviewed By:

City Manager

CJ

City Attorney

CD

Finance Director

SE



Subject: Resolution No. 2019-12: Solid Waste Rate Adjustment

Purpose

Adopt Resolution No. 2019-12, authorizing the increase of Solid Waste Collection Rates by 3.9629% effective July 1, 2019

Background

The City of Los Altos Municipal Code Section 6.12.020 - Charge for solid waste collection service states that “Any and all charges for solid waste collection service shall be set forth in the franchise agreement, contract or the collection service agreement between the City and its franchised hauler.” The Franchise Agreement with Mission Trail Waste Systems (MTWS) provides for periodic rate adjustments based on the Consumer Price Index, and establishes that the next adjustment would apply to service beginning July 1, 2019.

MTWS provided a revised rate schedule to the City for review on April 3, 2019 as described in the Franchise Agreement. The Franchise Agreement provides that MTWS shall charge service recipients an amount not to exceed the Maximum Service Rates set by City Resolution as may be adjusted under the terms of the Agreement.

Discussion/Analysis

The method of computing the price adjustment using the Consumer Price Index (CPI) is provided in the Franchise Agreement as follows:

Subsequent Adjustments: Using one-hundred percent (100%) of the twelve (12) month average percentage change in the CPI between February of the prior year and February of the current year.

The Franchise Agreement defines CPI as the index published by the U.S. Department of Labor, Bureau of Labor Statistics, Series Id: CCUA422SAO, Not Seasonally Adjusted, All Items, All Urban Consumers (CPI-U) for San Francisco-Oakland-San Jose, California. The calculated increase that will be applied to the existing Solid Waste Collection rates is 3.9629%. Attachment 1 shows a complete schedule of the maximum rates for adoption by Council Resolution.

Options

- 1) Adopt Resolution No. 2019-12, authorizing the increase of Solid Waste Collection Rates by 3.9629% effective July 1, 2019

Advantages: The rate increase is in accordance with the Solid Waste Franchise Agreement

Disadvantages: None



Subject: Resolution No. 2019-12: Solid Waste Rate Adjustment

- 2) Do not adopt Resolution No. 2019-12, authorizing the increase of Solid Waste Collection Rates by 3.9629% effective July 1, 2019

Advantages: None

Disadvantages: The rates will not be adjusted as agreed upon in the Solid Waste Franchise Agreement

Recommendation

The staff recommends Option 1.

RESOLUTION NO. 2019-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AUTHORIZING THE INCREASE OF SOLID WASTE COLLECTION RATES
BY 3.9629% EFFECTIVE JULY 1, 2019**

WHEREAS, the City of Los Altos Municipal Code Section 6.12.020 (Charge for solid waste collection service) states that “Any and all charges for solid waste collection service shall be set forth in the franchise agreement, contract or the collection service agreement between the City and its franchised hauler.”; and

WHEREAS, the agreement between the City of Los Altos and Mission Trail Waste Systems (MTWS) provides for periodic rate adjustments based on Consumer Price Index (CPI); and

WHEREAS, the City Council has determined that the appropriate increase to be effective July 1, 2019 is 3.9629%.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby authorizes the attached rate schedule to be applied to solid waste collection services within the service area provided in the City’s Franchise Agreement with Mission Trail Waste Systems.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 28th day of May 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lynette Lee Eng, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

City of Los Altos 2019-20 Rate Adjustment Calculation

Exhibit 1a Maximum Service Rates – SFD Services Effective July 1, 2019					
A. CURBSIDE COLLECTION SERVICE					
Garbage Cart Sizes (gallons)		20	32	64	96
1	MONTHLY CURBSIDE RATE	\$32.21	\$34.69	\$69.37	\$104.07
2	Additional Curbside Garbage Cart – (added to Line A2)	\$32.21	\$34.69	\$69.37	\$104.07
B. ON-PREMISE COLLECTION SERVICE					
1	MONTHLY ON-PREMISE RATE (5 – 100 ft)	\$44.24	\$46.71	\$81.39	\$116.09
2	Additional On-Premise Garbage Cart – (added to Line B2)	\$44.24	\$46.71	\$81.39	\$116.09
3	Additional Walk-in Distance – Each 100 feet (add to line B1 or B2)	\$12.32	\$12.32	\$12.32	\$12.32
C. ADDITIONAL BULKY WASTE COLLECTION					
1	Additional On-Call Bulky Waste Collection (Individual Large Items)	\$20.03	Each additional large item (over 3 Large Items per Bulky Waste Collection)		
3	Additional On-Call Bulky Waste Collection (Loose)	\$30.84	Per cubic yard/occurrence (over 2 Bulky Waste Collections per Agreement Year)		
2	Collection of Large Items Containing Freon	\$61.69	Each item/each occurrence		
D. ADDITIONAL CART EXCHANGE OR REPLACEMENT					
1	Additional Garbage Cart Exchange	\$30.63	Each occurrence		
E. ON- CALL HHW COLLECTION					
1	On-Call HHW Collection	\$30.63	Each occurrence		
F. DISPOSAL COST PER TON COST					
Disposal Facility Charge Per Ton		City Contract Rate	Newby Island Sanitary Landfill		

City of Los Altos 2018-19 Rate Adjustment Calculation

Exhibit 1b

Maximum Service Rates – Commercial and MFD Services

Effective July 1, 2019

Container Size	Collection Frequency					
	1X Week	2X Week	3X Week	4X Week	5X Week	6X Week
32 Gallon	\$34.69	\$69.37	\$104.06	\$138.73	\$173.43	\$208.10
64 Gallon	\$69.37	\$138.75	\$208.12	\$277.53	\$346.88	\$416.27
96 Gallon	\$104.07	\$208.11	\$312.18	\$416.25	\$520.32	\$624.34
1 CY BIN	\$136.10	\$272.23	\$408.32	\$544.43	\$680.53	\$816.62
2 CY BIN	\$272.23	\$544.43	\$816.63	\$1,088.84	\$1,361.06	\$1,633.27
3 CY BIN	\$408.31	\$816.62	\$1,224.96	\$1,633.28	\$2,041.59	\$2,449.90
4 CY BIN	\$544.43	\$1,088.84	\$1,633.28	\$2,177.67	\$2,722.13	\$3,266.57
6 CY BIN	\$816.62	\$1,633.28	\$2,449.90	\$3,266.54	\$4,083.18	\$4,899.81
Bin Push Rates (rate multiplied by collection frequency)		0 - 25 feet	\$25.63 per month for each 25 feet increment over the first 25 feet			
		No Charge				
Disposal Charge Per Ton		City Contract Rate		Newby Island Sanitary Landfill		
Organic Waste Processing Charge Per Ton		City Contract Rate		Zanker Road Processing Facility		
Organic Waste Processing Charge Per Ton		MTWS Contract Rate		Newby Island Processing Facility, (must be approved by CITY)		
Mixed C&D, Inerts, Green Waste, Wood Waste Processing Charge Per Ton		City Contract Rate		Newby Island Processing Facility		
On-Call Bulky Waste Collection (Loose)			\$30.84	Per cubic yard/occurrence		
On-Call Bulky Waste Collection (Individual Large Items)			\$20.03	Each item/each occurrence		
On-Call Bulky Waste – Large Items Containing Freon			\$61.69	Each item/each occurrence		
Charge for Opening Locked Gate			\$30.84	Per month		
Charge for CONTRACTOR supplied lock			\$30.84	Each lock		
Charge for installing lock bar			\$215.90	Each locking bar		
Charge for special bin delivery			\$92.54	Each special bin		
Charge for extra bin service same day			\$92.54	Each occurrence		
Extra Bin Cleaning			\$91.90	Each occurrence		
Additional Garbage Bin Exchange			\$30.84	Each occurrence		
Additional Bin Garbage Replacement			\$92.54	Each occurrence		
Charge for collecting manure			95% of Garbage rate			
Charge for extra day bin service on regular collection day			1/3 of Monthly Rate			
Charge for extra bin service not on regular collection day			1/2 of Monthly Rate			

City of Los Altos 2018-19 Rate Adjustment Calculation

Exhibit 1c					
Maximum Service Rates – SFD, MFD and Commercial Debris Box Services					
Effective July 1, 2019					
10 CY Debris Box	\$662.34	Per Pull		10 CY Compactor	\$752.25 Per Pull
15 CY Debris Box	\$662.34	Per pull		15 CY Compactor	\$752.25 Per Pull
20 CY Debris Box	\$752.25	Per pull		20 CY Compactor	\$758.31 Per Pull
30 CY Debris Box	\$758.31	Per pull		30 CY Compactor	\$758.31 Per Pull
40 CY Debris Box	\$758.31	Per pull		40 CY Compactor	\$758.31 Per Pull
Disposal Charge Per Ton		City Contract Rate	Newby Island Sanitary Landfill		
Organic Waste Processing Charge Per Ton		City Contract Rate	Zanker Road Processing Facility		
Organic Waste Processing Charge Per Ton		MTWS Contract Rate	Newby Island Processing Facility, (must be approved by CITY)		
Mixed C&D, Inerts, Green Waste, Wood Waste Processing Charge Per Ton		City Contract Rate	Newby Island Processing Facility		
Demurrage Per Charge (not dumped every 7 days)				\$148.08	Per week
Per hour Stand-by Charge (box not ready to be pulled)				\$123.39	Per hour
Saturday Service				\$185.07	Per Pull
Charge for Opening Locked Gate				\$30.86	Per month
Notes:					
All 10, 20, 30, 40 CY debris boxes and compactors are pull rates only; disposal or processing will be based on actual disposal processing and the Franchise Fee will be 15% of the gross receipts per box (including collection, processing or disposal). The total customer rate will be the total cost for the collection, processing or disposal and the franchise fee.					

City of Los Altos 2018-19 Rate Adjustment Calculation

Exhibit 1d Maximum Service Rates – City Services Effective July 1, 2019

Container Size	Collection Frequency					
	1X Week	2X Week	3X Week	4X Week	5X Week	6X Week
32 Gallon	\$29.48	\$58.97	\$88.44	\$117.91	\$147.41	\$176.88
64 Gallon	\$58.98	\$117.94	\$176.92	\$235.89	\$294.85	\$353.82
96 Gallon	\$88.46	\$176.90	\$265.38	\$353.81	\$442.27	\$530.70
1 CY BIN	\$115.69	\$231.38	\$347.08	\$462.76	\$578.43	\$694.12
2 CY BIN	\$231.38	\$462.76	\$694.12	\$925.51	\$1,156.91	\$1,388.28
3 CY BIN	\$347.08	\$694.12	\$1,041.22	\$1,388.28	\$1,735.35	\$2,082.42
4 CY BIN	\$462.76	\$925.51	\$1,388.28	\$1,851.05	\$2,313.81	\$2,776.54
6 CY BIN	\$694.12	\$1,388.28	\$2,082.42	\$2,776.54	\$3,470.71	\$4,164.85
10 CY Debris Box	\$562.99	Per Pull		10 CY Compactor	\$639.39	Per Pull
15 CY Debris Box	\$562.99	Per pull		15 CY Compactor	\$639.39	Per Pull
20 CY Debris Box	\$639.39	Per pull		20 CY Compactor	\$644.57	Per Pull
30 CY Debris Box	\$644.57	Per pull		30 CY Compactor	\$644.57	Per Pull
40 CY Debris Box	\$644.57	Per pull		40 CY Compactor	\$644.57	Per Pull
Public Containers Collection (as included in Exhibit 2)		\$7,022.51 per month \$84,270.02 per 12 months		7 days/week		
Green Waste Drop-off		\$37.01 per ton		MTWS transfer facility in Santa Clara		
Disposal Charge Per Ton		City Contract Rate		Newby Island Sanitary Landfill		
Organic Waste Processing Charge Per Ton		City Contract Rate		Zanker Road Processing Facility		
Organic Waste Processing Charge Per Ton		MTWS Contract Rate		Newby Island Processing Facility, (must be approved by CITY)		
Mixed C&D, Inerts, Green Waste, Wood Waste Processing Charge Per Ton		City Contract Rate		Newby Island Processing Facility		
Notes:						
All 10, 20, 30, 40 CY debris boxes and compactors are pull rates only; disposal or processing will be based on actual disposal processing and the Franchise Fee will be 15% of the gross receipts per box (including collection, processing or disposal). The total customer rate will be the total cost for the collection, processing or disposal and the franchise fee.						

City of Los Altos 2018-19 Rate Adjustment Calculation

Exhibit 1e Maximum Service Rates – Emergency Service Rates - Employees Effective July 1, 2019	
Labor Position	Hourly Rate
As needed	\$92.54

Exhibit 1f Maximum Service Rates – Emergency Service Rates - Equipment Effective July 1, 2017		
Labor Position or Equipment Type	Make & Model	Hourly Rate
Truck and One person	As needed	\$215.90



DISCUSSION ITEMS

Agenda Item # 5

AGENDA REPORT SUMMARY

Meeting Date: May 28, 2019

Subject: Resolution No. 2019-17: Open Government Policy

Prepared by: Jon Maginot, Deputy City Manager

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Resolution No. 2019-17
2. Council Norms and Procedures with recommended changes
3. Commission Handbook with recommended changes

Initiated by:

City Council

Previous Council Consideration:

August 26, 2014; September 9, 2014; December 9, 2014; January 13, 2015; March 24, 2015; May 26, 2015; May 23, 2017; August 22, 2017 and May 22, 2018

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the Council concur with the recommendations of the Open Government Standing Committee?

Summary:

- The Open Government Policy was adopted in 2015 and provides for additional governmental transparency measures
- The Open Government Standing Committee recommends additional measures to be included in the Open Government Policy and codified by Ordinance

Staff Recommendation:

Move to receive the report from the Open Government Standing Committee; adopt Resolution No. 2018-13 amending the Open Government Policy and consider changes to the Council Norms and Procedures and Commission Handbook

Reviewed By:

City Manager

CJ

City Attorney

CD

Finance Director

SE



Subject: Resolution No. 2019-17: Open Government Policy

Purpose

To conduct the annual review of the Open Government Policy and to consider the recommendations of the Open Government Standing Committee.

Background

On May 26, 2015, the City Council adopted Resolution No. 2015-12 establishing an Open Government Policy. This Policy calls for posting of regular Council meeting agendas and accompanying materials at least eight calendar days before the meeting, increased requirements for noticing of design review projects, including the construction of story poles for multiple-family, commercial and mixed-use projects, recording of Council and Commission meetings, publishing an index of records on the City's website, publishing a list of requests for records on the City's website, and establishment of an Open Government Standing Committee.

The Policy also states that the Council will review the Policy each year and will discuss the cost and impact on City staff of implementing the Policy, consideration of additional sections to the Policy, and a determination as to when it might be appropriate to adopt the Policy as an Ordinance.

Discussion/Analysis

The Open Government Standing Committee met on May 14, 2019 to review the policy. Changes recommended by the Committee are included for Council consideration in Attachment 1. In addition, the Committee recommended changes to the Council Norms and Procedures and Commission Handbook which are included as Attachments 2 and 3 respectively.

Options

- 1) Adopt Resolution No. 2019-17 amending the Open Government Policy

Advantages: Amends the Open Government Policy to provide additional clarification on certain requirements

Disadvantages: None identified

- 2) Do not implement the recommendations of the Open Government Standing Committee

Advantages: None identified

Disadvantages: Will not provide additional clarity on noticing requirements

Recommendation

The Open Government Standing Committee recommends Option 1.

RESOLUTION NO. 2019-17

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING THE OPEN GOVERNMENT POLICY**

WHEREAS, transparency in decision making is a cornerstone of democracy; and

WHEREAS, elected officials, commissions, and other policy bodies of the City undertake the people's business and in so doing commit themselves to the highest principles of transparency so that every citizen can know and participate in democracy at the local levels; and

WHEREAS, California has a long tradition of laws designed to protect the public's access to the workings of government, and each generation of elected officials and municipal employees should commit themselves to the principles of transparency and seek to implement new approaches that keep the public informed about policy decisions. Experience teaches that as government evolves, so must the laws designed to ensure that the workings of local government remain visible to all; and

WHEREAS, transparency in governmental policy decisions is paramount and only in rare and unusual circumstances should decisions made on behalf of the people take place out of public view. Those circumstances should be carefully and narrowly defined; and

WHEREAS, openness in government is the basis for accountability, improved decision-making, public trust and informed participation; and

WHEREAS, the City Council enacts this Policy to affirm and expand on a culture of open, transparent and collaborative government in the City of Los Altos; and

WHEREAS, private entities, individuals, employees and officials of the City have rights to privacy that must be respected. However, when a person or entity is before a policy body, that person and the public have the right to an open and public process; and

WHEREAS, on January 13, 2015, the City Council adopted Resolution No. 2015-02 establishing the Open Government Policy and adopted Resolution Nos. 2015-12, 2017-33 and 2018-33 amending the Open Government Policy.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby adopts the "Policy of the City of Los Altos Regarding Openness in City Government" attached hereto as Exhibit A and incorporated by this reference, as amended.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the ____ day of ____ 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Lynette Lee Eng, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK

A POLICY OF THE CITY OF LOS ALTOS REGARDING OPENNESS IN CITY GOVERNMENT

Section 1 The Brown Act

All meetings of city policy bodies (City Council, Commissions, and Committees) shall be open and public, and governed by the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et. seq.). The Brown Act serves as a floor, not a ceiling, for transparency and openness. Policies are provided here that go beyond the minimum requirements of law to instill public confidence and increase transparency.

The City will maintain an “Open Government” page on the City website. This policy will be available on that site as well as a brief summary of the Brown Act.

Section 2 Posting of Agendas

At least eight (8) calendar days before a regular City Council meeting, a final agenda and accompanying materials shall be posted on the City’s website. The agenda will be provided to the media. This final agenda shall contain a meaningful description of each item of business to be transacted or discussed at the meeting and all related items, including staff reports, proposals and contracts that will be considered for action. Agendas shall specify for each item of business the proposed action or a statement the item is for discussion only. The agenda shall also be made available for public inspection and copying at both public libraries and City Hall during normal business hours.

Agendas for Special Meetings, including Study Sessions and Closed Sessions, shall be posted in accordance with the Brown Act.

Section 3 Public Noticing

Notices for single-family residential design reviews shall be provided in accordance with Los Altos Municipal Code Section 14.76. In addition, notices posted on the project site shall be no smaller than 11” x 17” and shall include a graphic representing the proposed project as well as allowed construction hours.

Notices for multiple-family, public and community facilities, office and administrative, commercial and mixed-use design reviews shall be provided in accordance with Los Altos Municipal Code Section 14.78 and shall be sent to all properties within 500-1,000 feet of the proposed development and to the media 14 days in advance of the meeting. Notices shall be mailed for Pre-application study session design review (14.78.040), if held, as well as the first

public hearing of the Planning Commission and the first public hearing of the City Council (14.78.030). In addition, notices posted on the project site shall be no smaller than 4' x 6' and shall include a graphic representing the proposed project as well as allowed construction hours. Multiple-story multiple-family, commercial and mixed-use projects, and public facilities shall erect story poles which reflect the outline of the proposed building on the site. Story poles complying with the City's specifications must be erected at least 20 days in advance of the first public hearing for the project. No project shall have a hearing until proper story poles are installed. Story poles shall be removed within ~~60-30~~ days of the first public hearing of the City Council. If the project is withdrawn by the applicant for substantial revision, the poles may be removed immediately and re-installed 20 days prior to the public hearing on the revised proposal. ~~final determination on the project.~~

Section 4

Recording of Meetings and Retention of Recordings

All Regular and Special Meetings of the City Council and Planning and Transportation Commission that are held in the Community Chambers shall be video recorded. All regular meetings of Commissions and Committees shall be audio recorded. All other public meetings of the City Council and other Commissions and Committees meetings shall be audio recorded as practical. Each such video and audio recording shall be a public record subject to inspection pursuant to the California Public Records Act. The video recording of meetings of the City Council and Planning and Transportation Commission shall be made available within one week of the meeting by webcast on the City's website and shall remain on the City's website permanently. The audio and video record of all meetings under this section shall be kept permanently.

Section 5

Index of City Records

The City shall maintain a public records index that identifies the types of information and documents maintained by the City and its departments, agencies, task forces, commissions and elected officers. The index shall be for the use of City officials, staff and the general public, and shall be organized to permit a general understanding of the types of information maintained, by which officials and departments, for which purposes and for what periods of retention. The City Clerk shall be responsible for the preparation and maintenance of this records index. The index shall be continuously maintained on the City's website and the two Los Altos libraries.

Section 6

Public Records Requests

Requests for public records, including a brief description of the request, identification of the requester, the date requested, whether the request was granted, partially granted or denied, and the date the request was fulfilled, shall be posted on the City's website. This list shall be updated at least quarterly.

Section 7

Open Government Standing Committee

The Mayor shall appoint two City Council members to serve on an ad hoc Open Government Committee during the piloting of this Open Government policy. Upon adoption of a final policy or an ordinance, the Mayor shall appoint two City Council members to serve on a standing Open Government Committee. The term of each appointed member shall be two years. The Committee shall advise the City Council and provide information to the City Manager on potential ways in which to implement the Open Government Policy. The Committee shall develop appropriate goals to ensure practical and timely implementation of this Policy. The Committee shall propose to the City Council amendments to this Policy. The Committee shall report to the City Council at least once annually on any practical or policy problems encountered in the administration of this Policy.

Section 8

Open Government Policy Annual Review

This Open Government Policy will be reviewed by the City Council at the first meeting in May each year. The review may also be called earlier at the request of the Open Government Committee. The review will include discussion about the cost and impact on City staff of implementing this policy, consideration of additional open government and transparency sections to the policy, and a determination as to when it might be appropriate to adopt the policy as a City ordinance.

CITY COUNCIL NORMS AND PROCEDURES



COUNCILMEMBERS

Jeannie Bruins
Anita Enander
Neysa Fligor
Lynette Lee Eng
Jan Pepper

COUNCIL NORMS AND PROCEDURES

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CITY OF LOS ALTOS

CITY COUNCIL NORMS AND PROCEDURES

SECTION 1. GENERAL

- 1.1 Purpose. The purpose of these Norms and Procedures is to promote communication, understanding, fairness, and trust among the members of the City Council and staff concerning their roles, responsibilities, and expectations for management of the business of the City of Los Altos.
- 1.2 Values. Councilmembers shall treat fellow Councilmembers, members of the public, Commission and Committee members, and staff and consultants with respect, civility and courtesy. All Councilmembers shall respect each other's individual points of view and right to disagree. When addressing the public in any way, all Councilmembers shall make certain their opinions are expressed solely as their own, and do not necessarily reflect the opinions of any other Councilmember. Councilmembers shall respect the decisions of the majority of the Council at all times.
- 1.3 Review. The City Council shall conduct a review of this document biennially, or whenever a new Councilmember has been seated or Council deems necessary, to assist Councilmembers in being more productive in management of the business of the City. A new Council will consider the document within three months of its first regular meeting.
- 1.4 Ralph M. Brown Act. All conduct of the City Council, Commissions, Committees and Subcommittees shall be in full compliance with State law, including the Ralph M. Brown Act.

SECTION 2. MAYOR AND VICE MAYOR SELECTION PROCESS

- 2.1 Reorganization. The reorganization of the Council shall occur at a special meeting held on the first Tuesday of December. The seating of new Councilmembers shall occur at the same meeting that the Council reorganizes, which will be held on the earliest available Tuesday following the certification of election results.

Seating preferences on the dais shall be made by the Mayor, Vice Mayor and then by seniority of the rest of the members, in that order. If two members have equal seniority based on year elected, then the member with the higher vote count in their most recent election is considered to have higher seniority.

A community reception honoring the incoming and outgoing Mayor and Councilmembers will be held immediately following the reorganization meeting.

- 2.2 Election of Mayor. Only Councilmembers elected by the voters may serve as Mayor. Those persons who are appointed to the City Council due to the cancellation of an election may also serve as Mayor.

The term of office shall be one year. The Councilmember must have served at least 23 months to be eligible for Mayor. A majority vote of the Council is necessary to designate the Mayor. If there is at least one elected Councilmember with a minimum of 23 months of service who has not served as Mayor, he or she shall be designated Mayor before those who have already served as Mayor.

If there are two or more such members who have served more than 23 months and have never served as Mayor, the one having served the longest time on the Council shall be designated as Mayor.

In the event there are two or more members, who have never served as Mayor and have served the same length of time, the one who received the greatest number of votes at his/her election or re-election to the Council shall become Mayor.

In the event there are two or more members, ~~both of whom~~ who have served as Mayor, who have served the same continuous length of time, and who have been re-elected to the Council, the one who received the greatest number of votes at his/her re-election to the Council shall become Mayor.

In the event three new members are elected to the Council, then an exception to Sections 2.2 and 2.3 will apply, allowing the immediate appointment of a Vice Mayor without the normal 11 months of prior service, and the following year such person may be appointed as the Mayor without the normal 23 months of prior service. Any member re-elected to the Council after a break in service will be treated in the normal sequence for appointment as Vice Mayor and Mayor, without regard to such person's service prior to the break in service.

The Mayor may be removed from office, for cause, by a 4/5ths affirmative vote of the members. The person is to be advised of the proposed cause for removal at least 72 hours before the action is taken. Requests for an agenda item to consider removal of the Mayor should be made to the City Manager.

- 2.3 Election of Vice Mayor. Only Councilmembers elected by the voters may serve as Vice Mayor. Those persons who are appointed to the City Council due to the cancellation of an election may also serve as Vice Mayor.

The selection process for determining who shall serve as Vice Mayor will follow that of Mayor, except the Councilmember must have served at least 11 months to be eligible to serve as Vice Mayor.

The Vice Mayor may be removed from office, for cause, by a 4/5ths affirmative vote of the members. The person is to be advised of the proposed cause for removal at least 72 hours before the action is taken. Requests for an agenda item to consider removal of the Vice Mayor should be made to the City Manager.

- 2.4 Councilmembers Serving After a Break in Service. The time of continuous service for any elected member of the Council who previously served on the Council prior to a break in service shall be considered to have started at his/her election after their break in service.

- 2.5 Appointment of Vacancy. In the event of a vacancy of office by the death or resignation of any Councilmember, the Council shall appoint a new Councilmember within sixty (60) days after a vacancy becomes effective in compliance with the California Elections Code, unless the Council, by resolution, decides to instead call a special election. In the event of appointment, the Council shall determine the process for appointment prior to the application process and in accordance with State law.

SECTION 3. COUNCIL SUBCOMMITTEES

- 3.1 Responsibility. The Mayor shall appoint Councilmembers to standing and ad hoc subcommittees as required to accomplish the work of the Council, subject to affirmation by

the Council at its next regular meeting. It will be the responsibility of these subcommittees to inform and make recommendations to the Council and submit them to the Council for a vote. Staff shall work with, and support, Council subcommittees as required.

- 3.2 Instructions and Expectations. The Council shall make certain that all Council subcommittees are properly instructed in their assigned scope of work and responsibilities. The expected outcome of the committee's efforts shall be defined in writing and approved by a majority of the City Council.
- 3.3 Reporting. Council subcommittee members are to keep the Council informed of the work and progress of their subcommittee. These reports or minutes shall be made in writing whenever a recommendation is made to the Council.
- 3.4 Standing Subcommittees. Four standing subcommittees of the Council exist: the Council Youth Commission Interview Committee, the City/Los Altos School District Schools Issues Committee, the City/Cupertino Union School District Schools Issues Committee and the Open Government Committee.

The Council Youth Commission Interview Committee consists of two members of the City Council and is responsible for conducting interviews of applicants for the Youth Commission and making recommendations to the City Council regarding the appointments. The Committee meets as needed.

The City/Los Altos School District Schools Issues Committee consists of two members of the City Council and two members of the Board of Trustees of the Los Altos School District. The purpose of the subcommittee is to facilitate communication between the two bodies on issues of mutual concern by both legislative bodies, as directed by the City Council and/or School Board. Meetings are open to the public and are generally held at least bi-annually.

The City/Cupertino Union School District Schools Issues Committee consists of two members of the City Council and two members of the Board of Trustees of the Cupertino Union School District. The purpose of the subcommittee is to facilitate communication between the two bodies on issues of mutual concern. Meetings are open to the public.

The Open Government Committee consists of two members of the City Council and advises the City Council and provides information to the City Manager on potential ways to implement the Open Government Policy. The Committee develops appropriate goals to ensure practical and timely implementation of the Open Government Policy and proposes any amendments to the Policy.

SECTION 4. COMMISSIONS AND COMMITTEES

- 4.1 Responsibility. The Council will appoint residents of the community to the City's standing commissions and committees. Commission and committee members shall represent the interests of the community when serving on these bodies. These commissions and committees will respect the public and staff and shall take seriously their responsibility for reporting to the Council. Each commission is to keep a rotation schedule for representation at City Council meetings by one of its members. Attendance is required when a commission has an item of interest on the Council agenda, so as to be available to answer Council questions.
- 4.2 Governing. The City's Commissions and Committees are governed by the Commission Handbook as adopted and amended by the City Council.

- 4.3 Commission Liaisons. To facilitate the exchange of information between the Council and its Commissions, the Mayor will at least annually make liaison appointments to the Commissions. These appointments shall be ratified by the Council. Councilmembers shall respect the separation between policy making and advisory Commissions by: A) not attempting to lobby or influence Commissions on any item under their consideration; B) attending meetings of assigned Commissions, as needed, but not taking a position on an item before the Commission; C) not voting at the Commission's meeting on any item; and D) assisting the Commission in scheduling recommendations to be heard by the Council.

If an issue arises regarding a member of any Commission, staff may work with the assigned Council Liaison to resolve the issue.

- 4.4 Commissioners serve at the pleasure of the City Council. The City Council may discipline or remove a Commissioner at any time solely at the discretion of the Council. Any proposed removal can be with or without cause. A Councilmember who wishes to discipline or remove a Commissioner shall indicate their desire to place the discipline or removal on a future agenda at the end of a regular Council meeting. If three or more Councilmembers wish to agendaize the discipline or removal of a certain Commissioner, the item will be placed on a Council agenda.

SECTION 5. AD HOC COMMITTEES AND TASK FORCES

- 5.1 Instructions and Expectations. The Council shall make certain that all Council-appointed Ad Hoc Committees and Task Forces are properly instructed in their assigned scope of work and responsibilities. The expected outcome of the Committee's or Task Force's efforts shall be defined in writing and formally approved by a majority of the City Council.
- 5.2 Reports. Ad Hoc Committees and Task Forces are responsible for keeping the Council informed about issues being considered, and their progress. This is to be accomplished by meeting minutes distributed in the Council meeting packets or through oral reports to Council. Ad Hoc Committees and Task Forces are responsible for advising the Council of any need for information or more specific instructions.
- 5.3 Redirection. Ad Hoc Committees and Task Forces shall obtain Council concurrence before they proceed in any direction different from the original instructions of the Council.
- 5.4 Noticing. Per Resolution No. 2015-09, Ad Hoc Committees and Task Forces that are created by the City Council and are composed of less than a quorum of the Council and have members of City Commissions and/or members of the public on the committee are subject to the provisions of the Ralph M. Brown Act.

SECTION 6. ADMINISTRATIVE MATTERS

- 6.1 Attendance. City Councilmembers acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Councilmembers shall make a good faith effort to attend all such meetings unless unable. Councilmembers will notify the Mayor or the City Clerk if they will be absent from a meeting.

- 6.2 Correspondence. With some exceptions, proposed correspondence (including electronic) from individual Councilmembers/Mayor on City stationery shall be reviewed by the Council in draft form prior to release. On occasion, there are urgent requests from the League of California Cities for correspondence concerning legislation directly affecting municipalities. Assuming there is agreement between the Mayor and City Manager that the League's position corresponds with that of the Council, the Mayor may send a letter without first obtaining Council review.

City letterhead will be made available for routine, discretionary correspondence (i.e., thank you notes, etc.), or such correspondence will be prepared by staff for signature, without prior consent of the Council. E-mails from Councilmembers should be respectful, professional and consistent with the City's Electronic Use Policy.

- 6.3 Regional Boards. The Mayor shall appoint Councilmembers to Regional Committees/Commissions/Boards as required by the governing bodies. These appointments are subject to affirmation by the Council. The role of the Council on regional boards will vary depending on the nature of the appointment. Representing the interests of Los Altos is appropriate on some boards; this is generally the case when other local governments have their own representation.

The positions taken by the appointed representatives are to be in alignment with the positions that the Council has taken on issues that directly impact the City of Los Altos. If an issue should arise that is specific to Los Altos, and the Council has not taken a position, the issue should be discussed by the Council prior to taking a formal position at a regional board meeting, to assure that it is in alignment with the Council's position.

Council representatives to such boards shall keep the Council informed of ongoing business through brief oral or written reports to the Council.

Councilmembers shall make a good faith effort to attend all regional meetings that require a quorum of the appointed members to convene a meeting. If a Councilmember is unable to attend, he/she should notify his/her alternate as far in advance of the meeting as possible so as to allow the alternate to attend.

- 6.4 Response to Public. It will be the responsibility of the City Manager to ensure a response is provided to all public correspondence for informational requests addressed to the Council. Staff shall respond to all requests for services and provide a copy of such correspondence to the City Council, as appropriate.
- 6.5 Proclamations. Proclamations are discretionary public announcements directing attention to a local resident, organization or event. The Mayor, without formal action of the Council, may issue proclamations. Requests for proclamations should be submitted at least one week in advance. This allows the Mayor to decide if a proclamation should be issued. Alternatively, the Mayor, at his/her discretion, may refer a request to Council.
- 6.6 Reimbursement. City Councilmembers may be reimbursed for personal expenses for travel to and lodging at conferences or meetings related to their role as a Councilmember. Reimbursements shall be subject to the City's Travel and Expense Policy.

Brief reports must be given on any outside meeting attended at the expense of the City at the next regular Council meeting. Reimbursement is conditioned on the submission of this report to the City Council.

6.7 Training.

Ethics: Members of the City Council and commissions shall receive at least two hours of ethics training in general ethics principles and ethics laws relevant to his/her public service every two years. New members must receive this training within their first year of service. Members shall attend training sessions that are offered locally in the immediate vicinity of Santa Clara County or by completing online a state-approved public service ethics education program.

An individual who serves on multiple legislative bodies need only receive two hours of ethics training every two years to satisfy this requirement for all applicable public service positions.

Sexual Harassment: In addition, Councilmembers shall receive two hours of sexual harassment prevention training every two years, per State law. New members must receive this training within their first six months of service.

Brown Act: Those individuals appointed by the City Council to serve on a commission or advisory committee will receive training on the requirements of the Brown Act ~~at the time within 60 days of them they beginning~~ their service.

The City Clerk is required to keep training records for five years to document and prove that these continuing education requirements have been satisfied. These documents are public records subject to disclosure under the California Public Records Act.

- 6.8. Use of Electronic Devices during Council Meetings. City Councilmembers shall not use electronic devices to send or receive communications regarding agenda items or to access information which other Councilmembers do not have equal access to during a meeting of the City Council at which he or she is in attendance. This does not apply to receipt of telephone calls or text messages from family members in the event of an urgent family matter. Councilmembers responding to such a message during the meeting shall do so in a manner that does not disrupt the meeting.

- 6.9 City Mission and City Seal. The Mission of the City of Los Altos is a ~~strategie document~~statement that reflects the values of our residents. The City Seal is an important symbol of the City of Los Altos. No change to the City Mission and/or City Seal shall be made without Council approval.

- 6.10 Use of email. City Councilmembers shall strive to use only their City email account for City business.

SECTION 7. COUNCIL RELATIONSHIP WITH STAFF

- 7.1 City Manager. City Councilmembers are always free to go to the City Manager to discuss any subject. Issues concerning the performance of a Department or any employee must be directed to the City Manager. City Councilmembers shall not meet with groups of management employees for the purpose of discussing terms of employment or establishing employee policy. Direction to City employees, other than the City Manager or City Attorney, is the prerogative of the City Manager. In passing along critical information, the City Manager will be responsible for contacting all Councilmembers. The City Manager may delegate this responsibility to Department Heads.
- 7.2 Agenda Item Questions. The Council shall not abuse staff, nor embarrass staff in public. If a Councilmember has a question on a subject, the Councilmember should contact the City Manager prior to any meeting at which the subject may be discussed. This does not restrict Councilmembers from asking questions during a Council meeting.

- 7.3 Complaints. Councilmembers shall encourage people to file all complaints directly with the appropriate staff member. Staff shall ensure that all people receive a response.
- 7.4 Staff. Councilmembers may ask Department Heads for information. This informal system of direct communication is not to be abused.

SECTION 8. MEETINGS

- 8.1 Open to Public. All meetings of the City Council whether regular, special, or study sessions, shall be open to the public, unless a closed session is held as authorized by law. All meetings shall be noticed as required to allow action to be taken by the Council.
- 8.2 Broadcasting of City Council Meetings. All regular Council meetings and study sessions shall be scheduled in the Community Meeting Chambers to allow for web streaming and simulcast on the City's Government Access Channel, unless the number of participants exceeds room capacity. The final decision shall be the responsibility of the Mayor. All Council meetings held in the Community Meeting Chambers shall be video-recorded.
- 8.3 Regular Meetings. The City Council shall conduct its regular meetings at the time and place established by ordinance. At the first regular meeting in December, the City Council will approve the schedule of meetings for the next calendar year, which in addition to the regular meeting schedule, may include the cancellation of regular meetings and the addition of special meetings and study sessions. This practice does not, however, preclude the Mayor or a majority of the members of the City Council from calling additional meetings pursuant to Section 8.5, if necessary.

It will be the custom to have a recess at approximately 9:00 p.m. Prior to the recess, the Mayor shall announce whether any items will be carried over to the next meeting. The established hour after which no new items will be started is 11:00 p.m. Remaining items, however, may be considered by consensus of the Council.

- 8.4 Cancelling Meetings. Any meeting of the City Council may be cancelled in advance by majority vote of the Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of members have confirmed in writing to the City Manager their unavailability to attend a meeting or agreement to cancel a meeting.
- 8.5 Special Meetings. A special meeting may be called at any time by the Mayor or by a majority of the City Council in accordance with the Brown Act. Written notice of any such meeting must specify the purpose of the meeting and the identities of members making the call. Notice of the meeting must be given in accordance with law. Public comments at special meetings shall be limited to only those items described on the special meeting notice/agenda.

The City Council may hold study sessions or joint meetings with other boards, commissions, committees, or agencies as deemed necessary to ~~resolve~~ attend to City business. These meetings will be coordinated by the City Clerk. Study sessions are scheduled to provide Councilmembers the opportunity to better understand a particular item. While Council may legally take action at any noticed meeting, generally no formal action is taken at study sessions. If action is to be taken at a study session, then the agenda will state that action may be taken.

- 8.6 Closed Sessions. The City Council may hold closed sessions at any time authorized by law (and in consultation with the City Attorney), to consider or hear any matter, which is

authorized by law. The Mayor or a majority of the City Council may call closed session meetings at any time. Requests for a closed session should be made to the City Manager.

- 8.7 Annual Retreat. The City Council shall hold an annual retreat following the reorganization of the Council (typically in December or January). The purpose of the retreat shall be to review accomplishments for the past year and to discuss and set priorities for the City Council for the following year.

- 8.8 Quorum. Three (3) members of the City Council shall constitute a quorum and shall be sufficient to transact business. If less than three Councilmembers appear at a regular meeting, the Mayor, Vice Mayor in the absence of the Mayor, any Councilmember in the absence of the Mayor and Vice Mayor, or in the absence of all Councilmembers, the City Clerk or Deputy City Clerk, shall adjourn the meeting to a stated day and hour.

Business of the City Council may be conducted with a minimum of three members being present; however, pursuant to the California Government Code, matters requiring the expenditure of City funds and all resolutions and non-urgency ordinances must receive three affirmative votes for approval.

- 8.9 Minutes. Staff shall prepare minutes of all public meetings of the City Council. Copies shall be distributed to each Councilmember. Closed session minutes, if any, shall be approved by all Councilmembers and kept in strict confidence.

- 8.10 Adjourned Meetings. The City Council may adjourn any regular, adjourned regular, special or closed session meeting to a time and place specified in the order of adjournment and permitted by law.

SECTION 9. POSTING NOTICE AND AGENDA

- 9.1 Posting of Notice and Agenda. For every regular, special, or study session meeting, the City Clerk or other authorized person shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all items of business to be discussed at the meeting. This notice and agenda may be combined in a single document. Posting is to be according to the City's Open Government Policy and State law.

- 9.2 Location of Posting. The notice and agenda shall be posted at City Hall and at the meeting location, if located away from City Hall, in a place to which the public has unrestricted access and where the notice and agenda are not likely to be removed or obscured by other posted material, and to the City website.

SECTION 10. AGENDA CONTENTS

- 10.1 Mayor's Responsibility. The Mayor is responsible for running a timely and orderly meeting. If the Mayor is unavailable to run a Council meeting, the Vice Mayor shall run the meeting. The Mayor, in consultation with the City Manager or his/her designee, and the City Clerk shall organize the agenda.
- 10.2 Description of Matters. All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description should set forth the proposed action to be considered so that members of the public will know the nature of the action under review and consideration.

- 10.3 Availability to the Public. The agenda for any regular, special, or study session meeting, shall be made available to the general public as required by law.
- 10.4 Limitation to Act Only on Items on the Agenda. No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:
- A. Upon a majority determination that an “emergency situation” (as defined by State Law) exists; or
 - B. Upon determination by a 4/5 vote of the full City Council, or a unanimous vote if less than a full Council, that there is a need to take immediate action and that the need to take the action came to the attention of the City Council subsequent to posting of the agenda.
- 10.5 "Timing" of Agenda. Staff and/or the Mayor will "time" the agenda as a way for the Council to maintain a sense of how much time can be committed to any one item without going past an established ending time for the meeting.
- 10.6 Order of Agenda. The prescribed order of the agenda for Regular Meetings of the Council will be as follows: Establish Quorum, Pledge of Allegiance, Closed Session Announcement (if needed), Changes to the Order of the Agenda, Special Items, Public Comments on Items not on the Agenda, Consent Calendar, Public Hearings, Discussion Items, Informational Items, City Council Reports (limited to one minute per Councilmember), Future Agenda Items (limited to one minute per Councilmember), and Adjournment.
- 10.7 Change in Order of Business. The Mayor, or the majority of the Council, may decide to take matters listed on the agenda out of the prescribed order. All items removed from the Consent Calendar may be considered immediately after approval of the Consent Calendar or elsewhere in the agenda at the Mayor’s discretion. Councilmembers shall be given the opportunity to ask questions about Consent Items for clarification without having them removed.
- 10.8 Tentative Council Calendar. The Tentative Council Calendar shall list items pending to come before Council within the next 12 months period.

Quarterly (first meeting in January, April, July and October), Council shall review the Tentative Council Calendar. At this time, Councilmembers may request new items be added. The Councilmember requesting the item shall state the topic and which Council priority the request aligns to. Council and staff shall agree as to where the new item shall be placed on the Tentative Council Calendar.

- 10.9 Placing items on a future agenda. Members of the City Council may have any matter that can be legally agendaized placed on the agenda of the City Council by indicating their desire to do so under that portion of the City Council agenda designated, “Future City Council Agenda Items.” Placing an item on a future agenda requires two Councilmembers to support the item if no staff work is required and three Councilmembers if staff work is required.

10.10 Council questions. Councilmembers shall strive to provide questions to city staff on agenda items as early as possible before a council meeting to allow adequate time to respond to the questions. Staff will provide all questions and answers to Council questions to all Councilmembers and to the public. Councilmembers shall notify staff if they plan to raise a specific, asked and answered question at the Council meeting. If a Councilmember feels they need additional information to make a decision on an item, and the item is not time sensitive, the Councilmember shall request the item be continued at the beginning of the meeting.

SECTION 11. PROCEDURES FOR THE CONDUCT OF PUBLIC MEETINGS

11.1 Role of Mayor.

- A. The Mayor shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Mayor to ensure that the rules of operation and decorum contained herein are observed. The Mayor shall maintain control of communication between Councilmembers and among Council, staff and public.
- B. Communication with Councilmembers
 - 1. Councilmembers shall request the floor from the Mayor before speaking.
 - 2. When one member of the Council has the floor and is speaking, other Councilmembers shall not interrupt or otherwise disturb the speaker.
- C. Communication with Members of the Public Addressing the Council
 - 1. The Mayor shall open the floor for public comment as appropriate.
 - 2. Councilmembers may question a person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak.
 - 3. Any staff member with an item on the agenda will be available to the City Council to answer questions arising during discussions between Councilmembers and among Councilmembers and members of the public.
 - 4. Members of the public shall direct their questions and comments to the Council.

11.2 Rules of Order. The City Council adopts no specific rules of order except those listed herein. The City Council shall refer to *Rosenberg's Rules of Order*, as a guide for the conduct of meetings, with the following modifications:

- A. A motion is not required prior to a general discussion on an agenda item. A pre-motion discussion allows the members to share their thoughts on the agenda item so that a motion can more easily be made that takes into account what appears to be the majority position.
- B. All motions, except nominations, require a second.
- C. A motion may be amended at the request of the maker and the consent of the person who seconded the motion. Such a procedure is often used to accommodate concerns expressed by other members.
- D. A motion to amend may still be used.

The Mayor has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting. These latter rules will be followed unless objected to by a majority of the City Councilmembers present.

11.3 Appeal Procedures. Appellants shall be given the opportunity to speak first. Appellants and applicants responding to appeals may be given a total of up to 10 minutes each to present their positions to the City Council prior to hearing public comments. Appellants shall be given up to 5 minutes of rebuttal time after public comments are heard.

11.4 Applicants. Persons bringing to the City Council a request for approval shall be given a total of up to 10 minutes to present their positions/input prior to hearing public comments. An extension can only be granted by consent of a majority of the Councilmembers. Applicants shall be given up to 5 minutes of rebuttal time after public comments are heard.

11.5 Public Hearing Procedures. All land use public hearing items shall follow the following procedures:

A. Staff presentation and/or report followed by clarifying questions from the Council

B. Disclosure of communications: Councilmembers shall disclose all personal communications with any individual, including, but not limited to, the project applicant, prospective project applicants, neighboring property owners, residents or any other party regarding development projects. These disclosures shall include a full description of the nature of the discussion, and in particular, any information not presented as part of the public record

C. The Mayor shall open the public hearing

a. Applicant presentation; the applicant shall be given a total of up to 10 minutes to the City Council

b. The Council shall take public comments

c. Applicant rebuttal period; the applicant shall be given a total of up to 5 minutes rebuttal time. If there are no public comments, the applicant shall not be given time for rebuttal

D. The Mayor shall close the public hearing

E. Council discussion, consideration and decision

11.5 Staff and Consultant Reports. Staff and consultant reports will be given a limit of up to 10 minutes. Staff is to assume that the Council has read all materials submitted. Council shall be given an opportunity to ask questions of staff prior to hearing public comments.

11.6 Public Comment.

A. Persons present at meetings of the City Council may comment on individual items on the agenda. During Regular City Council meetings, comments may be offered on items not on the agenda under that portion of the agenda identified for Public Comment.

B. The limit for speakers will be 1 to 3 minutes, depending on the number of speakers. If there are 10 or fewer requests to speak on any agenda item, the limit for each speaker will be 3 minutes. The Mayor may limit the time to be spent on an item and may continue the item, with the approval of the majority of the Council, to a future meeting at his/her discretion.

A group of speakers may designate a single speaker to represent the group. The designated speaker would be given the time which would have been allocated to others (to a maximum of 10 minutes) to speak. Individuals wanting to delegate time to another must be present at the meeting and must indicate their desire to cede time to a single individual by noting on a speaker card they are doing so. Persons who have ceded their time will not be permitted to speak on the topic at that meeting. ~~Ceding of time will not be allowed during noticed public hearings.~~

C. In order to facilitate an orderly meeting schedule, each speaker is requested to fill out a Request to Speak card before discussion on the agenda item begins, with the name and address of the speaker, and the subject or subjects upon which the speaker wishes to

address the City Council. The request to speak cards shall be turned into the City Clerk before the item is heard by the City Council.

- D. Upon addressing the Council, each speaker is requested, but not required, to first state his/her name, whom they represent and/or city of residence.
- E. After the speaker has completed their remarks, Councilmembers may ask questions of the speaker after being acknowledged by the Mayor. Councilmembers shall be respectful of the speakers and shall not enter into a debate with any member of the public.
- F. Upon conclusion of the Public Comment section for any item, the Mayor may provide Councilmembers and/or staff with an opportunity to respond to statements made by the public.
- G. All Councilmembers shall listen to all public discussion as part of the Council's community responsibility. Individual Councilmembers should remain open-minded to comments made by the public.
- H. The Mayor has the right to ask a member of the public to step down if over the allotted time or if comments are not germane.

11.7 Motions. It will be the practice of the City Council for the Mayor to provide Councilmembers an opportunity to ask questions of staff, comment on, and discuss any agenda item in order to help form a consensus before a motion is offered. After such discussion, the Mayor or any Councilmember may make a motion. Before the motion can be considered or discussed, it must be seconded. Once a motion has been properly made and seconded, the Mayor shall open the matter to full discussion offering the first opportunity to speak to the moving party, and thereafter, to any Councilmember recognized by the Mayor. Customarily, the Mayor will take the floor after all other Councilmembers have been given the opportunity to speak.

If a motion clearly contains divisible parts, any Councilmember may request the Mayor or moving party divide the motion into separate motions to provide Councilmembers an opportunity for more specific consideration.

Tie Votes: Tie votes shall be lost motions. When all Councilmembers are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Council takes other action to further consider the matter.

If a tie vote results at a time when less than all members of the Council, who may legally participate in the matter, are present, the matter shall be automatically continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by the Council.

11.8 Reconsideration.

A. Request for Reconsideration.

1. Request by a member of the public.

Any member of the public may request that a member of the City Council that voted in the majority request reconsideration. In order for that member of Council to take action, such request must be received no later than 5:00 p.m. on the third

day following the decision. The requestor should specify in writing the reason for the request to reconsider.

2. Request by a member of the City Council.

Only a member of the City Council who voted on the prevailing side may request reconsideration. The request may be made at the same meeting or 24 hours in advance of the posting of the agenda for the next regular meeting. Meeting agenda postings are governed by the Open Government Policy or Brown Act, whichever requires the most notice.

3. The City Councilmember making the request should state orally or in writing the reason for the request, without dwelling on the specific details or setting forth various arguments.

B. Motion to Reconsider Any Council Action.

1. Reconsideration at the same meeting.

A motion to reconsider an action taken by the City Council may be made at the same meeting at which the action was taken (including an adjourned or continued meeting). A motion to reconsider an action may be made only by a Councilmember who voted on the prevailing side, but may be seconded by any Councilmember and is debatable.

The motion must be approved by a majority of the entire City Council.

2. Reconsideration at a subsequent meeting.

Requests for reconsideration not made at the same meeting must be made by a member of the prevailing party 24 hours to the City Manager prior to the posting of the next regular meeting agenda. If the request is supported by any two (2) other Councilmembers, then it shall be added to the agenda. A request added to an agenda shall be structured in a manner that the reconsideration may take place immediately following approval of the request for reconsideration.

At the time such motion for reconsideration is heard, testimony shall be limited to the facts giving rise to the motion.

C. Effect of Approval of Motion.

Upon approval of a motion to reconsider, and at such time as the matter is heard, the City Council shall only consider any new evidence or facts not presented previously with regard to the item or a claim of error in applying the facts.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice is required.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting and shall be re-noticed in accordance with the Government Code, the City Municipal Code and the *Council Norms and Procedures*. The Clerk shall provide notice to all interested parties as soon as possible when a matter becomes the subject of a motion to reconsider.

11.9 Discussion.

- A. The discussion and deliberations at meetings of the City Council are to secure the mature judgment of Councilmembers on proposals submitted for decision. This purpose is best served by the exchange of thought through discussion and debate.

To the extent possible, Councilmembers should disclose any ex parte communication prior to discussion on an item.

Discussion and deliberation are regulated by these rules in order to assure every member a reasonable and equal opportunity to be heard.

- B. Obtaining the Floor for Discussion.

After the Council has commented on an issue, and a motion has been stated to the Council and seconded, any member of the Council has a right to discuss it after obtaining the floor. The member obtains the floor by seeking recognition from the Mayor. A member who has been recognized should limit his/her time to 3 minutes.

- C. Speaking More Than Once.

To encourage the full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question. If a Councilmember has already spoken, other Councilmembers wishing to speak shall then be recognized. No Councilmember shall be allowed to speak a second time until after all other Councilmembers have had an opportunity to speak.

- D. Relevancy of Discussion.

All discussion must be relevant to the issue before the City Council. A Councilmember is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. Councilmembers shall avoid repetition and strive to move the discussion along. Arguments, for or against a measure, should be stated as concisely as possible.

A motion, its nature, or consequences, may be attacked vigorously. It is never permissible to attack the motives, character, or personality of a member either directly or by innuendo or implication. It is the duty of the Mayor to instantly rule out of order any Councilmember who engages in personal attacks. It is the motion, not its proposer, that is subject to debate.

It is the responsibility of each Councilmember to maintain an open mind on all issues during discussion and deliberation. It is not necessary for all City Councilmembers to speak or give their viewpoints if another Councilmember has already addressed their concerns.

E. Mayor's Duties During Discussion.

The Mayor has the responsibility of controlling and expediting the discussion. A Councilmember who has been recognized to speak on a question has a right to the undivided attention of the Council.

It is the duty of the Mayor to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.

F. After the Vote.

Once a majority of the Council has approved a motion, no further discussion shall be made unless the item is brought for reconsideration as described previously. Councilmembers shall abide by the majority decision of the Council, even if in the minority. Councilmembers appointed to serve on regional boards and committees shall maintain the Council's position on an item even if the Councilmember disagrees with that position.

~~11.10 Councilmember Respect. At all times, Councilmembers in the minority on an issue shall respect the decision and authority of the majority.~~

11.11 Council and Staff Reports and Directions on Future Agenda Items. Council and staff reports at the end of Council meetings shall be limited to announcing Council, Regional Board activities on which Councilmembers serve, City and City-sponsored activities. Community groups may announce their activities during Public Comments at the beginning of Council meetings.

SECTION 12. CLOSED SESSIONS

12.1 Purpose. It is the policy of the City Council to conduct its business in public to the greatest extent possible. However, state law recognizes that, in certain circumstances, public discussion could potentially jeopardize the public interest, compromise the City's position, and could cost the taxpayers of Los Altos financially. Therefore, closed sessions shall be held from time to time as allowed by law. The procedures for the conduct of these meetings shall be the same as for public meetings, except that the public will be excluded.

Prior to convening the closed session meeting, the City Clerk shall publicly announce the closed session items and ask for public input regarding any items on the closed session agenda.

City Councilmembers shall keep all written materials and verbal information provided to them in closed session in complete confidence to insure that the City's position is not compromised. No mention of information in these materials shall be made to anyone other than Councilmembers, the City Attorney or City Manager, except where authorized by a majority of the City Council.

12.2 Rule of Confidentiality. The City Council recognizes that breaches in confidentiality can severely prejudice the City's position in litigation, labor relations and real estate negotiations. Further, breaches of confidentiality can create a climate of distrust among Councilmembers and can harm the Council's ability to communicate openly in closed sessions, thereby impairing the Council's ability to perform its official duties.

The City Council further recognizes that confidentiality of discussions and documents are at the core of a closed session. Confidentiality is essential if the closed session is to serve its purpose. Therefore, the City Council will adhere to a strict policy of confidentiality for closed sessions.

- 12.3 Breach of Rule of Confidentiality. No person who attends a closed session may disclose any statements, discussions, or documents used in a closed session except where specifically authorized by State law. Any authorized disclosure shall be in strict compliance with these rules and the Ralph M. Brown Act. Violation of this rule shall be considered a breach of this rule of confidentiality.
- 12.4 Agenda. The agenda for a closed session will contain that information required to be disclosed pursuant to the Ralph M. Brown Act.
- 12.5 Permissible Topics. All closed sessions will be held in strict compliance with the Ralph M. Brown Act. The City Attorney, or his/her designee, will advise in advance on topics that may be discussed in a closed session.
- 12.6 Rules of Decorum.
- A. The same high standard of respect and decorum as apply to public meetings shall apply to closed sessions. There shall be courtesy, respect and tolerance for all viewpoints and for the right of Councilmembers to disagree. Councilmembers shall strive to make each other feel comfortable and safe to express their points of view. All Councilmembers have the right to insist upon strict adherence to this rule.
 - B. Prior to a vote, the Mayor shall ensure that the motion is clearly stated and clearly understood by all Councilmembers.
 - C. The Mayor shall keep the discussion moving forward so that debate and a vote can occur in the time allotted for the closed session. The Mayor will determine the order of debate in a fair manner.
- 12.7 Conduct of Meeting.
- A. The Mayor will call the closed session to order promptly at its scheduled time.
 - B. The Mayor will keep discussion focused on the permissible topics.
 - C. The use of handouts and visual aids such as charts is encouraged to focus debate and promote understanding of the topic. All such materials are strictly confidential.
 - D. If the City Council in closed session has provided direction to City staff on proposed terms and conditions for any type of negotiations, whether it be related to property acquisitions or disposal, a proposed or pending claim or litigation, or employee negotiations, all contact with the other party will be through the designated City person(s) representing the City in the handling of the matter. A Councilmember, not so designated by the Council, will not under any circumstances have any contact or discussion with the other party or its representative concerning the matter which was discussed in the closed session, and will not communicate any discussions conducted in closed session to such party.
- 12.8 Public Disclosure After Final Action.
- A. The Ralph M. Brown Act requires that, as a body, the City Council make certain public disclosure of closed session decisions when those actions have become final.

Accordingly, the City Council shall publicly report any final action taken in closed session, and the vote, including abstentions, as directed by the Ralph M. Brown Act.

- B. The report may be oral or written. The report will state only the action taken and the vote. Unless authorized by the majority of the City Council, the report will not state the debate or discussion that occurred. Except for the action taken and the vote, all closed session discussions will remain confidential.

SECTION 13. DECORUM

- 13.1 Councilmembers. Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Councilmembers shall accord the utmost courtesy to each other, City employees, and the public appearing before the City Council. When speaking, a Councilmember's tone should remain neutral and non-verbal communication aspects should be considerate and polite. Formal business attire is required only when Council meetings, workshops, or study sessions are held in Community Meeting Chambers and/or televised.
- 13.2 City Employees. Members of the City staff shall observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business and professional manner towards Councilmembers and members of the public.
- 13.3 Public. Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council. City Code Chapter 2.05, *Public Meeting Rules for Conduct*, shall apply to all City Council Meetings.
- 13.4 Noise in the Chambers. Noise emanating from the audience, whether expressing opposition or support within the Community Meeting Chambers or lobby area, which disrupts City Council meetings, shall not be permitted. All cellular phones and other consumer electronic devices shall be muted while in the chambers. Refusal is grounds for removal.

SECTION 14. VIOLATIONS OF PROCEDURES

Nothing in these Norms and Procedures shall invalidate a properly noticed and acted upon action of the City Council in accordance with State Law.

This document shall remain in effect until modified by the City Council.

AMENDED AND APPROVED: February 26, 2019.

APPENDIX A

ROSENBERG'S RULES OF ORDER





City of Los Altos

Commission Handbook

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INTRODUCTION

This manual functions as an introduction to service as a Commission or Committee member in Los Altos. For the purposes of this manual, the terms Commission member and Committee member are interchangeable. For those instances not covered in this manual, refer to the City Council Norms and Procedures and the Los Altos Municipal Code for additional guidance.

THE BASICS

Government in the City of Los Altos

The City of Los Altos operates under the Council-Manager form of government. The City Council sets policy for the City which is then carried out by the City Manager and staff.

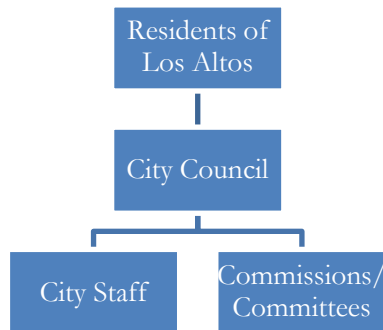


Figure 1: City of Los Altos organization

Commissions are integral to the City's commitment to developing policies which reflect the needs and values of the community. Commissions work closely with staff and the Council to carry out the duties and responsibilities assigned by Council.

City Council

The City Council is elected by registered voters of the City of Los Altos and serves as the 'Board of Directors' for the City. The Council is the legislative body of the City. It

sets policy and establishes the City's overall priorities, direction and financial plan. The Council appoints the City Manager, who is responsible for the administration of City business, and the City Attorney.

To facilitate the exchange of information between the Council and its Commissions, one Councilmember will be assigned as a liaison to each Commission. These liaisons may attend meetings, but will not participate as a member of the Commission. While Council liaisons may offer general guidance, liaisons do not speak for the Council on matters not previously considered by the Council as a whole.

Commissions/Committees

Residents are appointed by Council to serve on Commissions to advise and make recommendations to the Council and staff. Commissions focus on specific policy issues and provide additional opportunity for community participation in decision making.

From time to time, there may be instances when staff's recommendations on an issue may differ from that of the Commission. If this occurs, staff will inform the Commission of this in advance of the Council meeting and both recommendations will be presented to the Council for consideration.

As appointees of the City Council, members of Commissions are public officials and are appointed to represent all residents of the City, not individual organizations or special interest groups. Care should be taken to ensure that viewpoints expressed as public officials are consistent with City Council policy and the position of the majority of the Commission. Minority opinions are allowed but Commissioners should support actions taken by a majority of the Commission. Individuals should consult with their staff liaison regarding matters in which they may be construed as representing the City.

Each Commission is established by Chapter 2.08 of the Los Altos Municipal Code, which includes the powers and duties of each Commission. Committees, both standing and ad hoc, are created by Council action and typically are assigned to focus on a specific topic for a short duration. Ad hoc Committees (sometimes referred to as Task Forces) may include Commissioners.

Staff

The City Manager serves as the 'Chief Executive Officer' for the City and implements policy set by the City Council, manages the day-to-day affairs of the City, appoints and removes employees, prepares the budget, enforces laws and ordinances, and makes recommendations to the Council on the general welfare of the City. He/she hires professionally trained staff to assist in carrying out his/her responsibilities.

The City Manager assigns staff members to assist the various Commissions in carrying out their responsibilities. These staff liaisons, by virtue of their technical training and experience, are competent to provide such assistance.

Role of Staff Liaison

- Attend all meetings of the Commission
- Prepare agendas in collaboration with the Chair
- Work with the Commission in the development of a work plan for the coming year and a summary of accomplishments for the previous year
- Research and prepare reports for the Commission, as is consistent with the work plan and/or Council direction
- Ensure agendas and reports are posted in compliance with State law and City protocols
- Prepare action minutes for approval by the Commission
- Prepare reports from the Commission to the Council, ensuring that reports represent the majority view of the Commission, even if the majority view differs from staff opinion.
- Serve as the liaison between the Commission and City staff
- Submit all budget requests from Commissions to cover costs associated with accomplishing its mission as well as to attend training sessions related to accomplishing the work of the Commission
- Communicate directions from the City Council to the Commission
- Stay apprised of new laws and City protocols related to their

Figure 2: Role of Staff Liaison

Commissions work closely with the staff liaisons; however, they do not have the authority to supervise or direct the work of staff.

MEMBERSHIP ON CITY COMMISSIONS

Unless otherwise directed, Commission members must be residents of the City of Los Altos. If, at any time during their term, a member moves to a principal residence outside the City, he/she shall become ineligible to continue as a member of that body.

Members are appointed by and serve at the pleasure of the City Council. With the exception of Senior and Youth Commissioners, members serve for a term of four years and may serve a total of two, four-year terms, plus any portion of an unexpired term for which they have been appointed. Senior Commissioners may serve four, two-year terms. Youth Commissioner may serve two-year terms through the conclusion of their final year in high school.

Ad hoc Committee members are appointed for the length of time the Committee is active or as established by the Council. These Committees are disbanded when the task has been completed or when deemed necessary by the City Council. Council members and Commissioners may serve on ad hoc Committees.

Two members of an immediate family, or persons residing in the same household, are not allowed to serve simultaneously on the same Commission or Committee, including ad hoc Committees. Immediate family members of City Council members are not eligible for appointment to any Commission or Committee.

Appointment

The City Council accepts applications for Commission positions year-round. Two times per year, formal recruitments are conducted for those positions which are or will become vacant (including those for which an incumbent is eligible for reappointment). With the exception of the Youth Commission, interviews are scheduled before the entire City Council at a special meeting. Between the two formal recruitments, the City may conduct recruitments for vacant positions as they arise. Interviews for these positions may be held either immediately before or during a regular Council meeting. Appointments are made by written ballot during a regular City Council meeting.

Youth Commission applicants are interviewed by the City Council Youth Commission Interview Committee which then makes appointment recommendations to the full City Council at a regular Council meeting.

Reappointment

Upon completion of the first four-year term, or an unexpired term, Commissioners must notify the City Clerk, in writing, indicating interest in continuing on the Commission for another four-year term. Commissioners requesting reappointment will be interviewed by the City Council. Reappointments will occur at the same time as appointments to the Commission. Upon completion of their service, Commissioners shall meet, either in person or via telephone, with the Council Liaison assigned to their respective Commission. The purpose of this meeting is to provide Commissioners with a chance to offer feedback to the Council regarding their time on the Commission.

Resignation/Removal

In the event a member is unable to continue serving because of change of residence, health, business requirements or other personal reasons, a letter of resignation must be submitted to the City Clerk.

Members of Commissions serve at the pleasure of the City Council. The City Council shall review members' performance and fulfillment of Commission member obligations and may remove a member from a Commission based upon that review. The City Council may discipline or remove a Commissioner at any time solely at the discretion of the Council. Any proposed removal can be with or without cause. A Councilmember who wishes to discipline or remove a Commissioner shall indicate their desire to place the discipline or removal on a future agenda at the end of a regular Council meeting. If three or more Councilmembers wish to agendize the discipline or removal of a certain Commissioner, the item will be placed on a Council agenda.

Attendance and Participation

A majority of members is necessary to conduct business. As such, Commission members are expected to attend no less than 75% of the regularly scheduled meetings annually during their term of office. At the end of each year, the City Council reviews an annual attendance report for each Commission. A Commissioner may be removed for failing to attend the required minimum number

of meetings or after a third consecutive absence. If a Commissioner must miss a meeting, he/she should advise the staff liaison as soon as possible. If a Commission meeting is cancelled due to a lack of quorum, that meeting will still be considered a regularly scheduled meeting for purposes of calculating attendance, and those members whose absences caused the cancellation shall be charged with an absence for that meeting. e.

Commissions benefit from the informed input of each member of the body. Each Commission member is expected to exercise judgment in formulating recommendations to the Council. Members are expected to be prepared for meetings and to participate and vote on every issue before the Commission, unless they are legally prohibited from participating. Lack of preparation and participation can be grounds for removal from a Commission. A commission member shall be designated to attend any City Council meeting when that Commission has an item of interest on the Council agenda so as to be available to answer Council questions.

Statement of Economic Interest

The Statement of Economic Interest (Form 700) is a form on which designated employees and officials disclose certain financial interests. State law dictates that members of the Planning and Transportation Commission must file Form 700s. In addition, the City identifies those positions which are subject to the City's Biennial Conflict of Interest Code. Those individuals appointed to positions identified in the Conflict of Interest Code are required to file Form 700s. Commission members not identified in the Conflict of Interest Code are not subject to these regulations.

Commissioners are responsible for ensuring that statements are filed properly and on time. For assistance in completing the forms, contact the City Clerk's Office or the Fair Political Practices Commission (FPPC). Non-compliant Commissioners shall receive a letter from the City Clerk notifying them of their non-compliance and are subject to monetary fines. Continued non-compliance shall be grounds for removal from the Commission.

All statements filed are maintained in the City Clerk's Office and are available for public review.

Commission Member Responsibilities

- ☐ ~~Attend at least 75% of regular meetings annually.~~
- ☐ Prepare for and participate in all Commission meetings
- ☐ Attend at least 75% of regular meetings annually
- ☐ File Form 700 on time, if required
- ☐ Complete Brown Act Training within 60 days of appointment as a new Commissioner
- ☐ Complete two hours of Ethics Training every two years
- ☐ Attend Annual Commission Training

Type of Occurrence Filing

Assuming Office	Within 30 days of assuming office
Annual	Each year on or before April 1
Leaving Office	Within 30 days of leaving office

Table 1: Deadlines for filing Form 700

Ethics Training

All those appointed by the Los Altos City Council to serve on Commissions shall complete at least two hours of public service ethics training every two years. New members must receive this training within their first year of service. Ethics training courses must have been reviewed

Figure 3: Commission Member Responsibilities

and approved by the FPPC and the California Secretary of State. Members shall attend training sessions that are offered locally or by completing online training. Non-compliance shall be grounds for removal from the Commission.

It is the responsibility of a Commissioner to provide proof of completion of the ethics training program to the City Clerk. These documents are public records and are subject to public review.

The City Clerk provides periodic reports of Form 700 and Ethics Training compliance to the City Council. The Council may remove any non-compliant Commissioner.

THE BROWN ACT

The Ralph M. Brown Act (Brown Act) is the State of California's open government law. Its purpose is to ensure that deliberations and actions of local agency bodies are open to the public and that there is meaningful public access to a local agency's decision-making process. All City Commissions are subject to the Brown Act. Staff liaisons to Commissions are versed in the elements of the Brown Act and will help Commissioners understand their obligations related to the Brown Act. In addition, certain subcommittees or ad hoc committees may be subject to the provisions of the Brown Act. Commissioners should consult with their staff liaison regarding questions of the Brown Act. Ultimately, it is up to the individual Commissioner to ensure that they are complying with the Brown Act.



Figure 4: Ralph M. Brown

A major element of the Brown Act relates to meetings of legislative bodies. A meeting is defined as the coming together of a majority or more of a particular body (also known as a quorum) where the business of that body is discussed. Meetings must be properly noticed and held in facilities that are open and accessible to all. All meetings must be held within the City of Los Altos. A discussion which occurs outside of a properly noticed meeting and which involves a majority or more of a body is a violation of the Brown Act. This includes serial discussions which involve only a portion of the Commission, but eventually involve a majority. The two most common serial discussions are daisy chain and hub and spoke.

Daisy Chain

A daisy chain is when Member A contacts Member B who then contacts Member C who then contacts Member D and so forth, until a majority of members has discussed an item within the Commission's subject matter jurisdiction.

Hub and Spoke

A hub and spoke meeting is when one individual (the hub) contacts members individually (the spokes) until a majority has been achieved. The hub could be a Commissioner, staff member or member of the public.

To attempt to avoid serial meetings, emails from Commissioners that are intended for the entire Commission should be sent through the staff liaison. Commissioners should take care to not reply all on emails.

Violations

Penalties for Brown Act violations can range from invalidation of an action taken to prosecution as a misdemeanor offense. In addition, there may be fines and/or attorney's fees associated with a violation of the Brown Act. Commissioners who violate the Brown Act may be subject to removal.

Whenever a questionable area arises, it should be brought to the attention of the City Attorney or City Clerk so that corrective actions or “cures” may be taken. Advice from the City Attorney or City Clerk should be followed completely to ensure all actions of the City comply with the Brown Act.

Types of meetings

There are two types of meetings which Commissions hold. The first, and most common, are regular meetings. These meetings are where a Commission accomplishes the vast majority of its work. Regular meeting days, times and locations are established by formal action of the Commission.

The second type are special meetings. A special meeting is any meeting held outside of the normal meeting day, time or location. Action may be taken at special meetings and agendas for those meetings should indicate the action recommended to be taken.

Special meetings may include study sessions. Study sessions are held to provide Commission members the opportunity to discuss and better understand a particular item. Generally, no action is taken at study sessions.

Agendas

The staff liaison, in collaboration with the Chair, is responsible for preparing all agendas of a Commission. All items of business that will be considered or discussed at a meeting shall be briefly described on the agenda. The description should define the proposed action to be considered so that members of the public will know the nature of the action under review and consideration. No discussion or action may be taken by a Commission on any item not on the agenda.

The Chair, or a majority of the Commission, may decide to take matters listed on the agenda out of the prescribed order.

All agendas and meeting materials are posted to the City’s website as set forth in the Brown Act and the City’s Open Government Policy. All Commissioners should sign up to receive meeting notices and associated agenda materials for their specific Commission through the City’s website.

Meeting Minutes

Written minutes of all regular and special meetings are kept as the official record of business transacted and are taken by the staff liaison. Minutes are modeled after the City Council form of minutes known as “action minutes” and include a record of the legislative actions from the meeting. They do not include summaries of comments or discussion made by Commissioners or members of the public. The staff liaison will endeavor to distribute draft minutes within 10 days of the meeting.

Any document submitted at a meeting, whether by a member of the public or a Commissioner, becomes part of the public record. The staff liaison should make a notation on the document of the date it was submitted and file it with the meeting packet. The staff liaison is responsible for posting the materials received within 48 hours of the meeting to the City’s website.

Adding items to a future agenda

Commissioners may request that items be placed on a future agenda. This is done by requesting an item during the “Potential Future Agenda Items” portion of the meeting or by emailing a request to the staff liaison. Requests must be for items that are under the purview of the Commission. One less than a majority of members is required to place an item on an agenda. The staff liaison will work with the Chair to determine the best meeting to place an item on an agenda. Any background materials or information should be provided to the staff liaison for inclusion in the agenda packet. Future agenda items must be consistent with the Commission’s work plan.

CONFLICT OF INTEREST

Commission members are subject to all aspects of the Political Reform Act. Commission members must not make, participate in making, or attempt to influence in any manner a governmental decision which he/she knows, or should know, may have a material effect on a financial interest.

It is ultimately the responsibility of the Commission member to identify whether they have a conflict of interest or not. The City Attorney should be consulted as early as possible on any matters which may be a conflict of interest.

A Commission member who has a conflict of interest shall, immediately prior to the consideration of the matter, do all of the following: 1) publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address is not required; 2) recuse himself or herself from discussing and voting on the matter; and 3) leave the room until after the discussion, vote, and any other disposition of the matter is concluded. Notwithstanding this, a Commission member may speak on the issue during the time that the general public speaks on the issue.

COMMISSION ORGANIZATION

Each Commission consists of between five and eleven members. Each member has an equal voice and vote on the Commission.

Chair and Vice Chair

To facilitate meetings and the work of the Commission, each Commission appoints a Chair and Vice Chair from the members of the Commission. The positions of Chair and Vice Chair rotate annually. Election of Chair and Vice Chair occurs at the first meeting in April or October, depending on when members are appointed to the Commission. In the event of either's resignation or removal, the Commission shall elect another member to fill the remainder of the year.

The role of the Chair is to preside at Commission meetings and to run a timely and orderly meeting. The Vice Chair is to preside in the absence of the Chair. If both the Chair and Vice Chair are absent, the Commission may elect a Chair Pro Tem to conduct the meeting. It is incumbent upon the Chair to limit discussion and recommendations to those items on the agenda.

Subcommittees

A Commission may appoint special subcommittees, consisting of less than a majority of the body, to work on specific tasks. Subcommittees should be focused on one specific topic and should last no more than one year. These subcommittees are working bodies and may be responsible for generation of reports and analyses, which are reviewed by staff prior to distribution to the full Commission. Commissions may not create standing committees.

MEETING PROCEDURES

All Commission meetings are open to the public and should be approached in a dignified, respectful manner. It is the responsibility of all Commissioners to treat their duties and obligations seriously and to ensure that all meetings are productive and further the mission of the City.

Rules of Order

Rosenberg's Rules of Order, with addendums adopted by the City Council, govern the conduct of Commission meetings. Information regarding the *Rules of Order* can be obtained from the City Clerk's Office.

Consideration of agenda items

The standard procedure for considering individual agenda items shall be as outlined in Figure 5. From time to time, the prescribed order may be changed.

Official action requires a majority vote of the entire Commission/Committee, not just those present.

Public Comment

Persons present at Commission meetings may comment on any item on the agenda. To facilitate an orderly meeting, each speaker is requested, but not required, to complete a Request to Speak card for each item they wish to speak on before discussion on that item begins. To ensure that all are heard, speakers are typically given three minutes to speak on

Consideration of an agenda item

1. Presentation by Staff, Commissioner or subcommittee
2. Commissioners ask clarifying questions
3. Members of the public are given an opportunity to speak on the item
4. Commissioners discuss the item
5. If needed, a motion is made upon which the Commission votes on the matter

Figure 5: Procedures for considering agenda items

each item. If there are more than 10 requests to speak on an agenda item, the Chair may limit each speaker's time to two minutes.

The Chair has the right to ask a member of the public to step down from speaking if over the allotted time or if comments are not related to the topic at hand.

During regular meetings, comments may be offered on items not on the agenda under that portion of the agenda identified for Public Comment. The Commission may not discuss nor take action on any item raised during the Public Comments on Items not on the Agenda portion of the meeting.

Teleconferencing

Commission members shall not participate in meetings by teleconference.

DECORUM

Commissioners shall render the utmost courtesy to each other, the City Council, staff and members of the public. Commissioners may be subject to dismissal for failure to observe these standards.

Members of the public attending Commission meetings shall observe the same rules of order and decorum applicable to Commission members. Los Altos Municipal Code Chapter 2.05 – Public Meetings Rules for Conduct shall apply to all meetings. To provide an environment in which all viewpoints may be expressed, noise emanating from the audience, whether in opposition or support, shall not be permitted. Continual disruption of meetings by members of the public may be grounds for removal from the meeting.

TRAINING

Commissioners are expected to stay current on issues related to their service as a public official. Members are provided brief training following their appointment regarding their duties as a Commissioner and the Brown Act. Annual trainings are organized by the City Clerk and conducted by City staff to review roles and responsibilities and to provide information on any changes in laws or policies that may be relevant to conducting the work of the Commissions. Attendance at this training is required for all Commission members and staff liaisons. Individuals who are unable to attend the training session will be required to ~~complete~~ watch the video of the training and certify that they have completed the training.

Members of Commissions are encouraged, within budget limitations, to attend training related to their area of responsibility. It is intended that such attendance will broaden a member's knowledge and increase awareness of current developments relating to relevant areas of responsibility. The City may cover costs of registration and certain travel expenses in accordance with the City's Travel and Expense Policy. Requests for use of City funds must be approved in accordance with City Policy.

CONCLUSION

The City Council and staff appreciate your service as a Los Altos Commission member. The time and energy you expend help to make Los Altos the wonderful community it is. If at any time during your service, you have questions or concerns, do not hesitate to contact your staff liaison who can help address any issue which may arise.

Cheat sheet for Chair (and Vice Chair)

(and anyone who may have to run a meeting)

The role of the Chair of a Commission is to preside at meetings and to help move the work of the Commission forward. The Chair (and Vice Chair) does not have any extra authority or power beyond that of his/her fellow Commissioners.

As Chair, you are responsible for conducting meetings of the Commission. It is important to limit discussion to those items on the agenda. For each agenda item, it is suggested that you follow this procedure:

1. Announce what the item being considered is
2. Ask if there is a report for the item – generally, this is provided by the staff liaison but occasionally may be provided by another Commissioner
3. Ask Commissioners if there are any clarifying questions
4. Take public comment – instructions for how to take public comment are included in the “Meeting Procedures” section of the Commission Handbook
5. Facilitate discussion among the Commission – it is important that each Commissioner is given equal chance to speak and express his/her opinion
6. After discussion of the item, ensure that a conclusion is reached – this can be in the form of a motion, direction provided to staff or a subcommittee, decision to continue the item to a date certain or not certain, or to take no further action.

Applications

On occasion, a Commission may receive an application from a resident or community group which the Commission is to consider. In these instances, applicants are given a total of ten minutes to present their position/input prior to hearing other public comments. This is done after the staff has presented its report. After the applicant(s) has presented, public comment is taken from the audience. Following public comment, the applicant is given five minutes to provide a rebuttal to any issue raised during public comments.

Announcing votes

The Brown Act requires that all votes be clearly noted, both at the meeting and in the record. It is the Chair’s responsibility to ensure that the vote is noted during the meeting. This is done by announcing how each member voted on a particular issue. If the voting is unanimous, it is sufficient to state “passes unanimously.” The staff liaison will ensure that the minutes accurately reflect how each member voted on each issue.

Recess

It is customary to have a short recess two hours after the beginning of a meeting. The established hour after which no new items will be started is four hours after the beginning of the meeting. Remaining items, however, may be considered by consensus of the Commission/Committee.



DISCUSSION ITEMS

Agenda Item # 6

AGENDA REPORT SUMMARY

Meeting Date: May 28, 2019

Subject: Santa Clara/Santa Cruz Community Roundtable

Prepared by: Chris Jordan, City Manager

Attachment(s): None

Initiated by:

City of Los Altos SC/SC Roundtable representative Councilmember Enander

Previous Council Consideration:

Not applicable

Fiscal Impact:

Not applicable

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

- Does the City Council wish to direct staff to take action on any of the items reported on by the City's representative to the Roundtable?

Summary:

- The SC/SC Roundtable has now met several times and it is possible that there are certain items that may require Council consideration under certain time constraints
- Councilmember Enander, as the City's representative to the Roundtable, will provide a verbal report on any significant items pending at the Roundtable

Staff Recommendation:

Receive the report from the Roundtable representative and provide any necessary direction to staff.

Reviewed By:

City Manager

CJ

City Attorney

CD

Finance Director

SE
