



**City of Lemon Grove  
City Council Regular Meeting Agenda  
Tuesday, November 16, 2021, 6:00 p.m.  
Lemon Grove Community Center  
3146 School Lane, Lemon Grove, CA 91945**

**For everyone's protection, all attendees must maintain a safe social distance and face coverings will be required to attend the meeting**

**City Council**

Racquel Vasquez, Mayor  
Jerry Jones, Mayor Pro Tem  
Jennifer Mendoza, Councilmember  
Liana LeBaron, Councilmember  
George Gastil, Councilmember

A complete agenda packet is available for review on the [City's website](#)

*The City Council also sits as the Lemon Grove Housing Authority, Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board, and Lemon Grove Successor Agency*

**Call to Order**

**Pledge of Allegiance**

**Changes to the Agenda**

**Public Comment**

*Digitally submitted public comments received by the Deputy City Clerk at [amalone@lemongrove.ca.gov](mailto:amalone@lemongrove.ca.gov) will not be read out-loud during the meeting. However, they will be provided to the City Council and remain part of the meeting's records. Per the Lemon Grove Municipal Code Section 2.14.150, live comments are allotted a maximum of three (3) minutes.*

**Consent Calendar**

*(Note: The items listed on the Consent Calendar will be enacted in one motion unless removed from the Consent Calendar by Council, staff, or the public.)*

1.A Waive Full Text Reading of All Ordinances on the Agenda

Reference: Kristen Steinke, City Attorney  
Recommendation: Waive the full text reading of all ordinances included in this agenda; Ordinances shall be introduced and adopted by title only.

1.B City of Lemon Grove Payment Demands

Reference: Rod Greek, Interim Administrative Services Director  
Recommendation: Ratify Demands

1.C Approval of City Council Meeting Minutes

Reference: Audrey Malone, Deputy City Clerk  
Recommendation: Approve the City Council meeting Minutes, meeting of October 19, 2021 and November 2, 2021.

1.D Award a Contract for Guardrail Repairs (Contract No. 2021-26)

Reference: Mike Stauffer, Senior Management Analyst and Mike James, Assistant City Manager/Public Works Director

Recommendation: Adopt a resolution awarding a contract with Maneri Traffic Control, Inc. for Guardrail Repairs (Contract No. 2021-26).

**Reports to Council:**

2. **State Mandated Organic Waste Disposal Ordinance AMENDED**

Reference: Lydia Romero, City Manager and Kristen Steinke, City Attorney

Recommendation: Introduce for its first reading Ordinance 459 “An ordinance of the City Council of the City of Lemon Grove, California amending Chapter 13.28 of the Lemon Grove Municipal Code to comply with State mandated organic waste disposal requirements.”

3. Call for Applications for the Community Advisory Commission

Reference: Lydia Romero, City Manager

Recommendation: That the City Council: 1) Give direction to Staff regarding the appointment process and 2) Adopt a resolution (Attachment A), establishing a recruitment process for the three permanent and ad-hoc members of the Community Advisory Commission.

**City Council Reports on Meetings Attended at the Expense of the City**

*(GC 53232.3 (d)) (53232.3. (d) states that members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.)*

**City Manager Report**

**Adjournment**

AFFIDAVIT OF NOTIFICATION AND POSTING

STATE OF CALIFORNIA )

COUNTY OF SAN DIEGO ) SS

CITY OF LEMON GROVE )

I, Audrey Malone, Deputy City Clerk of the City of Lemon Grove, hereby declare under penalty of perjury that a copy of the above Agenda of the Regular Meeting of the City Council of the City of Lemon Grove, California, was delivered and/or notice by email not less than 72 hours, before the hour of 6:00 p.m. on November 12, 2021 to the members of the governing agency, and caused the agenda to be posted on the City’s website at [www.lemongrove.ca.gov](http://www.lemongrove.ca.gov) and at Lemon Grove City Hall, 3232 Main Street Lemon Grove, CA 91945.

/s/: Audrey Malone

Audrey Malone, Deputy City Clerk

In compliance with the Americans with Disabilities Act (ADA), the City of Lemon Grove will provide special accommodations for persons who require assistance to access, attend and/or participate in meetings of the City Council. If you require such assistance, please contact the City Clerk at (619) 825-3800 or email [amalone@lemongrove.ca.gov](mailto:amalone@lemongrove.ca.gov). A full agenda is available for public review at City Hall.



# CITY OF LEMON GROVE

## CITY COUNCIL STAFF REPORT

**Item No.** 1.A  
**Meeting Date:** November 16, 2021  
**Submitted to:** Honorable Mayor and Members of the City Council  
**Department:** City Manager's Office  
**Staff Contact:** Kristen Steinke, City Attorney  
**Item Title:** **Waive the Full Text Reading of all Ordinances**

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**Summary:** Waive the full text reading of all ordinances included in this agenda. Ordinances shall be introduced and adopted by title only.

**Environmental Review:**

- Not subject to review                       Negative Declaration  
 Categorical Exemption, Section |                       Mitigated Negative Declaration

**Fiscal Impact:** None.

**Public Notification:** None.



# CITY OF LEMON GROVE

## CITY COUNCIL STAFF REPORT

**Item No.** 1.B  
**Meeting Date:** November 16, 2021  
**Submitted to:** Honorable Mayor and Members of the City Council  
**Department:** City Manager's Office  
**Staff Contact:** Rod Greek, Interim Administrative Services Director  
[rgreek@lemongrove.ca.gov](mailto:rgreek@lemongrove.ca.gov)  
**Item Title:** **City of Lemon Grove Payment Demands**

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**Recommended Action:** Ratify Demands.

**Environmental Review:**

- Not subject to review  Negative Declaration  
 Categorical Exemption, Section |  Mitigated Negative Declaration

**Fiscal Impact:** None.

**Public Notification:** None.

**City of Lemon Grove Demands Summary**

Approved as Submitted:

Yolanda Cerezo, Interim Finance Manager  
For Council Meeting: 11/16/21

ACH/AP Checks 10/26/21-11/05/21 802,005.21

Payroll - 11/02/21 134,990.90

Total Demands 936,996.11

CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	Oct19 21	US Treasury	10/26/2021	Federal Taxes 10/19/21	25,516.50	25,516.50
ACH	74839602	WEX Bank	10/28/2021	Fuel - Fire Dept/Animal Control/Code Enforcement- Sep'21	2,761.09	2,761.09
ACH	Oct21	Wage Works	10/31/2021	FSA Reimbursement - Oct'21	4,011.59	4,011.59
ACH	Aug21	San Diego County Sheriff's Department	11/02/2021	Law Enforcement Services - Aug'21	539,047.14	539,047.14
ACH	Nov21	Pers Health	11/02/2021	Pers Health Insurance - Nov21	51,088.81	51,088.81
ACH	Oct21	Sedgwick Claims Management Services, Inc.	11/02/2021	CLG Workers Comp Claims - Oct'21	4,621.16	4,621.16
ACH	Refill 11/1/21	Pitney Bowes Global Financial Services LLC	11/02/2021	Postage Usage 11/1/21	250.00	250.00
ACH	10/22/2021 82098091 9/11/2021 9/1/2021 9/9/2021 9/19/2021 9/1/2021 9/18/2021 9/1/2021 9/4/2021 3104924272 9887633321 9888322553 9888322554 9888323067 Fire-9888849241	Wells Fargo	11/04/2021	AT&T - Backup City Hall Internet- 9/23/21-10/22/21 Corelogic - Realquest Graphics Package - Aug21 Cox - Calsense Modem Line: 2259 Washington 9/11/21-10/10/21 Cox - Calsense Modem Line: 7071 Mt Vernon/Berry St Pk 9/1/21-9/30/21 Cox - Calsense Modem Line: 8235 Mt Vernon/Berry St Pk 9/9/21-10/8/21 Cox - Phone/PW Yard/2873 Skyline- 9/19/21-10/18/21 Cox - Phone/City Hall 9/1/21-9/30/21 Cox - Copy Room Fax Line- 9/18/21-10/17/21 Cox - MainPhone/Fire 9/1/21-9/30/21 Cox - Phone/Internet/Rec Ctr/3131 School Ln- 9/4/21-10/3/21 Pitney Bowes - Postage Meter Rental 6/30/21-9/29/21 Verizon - Modems - Cardiac Monitors - 8/4/21-9/3/21 Verizon - City Phone Charges- 8/13/21-9/12/21 Verizon - PW Tablets- 8/13/21-9/12/21 Verizon - Mobile Broadband Access- 8/13/21-9/12/21 Verizon - MDC Engine Tablets- 8/21/21-9/20/21	85.60 300.00 24.01 24.01 94.39 219.73 826.24 4.30 451.32 349.85 178.65 21.50 266.82 925.37 76.02 364.16	4,211.97
ACH	Nov2 21	Employment Development Department	11/04/2021	State Taxes 11/2/21	9,515.97	9,515.97
ACH	Oct20-Nov2 21	Calpers Supplemental Income 457 Plan	11/05/2021	457 Plan 10/20/21-11/2/21	9,559.05	9,559.05
14978	13418	Balestreri, Potocki & Holmes	10/27/2021	Legal Svcs: File 1019-224 - thru Aug'21	1,295.50	1,295.50
14979	4077-Aug 4077-Jul 4077-Sep ACSERV-Aug2021 ACSERV-Aug2021 ACSERV-Jul2021 ACSERV-Jul2021 ACSERV-Sep2021 ACSERV-Sep2021	City of Chula Vista	10/27/2021	Animal Control Services- Aug'21 Animal Control Services- Jul'21 Animal Control Services- Sep'21 After Hours Calls- Aug'21 Credit/Impound Fees/Animal Control Services- Aug'21 After Hours Calls- Jul'21 Credit/Impound Fees/Animal Control Services- Jul'21 After Hours Calls- Sep'21 Credit/Impound Fees/Animal Control Services- Sep'21	22,354.00 22,354.00 22,354.00 587.46 -345.00 1,174.92 -530.00 783.28 -385.00	68,347.66
14980	0000015859	City of El Cajon	10/27/2021	Overtime Reimbursement - Saffer 10/2/21	1,319.28	1,319.28
14981	23761 23762 23778	City of La Mesa	10/27/2021	Overtime Reimbursement - Lopez 9/13/21 2022 Shift Calendars - Lemon Grove Share Fire Helmet & Mask Nametags & Stickers - Lemon Grove Share	1,444.86 130.19 95.67	1,670.72
14982	49299 49302	Colantuono, Highsmith & Whatley, PC	10/27/2021	Legal Svcs: Affordable Housing Sep'21 Legal Svcs: Affordable Housing Sep'21	315.00 327.00	642.00
14983	Oct21	Colonial Life	10/27/2021	Colonial Optional Insurance Oct-21	328.76	328.76
14984	1012219905	Domestic Uniform Rental	10/27/2021	Shop Towels & Safety Mats 10/12/21	37.25	37.25
14985	ES Engineering	ES Engineering Services LLC	10/27/2021	Refund/ES Engineering Services LLC/Late Fee	73.00	73.00
14986	Nov21	Fidelity Security Life Insurance Company	10/27/2021	Vision Insurance -Nov21	332.89	332.89
14987	160840	Fire Etc	10/27/2021	Citrosqueeze/PPE Turnout Gear Cleaner	165.94	165.94
14988	SIN012182	HDL Coren & Cone	10/27/2021	Contract Services Property Tax - Oct - Dec 2021	2,310.49	2,310.49
14989	10473	I.B. Trophies & Awards	10/27/2021	New Name Badge - Fire	24.86	24.86
14990	1139246	Life-Assist, Inc.	10/27/2021	Nitrile Exam Gloves	822.70	822.70
14991	Marsalis	Marsalis, Junius	10/27/2021	Refund/Marsalis, Junius/Overpaid License Fees	14.00	14.00

14992	1126844	Michael Baker International	10/27/2021	Prof Eng Svcs: FY18/19 Sewer CIP Rehab Proj Design thru 8/29/21	3,390.00	3,390.00
14993	INV-15-114727	Paymentus Group Inc.	10/27/2021	Transaction Fees - Jul'21	9.95	9.95
14994	00111324	The East County Californian	10/27/2021	Notice of Public Hearing - CUP-200-0002 10/15/21	161.00	161.00
14995	STMT 9/22/2021 STMT 9/22/2021	US Bank Corporate Payment Systems	10/27/2021	Lodging & Food/OES Deployment 9/8/21 Hayward Cleaners/Lightbulbs - Fire Stn Repair Hose Bed Cover - E310 Headlight/Screws for Bumper Food/OES Deployment 9/20/21 Duenez Job Posting - Street Tech I Fuel for Fleet Repair/LGPW#22 '03 GMC 2500 Repair Toilet - Rec Ctr Repair Lock - Senior Ctr Car Wash/LGPW#35 '04 Expedition Credit/Movie in the Park 8/13/21 Fencing/Damage City Property/Broadway & LGA Repair Toilet - Fire Stn End Cap for Water Leak - Rec Ctr Nameplates/Stauffer/Jacobs/Planning Comm Attorney Registration/City Clerk Assn/Malone Zoom Subscription for Online Mtgs	126.45 112.32 15.00 26.66 82.65 33.88 897.19 21.31 90.30 275.00 17.99 -33.48 3,454.00 272.78 42.80 37.71 25.00 59.76	5,557.32
14996	80383210 80396637	Waxie Sanitary Supply	10/27/2021	Janitorial Supplies Janitorial Supplies	67.26 1,136.53	1,203.79
14997	684534 684874	Atlas Technical Consultants LLC	11/03/2021	Prof Svcs: McKnight Dr Drainage Proj thru 8/15/21 Prof Svcs: McKnight Dr Drainage Proj thru 9/15/21	3,589.25 6,098.75	9,688.00
14998	23781	City of La Mesa	11/03/2021	Overtime Reimbursement - Lopez 9/24/21	1,444.86	1,444.86
14999	99873	Collision & Injury Dynamic, Inc.	11/03/2021	Legal Svcs: GHC0025482	2,262.50	2,262.50
15000	1266 613	Dean Gazzo Roistacher LLP	11/03/2021	Legal Svcs: GHC0025482 Legal Svcs: GHC0025482	11,877.00 3,940.00	15,817.00
15001	8/19/21-10/20/21	Helix Water District	11/03/2021	Water Services- 8/19/21-10/20/21	26,910.10	26,910.10
15002	11/2/21	ICMA	11/03/2021	ICMA Deferred Compensation Pay Period Ending 11/2/21	780.77	780.77
15003	14133	Infrastructure Engineering Corporation	11/03/2021	Prof Svc: Proj#2021-12 McKnight SD Improvements 8/28/21-9/24/21	1,678.50	1,678.50
15004	73157472	Occupational Health Centers of CA	11/03/2021	Medical Exam - 10/13/21	47.00	47.00
15005	#Sep-21	San Diego County Sheriff's Department	11/03/2021	CESF CARES COVID-19 Homeless Response & Assist 6/18/21-10/7/21	3,838.76	3,838.76
15006	10/21/2021 10/21/2021 10/21/2021	SDG&E	11/03/2021	3225 Olive- 9/22/21-10/21/21 3500 1/2 Main- 9/22/21-10/21/21 3601 1/2 LGA-9/22/21-10/21/21	192.69 90.44 36.54	319.67
15007	00111323 00111473 00111510	The East County Californian	11/03/2021	Notice of Public Hearing - 8249 Broadway Alley Vac 10/15/21 Notice of Public Hearing - 8249 Broadway Alley Vac 10/22/21 Notice of Public Hearing - CDBG FY22-23	308.00 154.00 171.50	633.50
15008	80385	Tyson & Mendes, LLP	11/03/2021	Legal Svcs: GHC0019886	75.00	75.00
15009	80402095	Waxie Sanitary Supply	11/03/2021	Janitorial Supplies	219.16	219.16
					802,005.21	802,005.21



**MINUTES OF THE VIRTUAL REGULAR MEETING  
OF THE LEMON GROVE CITY COUNCIL  
TUESDAY, October 19, 2021 at 6 PM**

*The City Council also sits as the Lemon Grove Housing Authority,  
Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board,  
and Lemon Grove Successor Agency.*

In compliance with Assembly Bill (AB) 361 signed by Governor Newsom on September 16, 2021, the Regular Meeting of the City Council scheduled for Tuesday, October 9, 2021 at 6:00 p.m. was a virtual meeting – audio only.

**Call To Order:**

Mayor Racquel Vasquez called the Regular Virtual City Council Meeting to order at 6:03 p.m.

**Present:**

Mayor Racquel Vasquez, Mayor Pro Tem Jerry Jones, Councilmember Jennifer Mendoza, Councilmember Liana LeBaron, and Councilmember George Gastil.

**Staff Members Present:**

Lydia Romero, City Manager, Kristen Steinke, City Attorney, Mike James, Assistant City Manager/Public Works Director, Noah Alvey, Community Development Manager, Steve Swaney, Fire Chief, Patrick McEvoy, Lieutenant, Michael Stauffer, Senior Management Analyst and Audrey Malone, Deputy City Clerk.

**Pledge of Allegiance:**

Pledge of Allegiance to the Flag was led by Mayor Pro Tem Jones.

**Changes to the Agenda:**

Item 1.B, Payment Demands pulled by Councilmember LeBaron, to be heard last on the agenda.

**Presentation(s):**

Proclamation Clergy Appreciation Month honoring Pastors Mark and Anne Stapleton

Proclamation on National Arts and Humanities Month honoring the Lemon Grove Incident Mural

**Public Comment:**

Email Submitted - *Read out-loud by Audrey Malone, Deputy City Clerk:*

- Brenda Keliinoi
- Jessyka Heredia

Live Comments:

- Judi Strang
- Barbara Gordon
- Kelly McCormick
- Becky Rapp

**Consent Calendar:**

1.A Waive Full Text Reading of All Ordinances on the Agenda

1.B City of Lemon Grove Payment Demands

1.C Approval of City Council Meeting Minutes Meeting of October 5, 2021

**Action:** Motion by Councilmember Gastil and seconded by Councilmember Mendoza, to approve the Consent Calendar Items 1.A and 1.D. *(Item 1.B pulled by Councilmember LeBaron)*

**The motion passed by the following vote:**

**Ayes:** Vasquez, Jones, Mendoza, LeBaron, Gastil.

**Noes:** None.

**Absent:** None.

**Reports to Council:**

**2. Accept the FY 2020-21 Storm Drain Repair Project as Complete (Contract No. 2021-16)**

Mayor Vasquez calls on Michael Stauffer, Senior Management Analyst to present staff report.

Email Submitted - *Read out-loud by Audrey Malone, Deputy City Clerk:*

- **None.**

Live Comments:

- **None.**

Council provides questions/comments of staff.

**Action:** Motion by Mayor Pro Tem Jones seconded by Councilmember Mendoza, to adopt a resolution accepting the Fiscal Year 2020-21 Storm Drain Repair Project as complete (Contract No. 2021-16).

**The motion passed by the following vote:**

**Ayes:** Vasquez, Jones, Mendoza, LeBaron, Gastil.

**Noes:** None.

**Absent:** None.

**3. Arbor Day Proclamation and Becoming a Tree City USA City**

Mayor Vasquez calls on Mike James, Assistant City Manager/Public Works Director to present staff report.

Email Submitted - *Read out-loud by Audrey Malone, Deputy City Clerk:*

- **None.**

Live Comments:

- **None.**

Council provides questions/comments of staff.

**Action:** Motion by Mayor Pro Tem Jones seconded by Councilmember Mendoza, to authorize the Mayor or the City Manager to take the necessary steps to become a Tree City USA City by proclaiming an Arbor Day, submitting an online application, and establishing an annual celebration for Arbor Day on the last Friday of April.

**The motion passed by the following vote:**

**Ayes:** Vasquez, Jones, Mendoza, LeBaron, Gastil.

**Noes:** None.

**Absent:** None.

**PULLED ITEM:**

**1.B City of Lemon Grove Payment Demands**

Council provide questions/comments of staff.

**Action:** Motion by Mayor Pro Tem Jones seconded by Councilmember Gastil, to approve Item 1.B to ratify the payment demands.

**The motion passed by the following vote:**

**Ayes:** Vasquez, Jones, Mendoza, Gastil.

**Noes:** LeBaron.

**Absent:** None.

**City Council Reports on Meetings Attended at the Expense of the City**

**Councilmember Mendoza**

- JPIA Annual Board of Directors meeting and workshops
- History Alive Lecture about the Treganza Family
- Renaming of Treganza Park Ceremony
- Fundraiser for Historical society
- Heartland Fire Training Facility Meeting
- SANDAG Transportation committee Meeting

**Councilmember LeBaron**

Working with individuals on:

- Local Government Transparency – Finance
- City Improvement Efforts to Clean the City
- Increasing Accountably Checks

**Councilmember Gastil**

- Renaming of Treganza Park Ceremony
- Grand Opening of Myspace Space Early Learning Center
- MTS Executive Meeting
- MTS Board Meeting

**Mayor Pro Tem Jones**

- Two IROC (Independent Rate and Oversight Committee) Meetings

**Mayor Vasquez**

- CAL-OES COVID-19 and Statewide Fire's Update
- California Mayors Collation Meeting
- SANDAG Executive Committee meeting
- SANDAG Board of Directors Meeting
- Renaming of Treganza Park Ceremony
- Lemon Grove Food Distribution

**City Manager Report:**

Lydia Romero, City Manager

- EDCO Bulk Item Event recap
- Streets Workshop October 23, 2021

**Closed Session**

- a. **Conference with legal counsel—anticipated litigation  
(Govt Code section 54956.9(d)(2)-(4))  
Code Enforcement Settlement Negotiations**

City Attorney, Kristen Steinke, adjourns meeting at 7:43 pm into Closed Session to discuss anticipated litigation regarding code enforcement settlement Negotiations.

At 8:31pm City Attorney Steinke reports out from Closed Session that with a vote of 5-0 the Closed Session item will be carried to the next Regular City Council Meeting (November 2, 2021).

**Adjournment:**

There being no further business to come before the Council, Mayor Vasquez adjourns meeting at 8:31 p.m. to the next Regular City Council Meeting on Tuesday, November 2, 2021.

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Audrey Malone  
Deputy City Clerk

**MINUTES OF THE VIRTUAL REGULAR MEETING  
OF THE LEMON GROVE CITY COUNCIL  
TUESDAY, November 2, 2021 at 6 PM**

*The City Council also sits as the Lemon Grove Housing Authority,  
Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board,  
and Lemon Grove Successor Agency.*

In compliance with Assembly Bill (AB) 361 signed by Governor Newsom on September 16, 2021, the Regular Meeting of the City Council scheduled for Tuesday, October 9, 2021 at 6:00 p.m. was a virtual meeting – audio only.

**Call To Order:**

Mayor Pro Tem Jerry Jones called the Regular Virtual City Council Meeting to order at 6:07 p.m.

**Present:**

Mayor Pro Tem Jerry Jones, Councilmember Jennifer Mendoza, Councilmember Liana LeBaron, and Councilmember George Gastil. (Mayor Racquel Vasquez was absent)

**Staff Members Present:**

Lydia Romero, City Manager, Kristen Steinke, City Attorney, Mike James, Assistant City Manager/Public Works Director, Noah Alvey, Community Development Manager, Steve Swaney, Fire Chief, Patrick McEvoy, Lieutenant, Michael Stauffer, Senior Management Analyst and Audrey Malone, Deputy City Clerk.

**Pledge of Allegiance:**

Pledge of Allegiance to the Flag was led by Councilmember George Gastil.

**Changes to the Agenda:** None.

**Presentation(s):**

Safe Lemon Grove Update, Lieutenant Patrick McEvoy, San Diego Sheriff's Department

**Public Comment:**

Email Submitted - *Read out-loud by Audrey Malone, Deputy City Clerk:*

- Jessyka Heredia

Live Comments:

- Ben Grundy

**Consent Calendar:**

1.A Waive Full Text Reading of All Ordinances on the Agenda

1.B City of Lemon Grove Payment Demands

1.C Note and File Planning Commission Meeting Minutes, November 23, 2020 and July 26, 2021.

1.D Award of Contract for the Recreation Center Roof Repair Project (Contract No. 2021-22).

**Action:** Motion by Councilmember Gastil and seconded by Councilmember Mendoza, to approve the Consent Calendar.

**The motion passed by the following vote:**

**Ayes:** Jones, Mendoza, Gastil.

**Noes:** LeBaron.

**Absent:** Vasquez.

**Public Hearing(s):**

**2. Alley and Partial Road Vacation at 8247-8249 Broadway**

Mayor Pro Tem Jones calls on Noah Alvey, Community Development Manager to present staff report.

Council provides questions/comments of staff.

**Public Hearing Open at 6:28pm**

Email Submitted - *Read out-loud by Audrey Malone, Deputy City Clerk:*

- **None.**

Live Comments:

- **None.**

**Public Hearing Closed at 6:29pm** motioned by Mayor Pro Tem Jones, seconded by Councilmember Gastil. 4-0, with Mayor Vasquez absent.

Council provides questions/comments of staff.

**Action:** Motion by Councilmember Mendoza seconded by Councilmember Gastil, to adopt a resolution vacating an alley and accepting a street dedication and a partial road vacation of Sweetwater Rd. at a property addressed as 8247-8249 Broadway.

**The motion passed by the following vote:**

**Ayes:** Jones, Mendoza, Gastil.

**Noes:** LeBaron.

**Absent:** Vasquez.

**3. Authorize the FY 2022-2023 Community Development Block Grant (CDBG) Program Application**

Mayor Pro Tem Jones calls on Mike James, Assistant City Manager/Public Works Director to present staff report.

Council provides questions/comments of staff.

**Public Hearing Open at 7:19pm**

Email Submitted - *Read out-loud by Audrey Malone, Deputy City Clerk:*

- **None.**

Live Comments:

- *Monica Ball*

**Public Hearing Closed at 7:22pm** motioned by Councilmember Gastil, seconded by Councilmember Mendoza. 4-0, with Mayor Vasquez absent.

Council provides questions/comments of staff.

**Action:** Motion by Councilmember Mendoza seconded by Councilmember Gastil, to adopt a resolution authorizing the submittal of an application for the Fiscal Year 2022-2023 Community Development Block Grant Program.

**The motion passed by the following vote:**

**Ayes:** Jones, Mendoza, Gastil.

**Noes:** LeBaron.

**Absent:** Vasquez.

**Reports to Council:**

**4. Approve an Application for the Per Capita Grant Program**

Mayor Pro Tem Jones calls on Michael Stauffer, Senior Management Analyst to present staff report.

Email Submitted - *Read out-loud by Audrey Malone, Deputy City Clerk:*

- **None.**

Live Comments:

- **None.**

Council provides questions/comments of staff.

**Action:** Motion by Councilmember Gastil seconded by Councilmember Mendoza, to adopt a resolution approving an application for Proposition 68 Per Capita Grant Program funding from the California Department of Parks and Recreation, Office of Grants and Local Services, in the amount of \$194,216.

**The motion passed by the following vote:**

**Ayes:** Jones, Mendoza, LeBaron, Gastil.

**Noes:** None.

**Absent:** Vasquez.

**5. Assembly Bill (AB) 361 – Continuation of Virtual Meetings**

Mayor Pro Tem Jones calls on Lydia Romero, City Manager to present staff report.

Email Submitted - *Read out-loud by Audrey Malone, Deputy City Clerk:*

- **None.**

Live Comments:

- **None.**

Council provides questions/comments of staff.

Recommendation: Discuss Assembly Bill (AB) 361 and the continuation of virtual public meetings and adopt a resolution approving continuation said meetings in accordance with AB 361.

**Action:** The City Council did not adopted the resolution to continue City Council meetings virtually. Upon consensus of the City Council, City Council meetings will return to in person.

**City Council Reports on Meetings Attended at the Expense of the City**

**Councilmember Gastil**

- FACT Conference

**Councilmember Mendoza**

- SANDAG Liter Abetment committee

**Councilmember LeBaron**

Working with individuals on:

- Business Improvement District Meeting (BID)

**Mayor Pro Tem Jones**

- IROC (Independent Rate and Oversight Committee) Meetings

**City Manager Report:**

Lydia Romero, City Manager

- None.

**Closed Session**

- a. **Conference with legal counsel—anticipated litigation  
(Govt Code section 54956.9(d)(2)-(4))  
Code Enforcement Settlement Negotiations**

City Attorney, Kristen Steinke, adjourns meeting at 7:56 pm into Closed Session to discuss anticipated litigation regarding code enforcement settlement Negotiations.

At 8:27pm City Attorney Steinke reconvenes meeting with no information to report.

**Adjournment:**

There being no further business to come before the Council, Mayor Vasquez adjourns meeting at 8:27 p.m. to the next Regular City Council Meeting on Tuesday, November 16, 2021.

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Audrey Malone  
Deputy City Clerk



# CITY OF LEMON GROVE

## CITY COUNCIL STAFF REPORT

**Item No.** 1.D

**Meeting Date:** November 16, 2021

**Submitted to:** Honorable Mayor and Members of the City Council

**Department:** Public Works Department

**Staff Contact:** Michael Stauffer, Senior Management Analyst  
[mstauffer@lemongrove.ca.gov](mailto:mstauffer@lemongrove.ca.gov)  
Mike James, Assistant City Manager / Public Works Director  
[mjames@lemongrove.ca.gov](mailto:mjames@lemongrove.ca.gov)

**Item Title:** **Award a Contract for Guardrail Repairs (Contract No. 2021-26)**

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**Recommended Action:** Adopt a resolution (**Attachment A**) awarding a contract with Maneri Traffic Control, Inc. for Guardrail Repairs (Contract No. 2021-26).

**Summary:** After a vehicle recently collided with the guardrail located at Alton Drive and Cypress Avenue, Public Works staff conducted a thorough review and inspection of all guardrails located in the City. There are 2,376 linear feet of guardrails owned and maintained by the City. The majority of these guardrails were installed by the County of San Diego, in the 1950-60's, prior to City incorporation in 1977. During inspection, staff found four other locations of guardrails that were damaged and in need of repairs. Informal bids were solicited for the project and due by 1:00 p.m. on October 6, 2021. Two bids were received. Maneri Traffic Control, Inc. was the lowest, responsive and responsible bidder with a base bid of \$23,980.

**Discussion:** Guardrails can make roads safer for vehicles, pedestrians and bicyclists by deflecting a vehicle back into the roadway, or slowing or completely stopping a vehicle. Guardrails are typically installed along portions of a road where hazards exist and cannot be eliminated or the cost of removal is prohibitive. Examples of this include large boulders, trees or other natural features, embankments or steep cliff edges, blunt objects, and utility poles. Guardrails are also installed to help mitigate the risk of traffic collisions and lessen the severity of accidents.

After the recent vehicle damage to the guardrail located at Alton Drive and Cypress Avenue, staff inspected all six locations where guardrails are owned and maintained by the City. Those locations include:

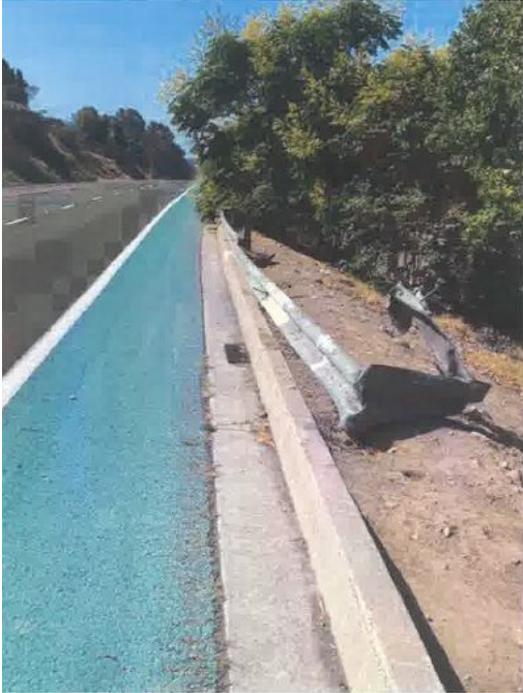
1. S/E/C Alton Drive at Cypress Avenue (50' total guardrail)
2. 1600 block LGA south of trolley station (1,217' total guardrail)
3. 6900 block (A) North Avenue (162' total guardrail)
4. 6900 block (B) North Avenue (125' total guardrail)
5. Sweetwater Road (732' total guardrail)
6. Grove Way (90' total guardrail)

During inspection, there were four specific sections of guardrail that staff recommends for immediate repair. Those sections are underlined above. The guardrail along Sweetwater Road will need engineering and design work around the utility poles before repairs can be completed. The guardrail along Grove Way does not need repairs.

#### Alton Drive

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North Avenue (Block A)

---



North Avenue (Block B)

---





As noted above, there are six guardrail segments owned and maintained by the City. Only four of those segments were selected for repairs because of extensive damage, standard replacement work to be completed, potential liability and immediate safety concerns. Sweetwater Road will require engineering and design work before repairs can be completed.

The proposed project that staff is recommending now consists of:

- Removing and replacing 112' of damaged Type W guardrail and post; and
- Removing and replacing 287' of damaged Type C guardrail and post with Type W.

Per Section 3.24.120 of the Lemon Grove Municipal Code, construction projects less than \$60,000 may be performed by city employees, by force account, by negotiated contract or by purchase order. City Council is the awarding authority for those contracts. City staff solicited informal bids for the project. Bids were due by 1:00 p.m. on October 6, 2021. A summary of the bids received is listed below:

	<b>Company Name</b>	<b>Amount</b>
1	Maneri Traffic Control, Inc.	\$23,980.00
2	Alcorn Fence Co.	\$46,104.94

Maneri Traffic Control, Inc. was the lowest, responsive and responsible bidder with a base bid of \$23,980. Staff reviewed Maneri Traffic Control Inc.'s proposal, project work history, references, and construction license and found them all to be positive and in good standing.

Therefore, staff concluded that Maneri Traffic Control, Inc. will perform the work to the best benefit and advantage of the City and recommends award of a contract. Based on the project scope of work, staff recommends the following project budget:

<b>Description</b>	<b>Amount</b>
Repair Costs	\$23,980
Contingency (20%)	\$4,796
<b>PROJECT TOTAL</b>	<b>\$28,776</b>

**Environmental Review:**

- Not subject to review
  Negative Declaration  
 Categorical Exemption, Section |                      |                       Mitigated Negative Declaration

**Fiscal Impact:** Sufficient funding for maintenance and repair is budgeted in the current fiscal year from Account Number 02-00-00-7750 Gas Tax Fund.

**Staff Recommendation:** Adopt a resolution (**Attachment A**) awarding a contract with Maneri Traffic Control, Inc. for Guardrail Repairs (Contract No. 2021-26).

**Attachments:**

**Attachment A** – Resolution

**RESOLUTION NO. 2021 -**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,  
CALIFORNIA, AWARDED A CONTRACT WITH MANERI TRAFFIC  
CONTROL, INC. FOR GUARDRAIL REPAIRS (CONTRACT NO. 2021-26)**

**WHEREAS**, on June 15, 2021, the City Council adopted the FY 2021-22 Consolidated Operating and Capital Improvement Program budgets; and

**WHEREAS**, the budget includes funding for street related maintenance and repairs; and

**WHEREAS**, city staff, conducted a thorough review and inspection of all guardrails located in the City and found that four sections are in need of immediate repairs; and

**WHEREAS**, section 3.24.120 of the Lemon Grove Municipal Code, provides that construction projects less than \$60,000 may be performed by city employees by force account, by negotiated contract or by purchase order; and

**WHEREAS**, staff informally solicited bids for the repairs; and

**WHEREAS**, Maneri Traffic Control, Inc. was the lowest, responsive and responsible bidder with a base bid of \$23,980; and

**WHEREAS**, staff reviewed Maneri Traffic Control, Inc.'s proposal, project work history, references, and construction license and found them all to be positive and in good standing; and

**WHEREAS**, staff concludes that Maneri Traffic Control, Inc. will perform the work to the best benefit and advantage of the City and recommends award of a construction contract; and

**WHEREAS**, the City Council finds it in the public interest that a contract for said project is awarded.

***NOW, THEREFORE, BE IT RESOLVED*** that the City Council of the City of Lemon Grove, California, hereby:

1. Approves the design, plans and specifications for repairs to various guardrails located throughout the City (Contract No. 2021-26); and
2. Awards a contract with Maneri Traffic Control, Inc. to complete the work (Exhibit 1); and
3. Establishes a total project budget not to exceed \$28,776 funded from account number 02-00-00-7750 Gas Tax Fund; and
4. Directs the City Manager, or her designee, to negotiate, execute and manage all contracts necessary to complete the project.

***PASSED AND ADOPTED*** on November 16, 2021, the City Council of the City of Lemon Grove, California, adopted Resolution No. 2021-\_\_\_\_\_, passed by the following vote:

***AYES:***

***NOES:***

***ABSENT:***

***ABSTAIN:***

---

***Racquel Vasquez, Mayor***

***Attest:***

---

***Audrey Malone, Deputy City Clerk***

***Approved as to Form:***

---

***Kristen Steinke, City Attorney***

## **Guardrail Repairs (Contract No. 2021-26)**

THIS CONTRACT, made and entered into on the date of the last signature, by and between the City of Lemon Grove, California, herein after designated as the "City", and **Maneri Traffic Control, Inc.** hereinafter designated as the "Contractor".

WITNESSETH: that the parties hereto do mutually agree as follows:

1. For and in consideration of the payments and agreements hereinafter mentioned to be made and performed by the City, the Contractor agrees with the City to furnish all materials and labor for guardrail repairs (Contract No. 2021-26) and to perform and complete in a good and workmanlike manner all the work pertaining thereto shown on the plans and specifications therefore; to furnish at his own proper cost and expense all tools, equipment, labor and materials necessary therefore; and to do everything required by this agreement and the said plans and specifications.
2. For furnishing all said materials and labor, tools and equipment, and doing all the work contemplated and embraced in this Contract, also for all loss and damage arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties which may arise or be encountered in the prosecution of the work until its acceptance by the City and for all risks of every description connected with the work; also, for all expenses incurred by or in consequence of the suspension or discontinuance of work, except such as in said specifications are expressly stipulated to be borne by the City and for well and faithfully completing the work and the whole thereof, in the manner shown and described in the said plans and specifications, the City will pay and the Contractor shall receive in full compensation therefore the sum of twenty-three thousand nine hundred eighty dollars and zero cents (\$23,980.00).
3. The City hereby promises and agrees to employ, and does hereby employ said Contractor to provide the materials and to do the work according to the terms and conditions herein contained and referred to for the price aforesaid and hereby conditions set forth in the specification; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.
4. The Notice Inviting Bids, Instructions To Bidders, Bid Forms, Agreement and Bond Forms, Construction Administration Forms, Completion of the Project Forms, General Requirements and General Conditions, Drawings, Plans and Specifications, Addenda, Allowances, and all amendments thereof, are hereby incorporated in and made part of this Contract.
5. The City, the City's representative, City Consultants and authorized volunteers shall not be answerable or accountable in any manner for any loss or damage that may happen to the work or any part thereof, or for any of the materials or other things used or employed in performing the work, or for injury or damage to any person or persons, either workers, employees of Contractor or its subcontractors or the public, or for damage to adjoining or other property, from any cause whatsoever arising out of or in connection with the performance of the work. The Contractor shall be responsible for any damage or injury to any person or property resulting from defects or obstructions or from any cause whatsoever arising out of or in connection with the performance of the work, provided, however, that the Contractor shall not be liable for the sole established negligence, willful misconduct or active negligence of the City, its representatives, employees, agents and authorized volunteers who are directly responsible to the City.

**Guardrail Repairs (Contract No. 2021-26)**

- a. Contractor shall indemnify the City, City Council, City officials, City employees, City representatives, and authorized volunteers against and will hold and save them and each of them harmless from any and all actions, claims, damages to persons or property, penalties, obligations or liabilities that may be asserted or claimed by any person, firm, entity, corporation, political subdivision or other organization arising out of or in connection with the work, operation or activities of Contractor, its agents, employees, subcontractors or invitees, provided for herein, whether or not there is concurrent passive or active negligence on the part of the City, City Council, City officials, City employees, City representatives, and authorized volunteers, but excluding such actions, claims, damages to persons or property penalties, obligations or liabilities arising from the sole established negligence, willful misconduct or active negligence of the City, City Council, City officials, City employees, City representatives, authorized volunteers, or those who are directly responsible to them; and in connection therewith:
- I) Contractor will defend any action or actions filed in connection with any of said claims, damages, penalties, obligations or liabilities and will pay all costs and expenses, including attorney's fees incurred in connection therewith.
  - II) Contractor will promptly pay any judgment rendered against Contractor, the City, City Council, City officials, City employees, City representatives, and authorized volunteers covering such claims, damages, penalties, obligations and liabilities arising out of or in connection with such work, operations, or activities of Contractor hereunder and Contractor agrees to save and hold the City, City Council, City officials, City employees, City representatives, and authorized volunteers harmless there from.
  - III) In the event the City, City Council, City officials, City employees, City representatives, and authorized volunteers are made a party to any action or proceeding filed or prosecuted against Contractor for such damages or other claims arising out of or in connection with the Work, or operation or activities of Contractor hereunder, Contractor agrees to pay to the City, City Council, City officials, City employees, City representatives, and authorized volunteers any and all costs and expenses incurred by the City, City Council, City officials, City employees, City representatives, and authorized volunteers in such action or proceeding together with reasonable attorney's fees.
  - IV) The City may retain, to the extent it deems necessary, the money due to the Contractor under and by virtue of the Contract Documents until disposition has been made of such actions or claims for damages as specified herein above.
6. Claims, disputes and other matters in question between the parties to this Contract, arising out of or relating to this Contract or the breach thereof, may be decided by arbitration if both parties to this Contract consent in accordance with the rules of the American Arbitration Association then obtaining unless the parties mutually agree otherwise. No arbitration arising out of or relating to this Contract, shall include, by consolidation, joinder or in any other manner, any additional person not a party to this Contract except by written consent containing a specific reference to this Contract and signed by CONTRACTOR, CITY, and any other person sought to be joined. (Any Consent to arbitration involving an additional person or persons shall not constitute consent of any dispute not described therein or with any person not named or described therein.) This agreement to arbitrate

## **Guardrail Repairs (Contract No. 2021-26)**

and any agreement to arbitrate with an additional person or persons duly consented to by the parties to this Contract shall be specifically enforceable under the prevailing arbitration law.

Notice of the demand for arbitration is to be filed in writing with the other party to this Contract and with the American Arbitration Association. The demand is to be made within a reasonable time after the claim, dispute or other matter in question has arisen. In no event is the demand for arbitration to be made after the date when institution of legal or equitable proceedings based on such claim; dispute or other matter in question would be barred by the applicable statute of limitations. The award rendered by the arbitrators shall be final and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.

7. The Contractor agrees to comply with all Local, State and Federal regulations and with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970 (42 U.S.C. 1857 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended.
8. If any party brings a suit or action against the other party arising from any breach of any of the covenants or agreements or any inaccuracies in any of the representations and warranties on the part of the other party arising out of this Agreement, then in that event, the prevailing party in such action or dispute, whether by final judgment or out-of-court settlement, shall be entitled to have and recover of and from the other party all costs and expenses of suit, including attorney's fees.
9. Each and every provision of law and clause required to be inserted in this Contract shall be deemed to be inserted herein and this Contract shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted or is not inserted correctly, then upon application of either party the Contract shall forthwith be physically amended to make such insertion or correction.
10. In accordance with Government Code, Section 8546.7, records of both the City and the Contractor shall be subject to examination and audit for a period of three (3) years after final payment.
11. Contractor shall comply with all applicable local, state, and federal laws, regulations, and ordinances when performing the work required by this contract

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed in three counterparts, each of which shall be deemed an original the day and year first above written.

**Guardrail Repairs (Contract No. 2021-26)**

CONTRACTOR:

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Federal ID Number: \_\_\_\_\_

CITY:

By: \_\_\_\_\_

Title: City Manager, City of Lemon Grove

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

Title: Deputy City Clerk, City of Lemon Grove

(Notaries acknowledgement of execution by all PRINCIPALS OF CONTRACTOR shall be attached.)

**Guardrail Repairs (Contract No. 2021-26)**

**CORPORATE CERTIFICATE**

I, \_\_\_\_\_ certify that I am the Secretary of the Corporation named as Contractor in the foregoing Contract; that \_\_\_\_\_, who signed said contract on behalf of the Contractor, was then \_\_\_\_\_ of said Corporation; that said contract was duly signed for and in behalf of said Corporation by authority of its governing body and is within the scope of its corporate powers.

I, \_\_\_\_\_ certify that I am the Secretary of the Corporation named as Contractor in the foregoing Contract; that \_\_\_\_\_, who signed said contract on behalf of the Contractor, was then \_\_\_\_\_ of said Corporation; that said contract was duly signed for and in behalf of said Corporation by authority of its governing body and is within the scope of its corporate powers.

Corporate Seal: \_\_\_\_\_

**Guardrail Repairs (Contract No. 2021-26)**

**PARTNERSHIP CERTIFICATE**

STATE OF \_\_\_\_\_ )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, personally appeared:

\_\_\_\_\_  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Notary Seal)

Known to me to be \_\_\_\_\_ of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

Signature: \_\_\_\_\_

Name (Type or Print): \_\_\_\_\_  
(Notary Public in and for said County and State)

My Commission expires: \_\_\_\_\_



## REQUEST FOR BIDS

THE CITY OF LEMON GROVE  
IS REQUESTING QUOTES FOR

Guardrail Installations and Repairs

CONTRACT NO. 2021-26

**SCOPE OF WORK:** Mandatory site visit

A lump sum bid shall include the price for:

- Site 1: remove and replace 50' damaged type W guardrail and post
- Site 2: Remove and replace 62' damaged type W guardrail and post
- Site 3a: remove existing 162' damaged type C guardrail replace per standard type W
- Site 3b: remove existing 125' damaged type C guardrail replace per standard type W
- SDRSD M-30, M-31, M-32, M-33, M-34, M-35, M-36, M-37, M-38, M-39, M-40, M-41
- City to provide potential grading to site 3a

All work to be performed utilizing the most recent publications of **San Diego Regional Standard Drawings** and **Standard Specifications for Public Works Construction** (Green book) and detailed drawing specific to metal beam guardrail installations

### **GENERAL INFORMATION:**

#### **PROTECTION:**

Contractor shall be responsible for proper and adequate shielding of his work site to prevent injury to persons or damage to public or private property, and will assume all liability should injury to persons or damage to property occur.

Contractor shall provide all necessary means to safeguard the work areas.

All traffic control and work shall be done in accordance with the latest revised edition of the Manual of Traffic Control for Construction and Maintenance Work Zones published by CALTRANS.

Contractor to protect work site with required **"Best Management Practices"**

#### **LICENSE:**

Contractor must possess a class A general contractor's license, Lemon Grove City business License and a California State Contractor's License.

**PREVAILING WAGE:**

Prevailing wage provisions required pursuant to the labor code of the State of California Department of Industrial Relations. The Contractor and subs shall not pay an employee less than the prevailing wage rate for all labor provided to the job site.

**COMPENSATION:**

Full compensation for all Labor, Equipment, Mobilization and traffic control shall be considered in the lump sum bid price. No additional compensation will be allowed.

**INSURANCE:**

The successful bidder shall provide proof of:

- 1) Commercial General Liability Insurance  
\$1,000,000.00 per occurrence, \$2,000,000.00 for bodily injury, personal injury and property damage. If commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
- 2) Automobile Liability:  
\$1,000,000 per accident for bodily injury and property damage.
- 3) Employer's Liability:  
\$1,000,000 per accident for bodily injury or disease.
- 4) Workers Compensation Insurance:  
As required by the State of California and Employer's Liability Insurance.
- 5) Performance Bond  
Contracts exceeding \$25,000 requires a Performance Bond equal to 100% of full contract cost prior to notification to proceed.

**BID SUBMITTAL:**

Submit quote to: Thomas Bell, Operations & Administrations Manager Public Works  
3232 Main St.  
Lemon Grove, CA 91945  
Or Email [tbell@lemongrove.ca.gov](mailto:tbell@lemongrove.ca.gov)

**BIDS MUST BE RECEIVED PRIOR TO 1:00 P.M.**

**Oct 6, 2021**

If you have any questions, contact Thomas Bell @ 619-490-0017 or Email [tbell@lemongrove.ca.gov](mailto:tbell@lemongrove.ca.gov)

LUMP SUM BID: \_\_\_\_\_

LUMP SUM BID IN WORDS: \_\_\_\_\_

LEMON GROVE BUSINESS LICENSE: \_\_\_\_\_

CALIFORNIA STATE CONTRACTORS LICENSE NUMBER: \_\_\_\_\_

COMPANY NAME: \_\_\_\_\_

TELEPHONE: BUSINESS: \_\_\_\_\_ EMERGENCY: \_\_\_\_\_

AUTHORIZED SIGNATURE: \_\_\_\_\_

COMPANY CONTACT: \_\_\_\_\_

(Please print)

**ALL WORK MUST BE COMPLETED WITHIN THIRTY (45) CALENDER DAYS OF EXECUTION OF NOTICE TO PROCEED**

(The City of Lemon Grove reserves the right to refuse any bid)



**MANERI TRAFFIC CONTROL, INC.  
SIGN AND TRAFFIC QUOTE**

TO:	TOM BELL
PROJECT	LEMON GROVE
BID DATE	9/28/21

\*CURRENT SCHEDULING FOR CONSTRUCTION AREA SIGNS, ROADSIDE SIGNS AND TRAFFIC CONTROL IS 3 WEEKS ADVANCE NOTICE. CONTRACTOR MUST SEND REQUEST VIA EMAIL/FAX UNTIL FURTHER NOTICE. CONSTRUCTION AREA SIGNS CANNOT BE SEPARATED FROM ROADSIDE SIGNS-IF NO ROADSIDE SIGNS, PLEASE DISREGARD\*\*

\*\*\*ADDITIONAL INSURANCE REQUIREMENTS (IF NEEDED) ARE NOT INCLUDED IN THIS QUOTE.

<b>CONSTRUCTION AREA SIGNS: (ITEM #)</b>	
ITEM # CONSTRUCTION AREA SIGNS-INSTALL & REMOVE	\$
ITEM # INCLUDES (2) C48 FUNDING SIGNS	

<b>TRAFFIC CONTROL: (ITEM #)</b>	
LUMP SUM, 2 LABORERS, 1 TRUCK AND EQUIPMENT-INCLUDES 350 CONES/UP TO 5 MILES (1-8 HOURS)	\$

ITEM# 1	\$	50 X \$52 = 2,600	
ITEM# 2	\$	62.5 X \$52 = 3,250	
ITEM# 3	\$	162.5 X \$52 = 8,450	
ITEM# 3B	\$	125 X \$52 = 6,600	
ITEM#	\$		TOTAL \$ 20,800
ITEM#	\$		
ITEM#	\$	FLAGS 145 1590 A DAY X 2 = 3,180	
ITEM#	\$		
ITEM#	\$		\$ 23,980

INCLUDES POST, BLOCK, RAIL, END CAPS

PLEASE SEE ATTACHED QUOTE FOR ALL OTHER PRICES  
IF YOU HAVE ANY QUESTIONS REGARDING ANY PORTION OF THIS QUOTE, PLEASE DO NOT HESITATE TO CALL OUR ESTIMATOR, JOHNNY MANERI, ON HIS CELL AT (760) 535-7881. THANK YOU FOR YOUR TIME AND CONSIDERATION.

SINCERELY,

*Johnny Maneri*

**MANERI TRAFFIC CONTROL, INC. QUOTE STIPULATIONS:** CONSTRUCTION AREA SIGNS ESTIMATE INCLUDES DELIVERY, INSTALLATION, AND REMOVAL, UNLESS OTHERWISE NOTED IN THIS QUOTE. THE PRICE DOES NOT INCLUDE MAINTENANCE, CHANGES OF DATES, RELOCATION, OR REPLACEMENTS.

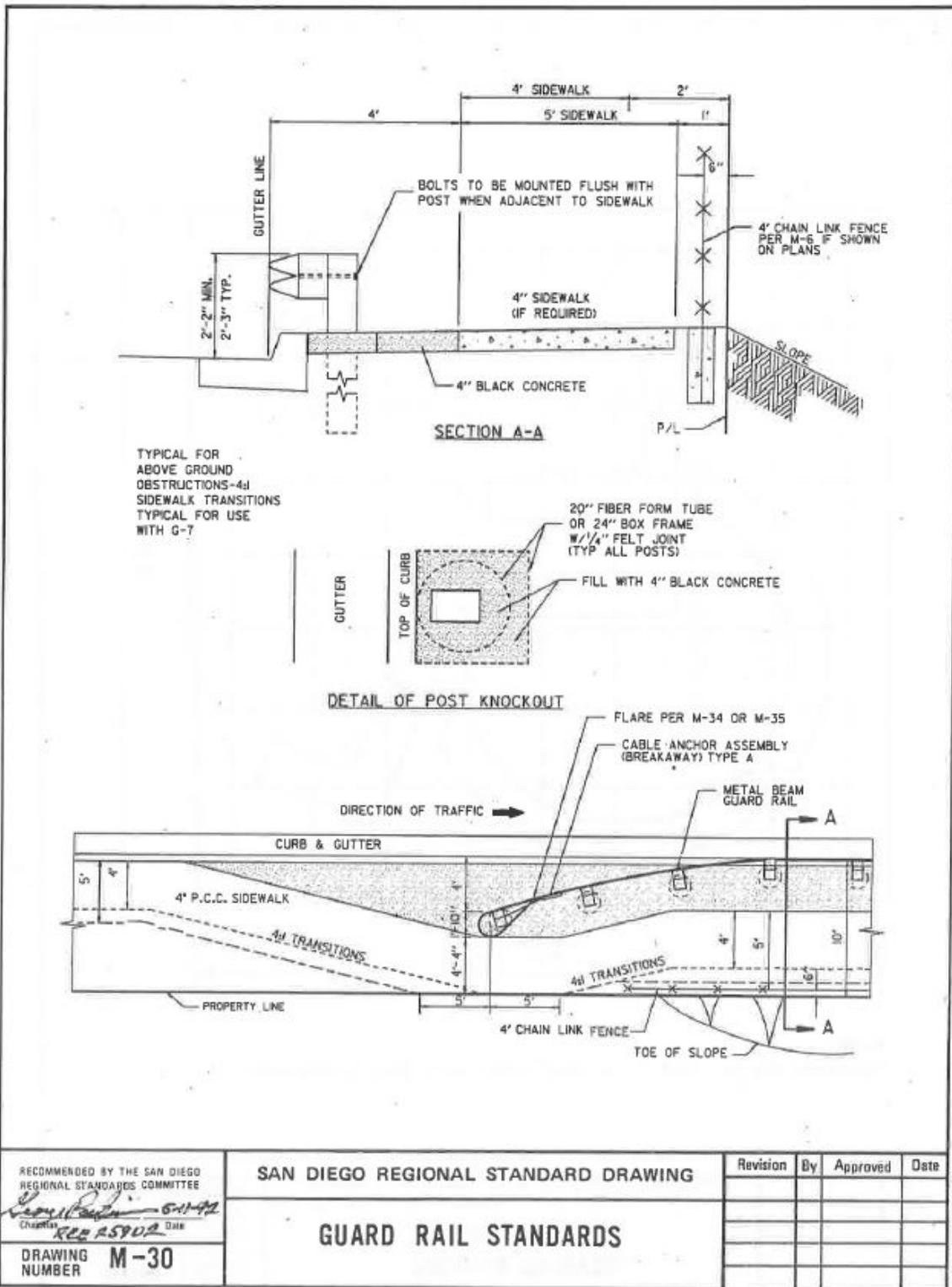
**ALL SIGNS AND MATERIALS USED** BECOME THE PROPERTY OF MANERI TRAFFIC CONTROL, INC. UPON COMPLETION OF THE JOB. PRICE DOES NOT INCLUDE MAST ARM INSTALLATION. FUNDING SIGNS ARE \$1500.00, UNLESS NOTED IN THIS QUOTE. THIS QUOTE EXCLUDES THE COVERING OF THE G84 SIGN AND EXCLUDES ALL INSTALLATION AND REMOVAL OF OVERHEAD SIGNS. BLACK PLASTIC COVERS FOR STANDARD DETOUR PACKAGES ARE INCLUDED DURING INITIAL SIGN INSTALL (OPTIONAL 2'X4' PLYWOOD COVERS ARE \$10 EA FOR THE CONTRACTOR. IF BOND IS REQUIRED, ALL FEES TO ACQUIRE BOND WILL BE ADDED TO THE CONTRACT TOTAL AND BILLED TO THE CONTRACTOR (LIQUIDATED DAMAGES MAY NOT EXCEED \$4,999.99 PER DAY). ANY ITEM SOLD IS SUBJECT TO ADDITIONAL SALES TAX. NO RETENTIONS ARE TO BE HELD ON TRAFFIC CONTROL. ANY SERVICE OR ANY SALE PROVIDED.  
MANERI TRAFFIC CONTROL, INC. DOES NOT DO TRAFFIC CONTROL PLANS.

IF PRIME CONTRACTOR CHOOSES TO ACCEPT THIS QUOTE: THIS FULL QUOTE MUST BE ATTACHED TO SUBCONTRACT OR PURCHASE ORDER.

ALL SERVICES ARE PROVIDED UPON AVAILABILITY. MTC EXCLUDES LCS TRAINING, SUBMITTING FOR CLOSURE APPROVAL AND/OR CALLING IN/CANCELING CLOSURES THROUGH TMC.

4949 2<sup>ND</sup> STREET  
FALLBROOK, CA 92028  
O: 951-695-6104  
F: 951-695-6105

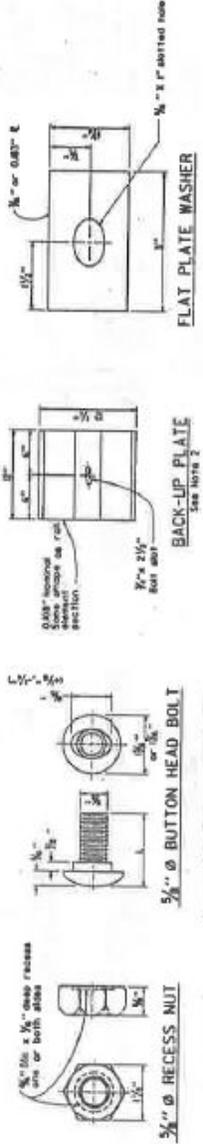
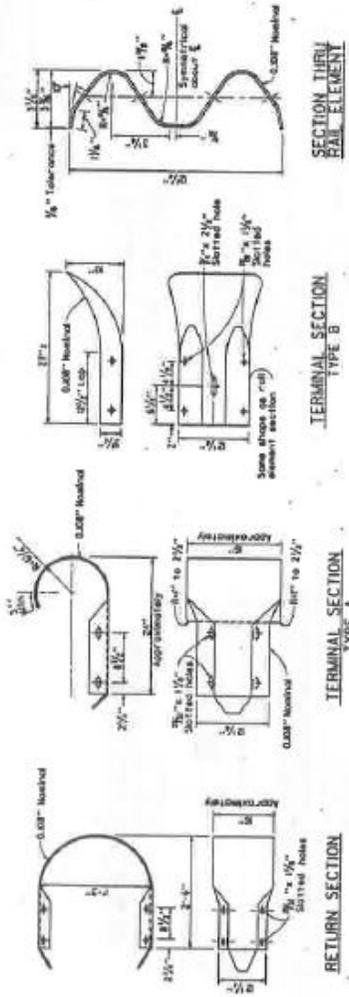
CONTRACTOR LICENSE #1017741  
DIR #1000043135  
DBE #38078  
SB#2003406  
UNION SIGNATORY





**NOTES**

1. Terminal sections will not be installed on the trailing end of guard railing.
2. Back-up plate to be used between guard rail element and steel block on steel post where there is no rail element splice. See Standard Dwg. M-31.
3. For end section details, see Standard Dwg. M-40.
4. For terminal section Type C, see Standard Dwg. M-38.



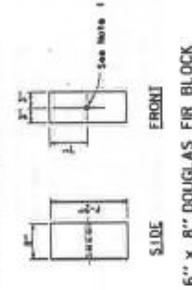
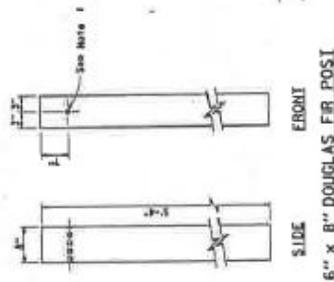
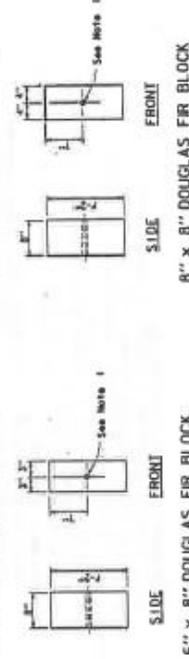
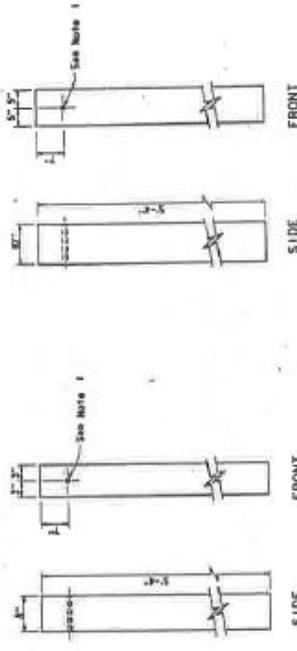
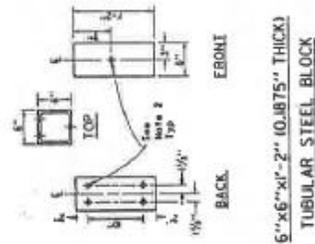
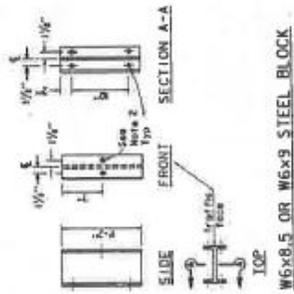
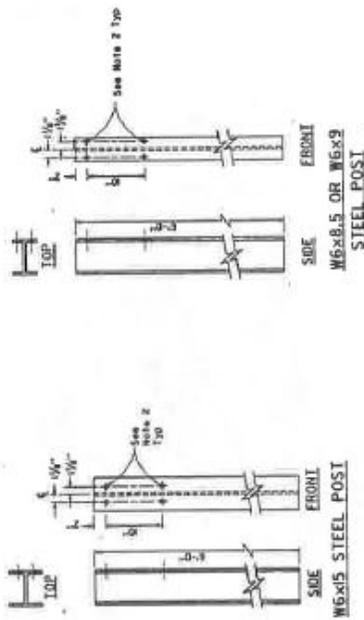
L	MINIMUM LENGTH
1 1/4"	0.4 thread length
2"	1 1/2" Min thread length
3 1/2"	2 3/4" Min thread length
5"	3 1/2" Min thread length

REVISION	BY	APPROVAL	DATE

DRAWING NUMBER <b>M-32</b>	SAN DIEGO REGIONAL STANDARD DRAWING	RECOMMENDED BY THE SAN DIEGO REGIONAL STANDARDS COMMITTEE
	METAL BEAM GUARD RAILING STANDARD HARDWARE	<i>[Signature]</i> 4-20-92 COORDINATOR R.C.E. 25902 DATE

**NOTES**

1. All holes in wood posts and blocks shall be  $3/4" \pm 1/16"$ .
2. All holes in steel posts and blocks shall be  $13/16" \pm 0$  maximum.
3. Contractor may submit alternative steel post details for Engineer's approval.
4. Dimensions shown for wood post are nominal.



REVISION	BY	APPROVAL	DATE

RECOMMENDED BY THE SAN DIEGO REGIONAL  
STANDARDS COMMITTEE  
*George Robinson* 7-20-72  
COORDINATOR R.C.E. 25902 DATE

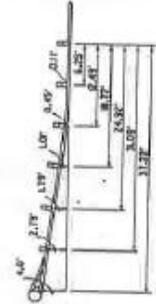
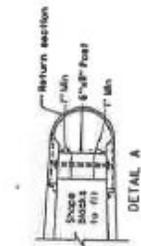
SAN DIEGO REGIONAL STANDARD DRAWING  
METAL BEAM GUARD RAILING POSTS AND  
BLOCKS

DRAWING NUMBER  
**M-33**

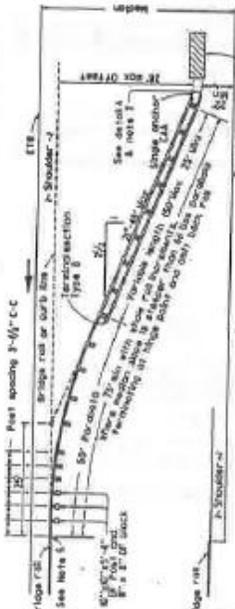
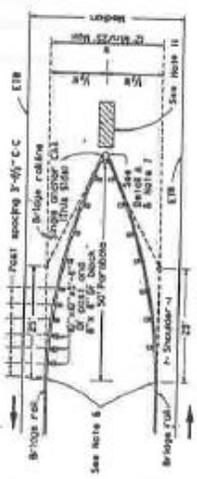
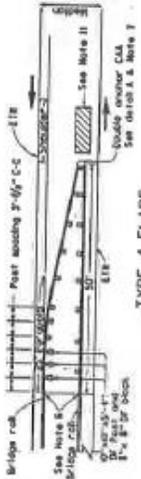
CAA = Cable Anchors Assembly  
ETW = Edge of Traveled Way

**NOTES**

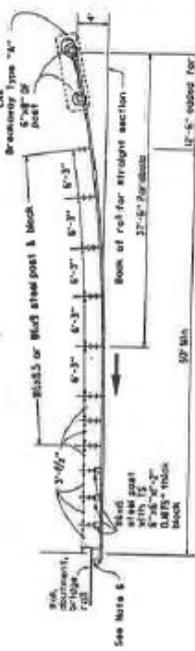
1. Post, blocks and hardware to be used are shown on Standard Dwg. M-32 and M-33.
2. Guard rail post spacing to be 6'-3" center to center, except as otherwise noted.
3. Except as noted, posts shown are 6" X 8" DF, W8 X 8.5 or W8 X 9 steel posts and blocks may be specified for 6" X 8" DF posts and blocks where applicable. Where 10" X 10" DF posts and 6" X 8" DF blocks are shown, W8 X 15 steel posts and Tubular Steel 6" X 6" X 1'-2" (0.1875" thick) blocks may be specified where applicable.
4. Top of rail to be 27" above ground line or shoulder surfacing under the rail element.
5. Direction of traffic indicated by arrow.
6. For connection details see Standard Dwg. M-40 or M-41.
7. For end anchor details see Standard Dwg. M-37 and M-39.
8. Terminal Sections will not be installed on trailing end of guard rail placed adjacent to one-way roadways.
9. Parabolic portion of Type I Flare used at approach end of guard railing for embankment installations.
10. For embankment widening details to accommodate approach flares, see Standard Dwg. M-36.
11. Sand filled crash cushion, as approved by the Engineer is required for Type 2, 3, and 4 flares, when the end of the guard rail is within 30 feet of the edge of traveled way (ETW) of approaching traffic.



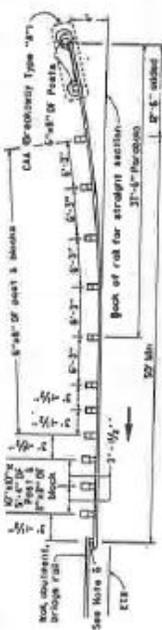
37'-6" PARABOLIC OFFSETS



TYPE 2 FLARE  
See Note 3



TYPE I FLARE  
ISLED POST INSTALLATION  
See Note 3



TYPE I FLARE  
1800 POST INSTALLATION  
See Note 3

REVISION	BY	APPROVAL	DATE

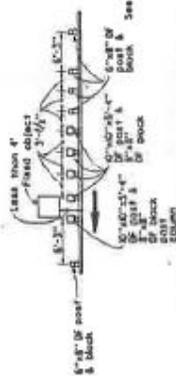
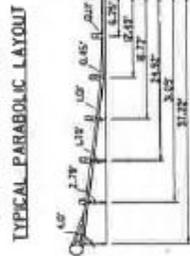
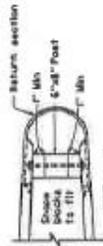
DRAWING NUMBER  
**M-34**

SAN DIEGO REGIONAL STANDARD DRAWING  
**GUARD RAIL FLARES**

RECOMMENDED BY THE SAN DIEGO REGIONAL STANDARDS COMMITTEE  
COORDINATOR R.C.E. 26902 DATE **4-20-92**

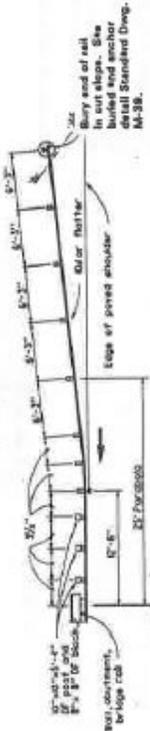
**NOTES**

1. Post, blocks and hardware to be used are shown on Standard Dwg. M-31 and M-32.
2. Guard rail post spacing to be 8'-3" center to center, except as noted.
3. Except as noted, posts shown are 8" X 8" DF, W6 X 8.5 or W6 X 9 steel posts and blocks may be specified for 8" X 8" DF posts and blocks where applicable.
4. Where 10" X 10" DF posts and 8" X 8" DF blocks are shown, W6 X 15 steel posts and Tubular Steel 6" X 6" X 1.2" (0.1875" thick) blocks may be specified where applicable.
5. Top of rail to be 27" above ground line or shoulder surfacing under the rail element.
6. A 3' minimum clearance is required between face of rail and a fixed object located directly behind a guard rail post. A fixed object located behind the rail but not behind a guard rail post requires a 3' minimum clearance. Where minimum clearance cannot be obtained use approach raling transition details for fixed objects.
8. Direction of traffic indicated by →
7. For connection details see Standard Dwg. M-40.
8. For end anchor details see Standard Dwg. M-37 and M-39.
9. Terminal Sections will not be installed on trailing end of guard rail placed adjacent to one-way roadways.
10. Type 7 flare has been deleted.
11. Sand filled crash cushion, as approved by the Engineer is required for Type 5 and 6 flares, when the end of the guard rail is within 30 feet of the edge of traveled way (ETW) of approaching traffic.

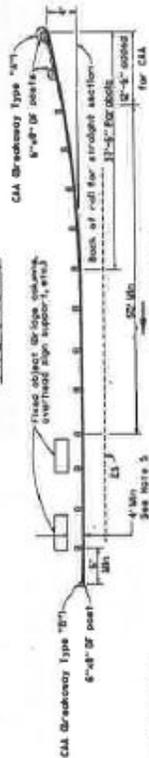


Use with Type 5, 6 and 8 flares when guard rail is less than 4' from fixed object. See Note 5. For a variety of reasons, additional 6" X 6" X 1.2" DF posts at 2'-11 1/2" spacing to be installed behind blocks are shown. Wood stake posts and tubular steel 6" X 6" X 1.2" (0.1875" thick) blocks may be specified where appropriate. Posts 6" X 6" DF posts may be specified where appropriate.

APPROACH RAILING TRANSITION DETAIL FOR FIXED OBJECT



TYPE 9 FLARE



TYPE B FLARE



TYPE 5 FLARE



TYPE 6 FLARE

REVISION	BY	APPROVAL	DATE

CAA = Cable Anchors Assembly  
ETW = Edge of Traveled Way

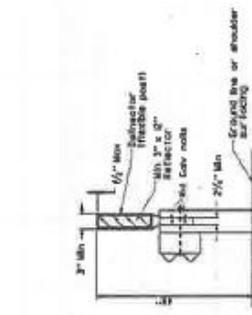
RECOMMENDED BY THE SAN DIEGO REGIONAL STANDARDS COMMITTEE  
  
 COORDINATOR R.C.E. 25902 DATE

SAN DIEGO REGIONAL STANDARD DRAWING

DRAWING NUMBER

GUARD RAIL FLARES

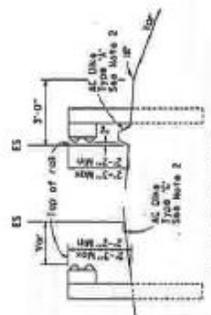
M-35



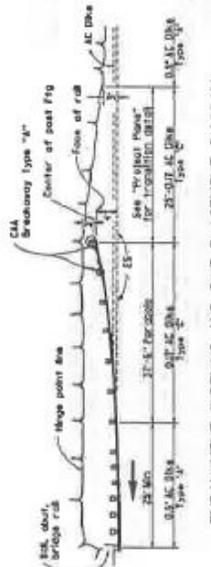
**GUARD RAILING DELINEATION**  
See Note 4

**NOTES**

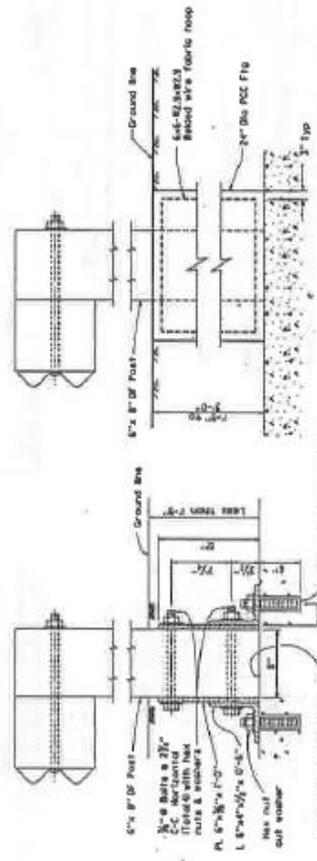
1. For guard rail flare details, see Standard Dwg. M-34 and M-35.
2. When necessary to place disks in front of guard rail, only Type "C" disks may be used. For disk details see Standard Dwg. G-5.
3. For standard railing post embedment see Standard Dwg. M-31.
4. Guard railing delineation to be used when required by special provisions.
5. Direction of traffic indicated by →



**DIKE POSITIONING**  
See Note 2



**EMBANKMENT WIDENING AND DIKE PLACEMENT DIAGRAM**  
See Note 2



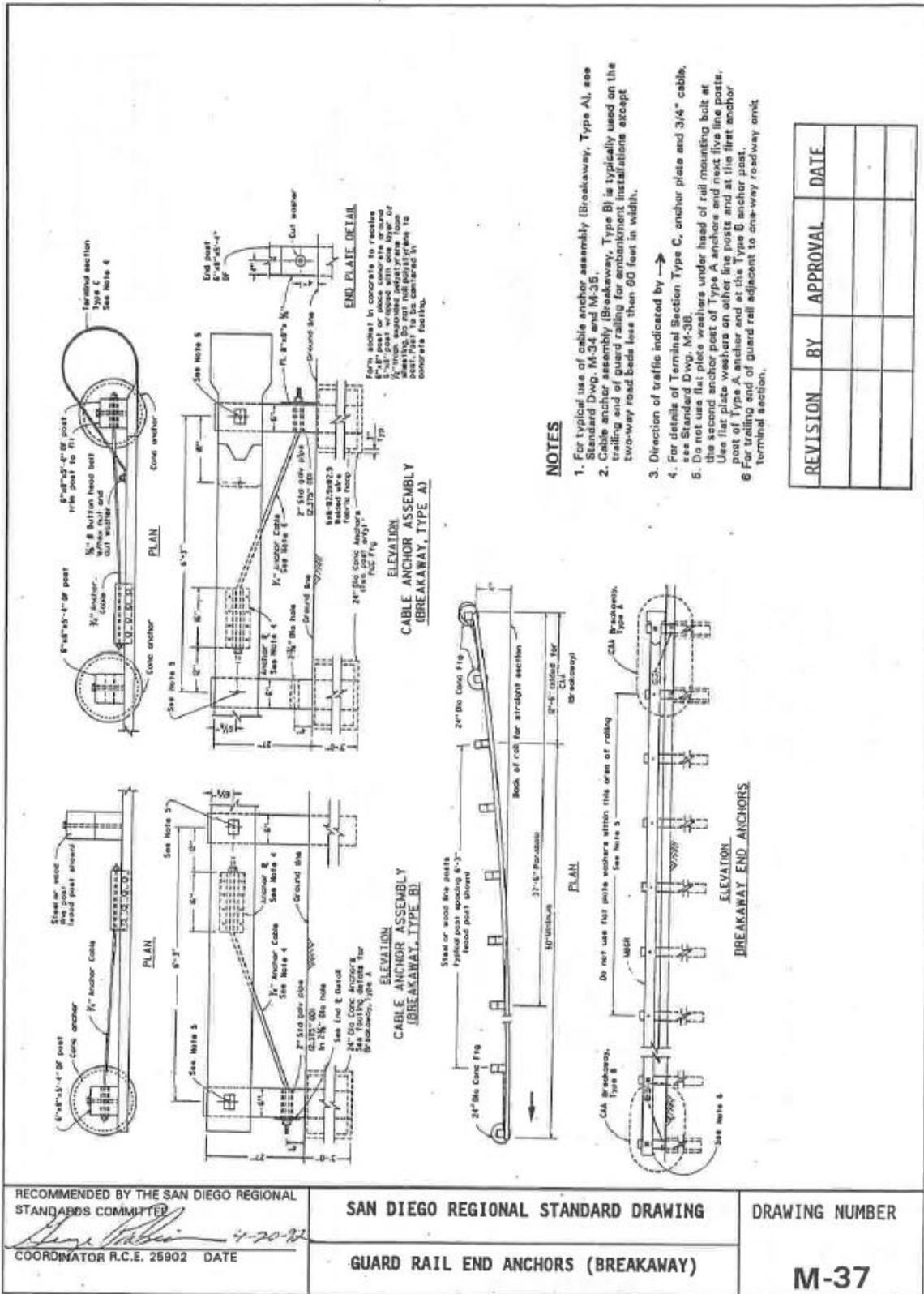
Form board in concrete to prevent "c" and "d" from protruding. Form board to be removed after concrete has set. Do not use polyethylene in post. Post to be embedded in concrete footing.

**POST FOOTINGS**

See Note 3  
Use where standard section footing is restricted by under ground concrete facilities such as footing of wall, curb, etc. Use detail A where embedment of post is less than 12 inches. Use detail B where embedment of post is between 12 inches and 3 feet.

REVISION	BY	APPROVAL	DATE

DRAWING NUMBER <b>M-36</b>	SAN DIEGO REGIONAL STANDARD DRAWING	RECOMMENDED BY THE SAN DIEGO REGIONAL STANDARDS COMMITTEE
	METAL BEAM GUARD RAILING MISCELLANEOUS DETAILS	<i>[Signature]</i> 4-30-92 COORDINATOR R.C.E. 25902 DATE



**NOTES**

1. For typical use of cable anchor assembly (Breakaway, Type A), see Standard Dwg. M-37, and M-38.
2. Cable anchor assembly (Breakaway, Type B) is typically used on the trailing end of guard railing for permanent installations except two-way road beds less than 60 feet in width.
3. Direction of traffic indicated by →
4. For details of Terminal Section Type C, anchor plate and 3/4" cable, see Standard Dwg. M-38.
5. Do not use flat plate washers under head of rail mounting bolt at the second anchor post of Type A anchors and next five line posts. Use flat plate washers on other line posts and at the first anchor post of Type A anchor and at the Type B anchor post.
6. For trailing end of guard rail adjacent to one-way roadway omit terminal section.

REVISION	BY	APPROVAL	DATE

RECOMMENDED BY THE SAN DIEGO REGIONAL STANDARDS COMMITTEE  
 DATE 4-20-82  
 COORDINATOR R.C.E. 25902

SAN DIEGO REGIONAL STANDARD DRAWING

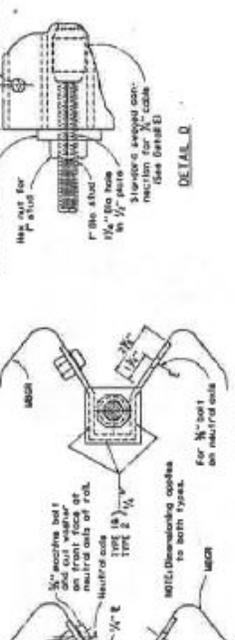
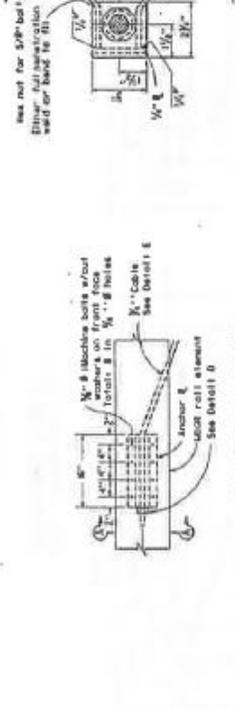
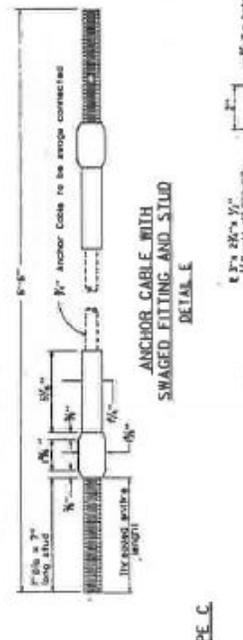
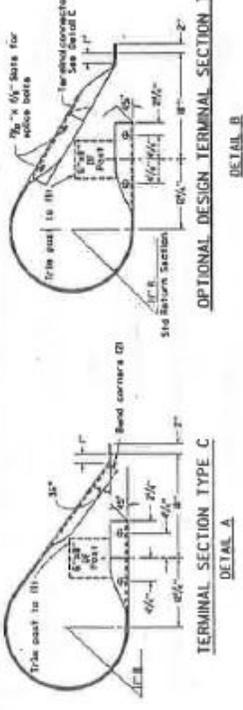
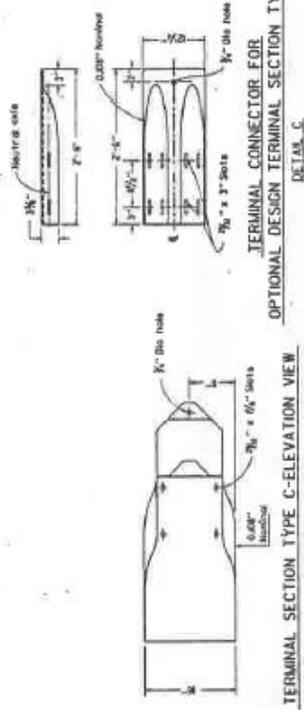
DRAWING NUMBER

GUARD RAIL END ANCHORS (BREAKAWAY)

M-37

**NOTES**

1. See Standard Drawing M-37 for Breakaway End Anchor details.



SECTION A-A  
ALTERNATIVE TYPE D

SECTION A-A  
ALTERNATIVE TYPE 2)

REVISION	BY	APPROVAL	DATE

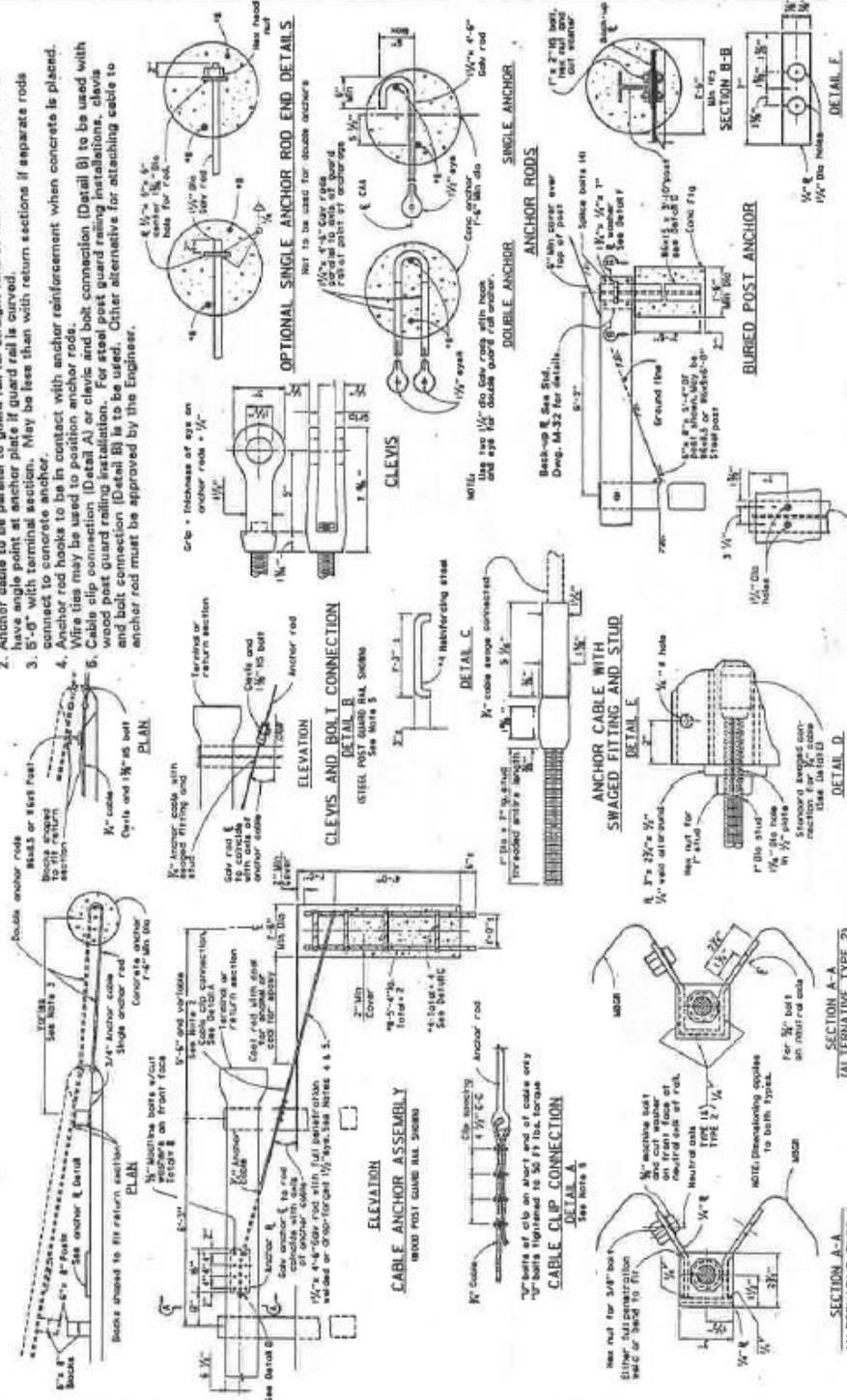
DRAWING NUMBER  
**M-38**

SAN DIEGO REGIONAL STANDARD DRAWING  
**GUARD RAIL END ANCHORS  
(BREAKAWAY HARDWARE)**

RECOMMENDED BY THE SAN DIEGO REGIONAL STANDARDS COMMITTEE  
*[Signature]* 4-20-82  
COORDINATOR R.C.E. 25902 DATE

**NOTES**

1. For typical uses of end anchors shown on this plan, See Standard Drawings M-34 and M-36.
2. Anchor cable to be parallel to guard rail for straight runs of rail. Anchor cable may have angle point at anchor plate if guard rail is curved.
3. 5'-0" with terminal section. May be less than with return sections if separate rods connect to concrete anchor.
4. Anchor rod hooks to be in contact with anchor reinforcement when concrete is placed.
5. Wire ties may be used to position anchor rods.
6. Cable clip connection (Detail A) or clevis and bolt connection (Detail B) to be used with wood post guard railing installation. For separate guard railing installations, clevis and bolt connection (Detail B) is to be used. Other alternative for attaching cable to anchor rod must be approved by the Engineer.

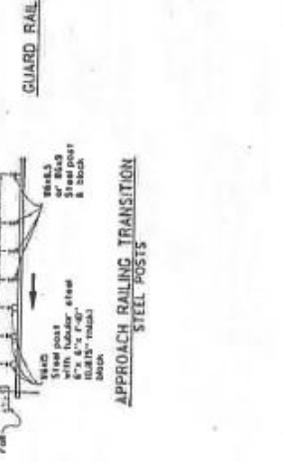
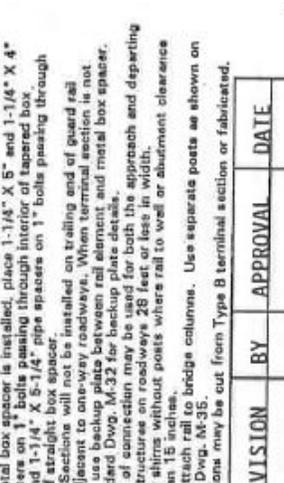
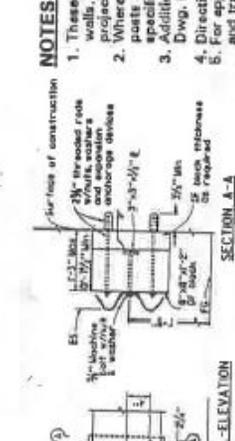
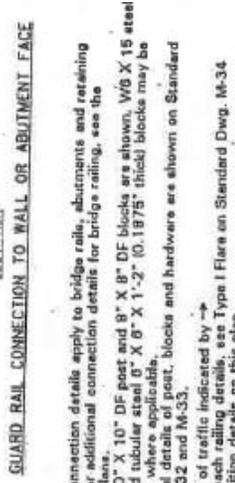
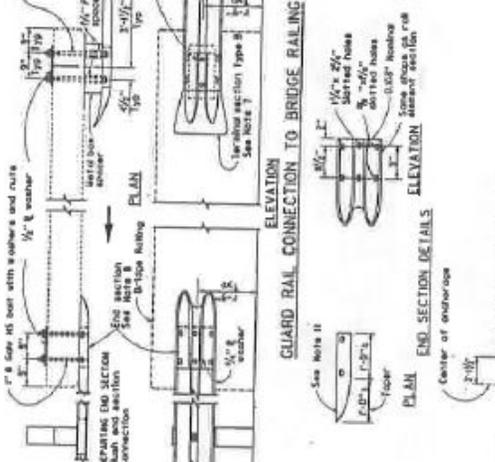
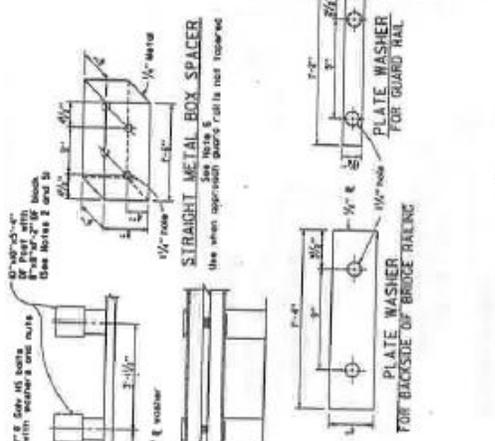
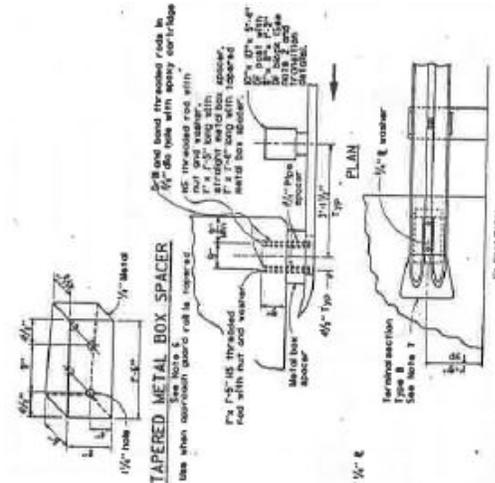


REVISION	BY	APPROVAL	DATE

RECOMMENDED BY THE SAN DIEGO REGIONAL STANDARDS COMMITTEE  
 COORDINATOR R.C.E. 25902 DATE 4-20-92

SAN DIEGO REGIONAL STANDARD DRAWING  
 BARRIER AND GUARD RAIL END ANCHORS

DRAWING NUMBER  
**M-39**



**NOTES**

- These connection details apply to bridge rails, abutments and retaining walls. For additional connection details for bridge railing, see the project plan.
- Where 10" X 10" DF post and 8" X 8" DF blocks are shown, W6 X 15 steel posts and tubular steel 8" X 8" X 1'-2" (0.1875" thick) blocks may be specified where applicable.
- Additional details of post, blocks and hardware are shown on Standard Dwg. M-32 and M-33.
- Direction of traffic indicated by →
- For approach railing details, see Type 1 Flare on Standard Dwg. M-34 and Terminal 1 details on this plan.
- When metal box spacer is installed, place 1-1/8" X 5" and 1-1/4" X 4" pipe spacers 1' apart remaining through interior of tapered box spacer and 1-1/4" X 5-1/4" pipe spacers on 1" bolts passing through interior of straight box spacer.
- Terminal sections will not be installed on trailing end of guard rail placed adjacent to one-way roadways. When terminal section is not installed, use backup plate between rail element and metal box spacer. See Standard Dwg. M-32 for backup plate details.
- This type of connection may be used for both the approach and departing ends of structures on roadways 28 feet or less in width.
- Use limber shims without posts where rail to wall or abutment clearance is less than 15 inches.
- Do not attach rail to bridge columns. Use separate posts as shown on Standard Dwg. M-35.
- End sections may be cut from Type B terminal section or fabricated.

REVISION	BY	APPROVAL	DATE

**DRAWING NUMBER**  
**M-40**

**SAN DIEGO REGIONAL STANDARD DRAWING**

**GUARD RAIL CONNECTIONS TO BRIDGE RAILS, RETAINING WALLS AND ABUTMENTS**

RECOMMENDED BY THE SAN DIEGO REGIONAL STANDARDS COMMITTEE

*[Signature]* 4-20-92

COORDINATOR R.C.E. 25802 DATE







# CITY OF LEMON GROVE

## CITY COUNCIL STAFF REPORT

**Item No.** 2.  
**Meeting Date:** November 16, 2021  
**Submitted to:** Honorable Mayor and Members of the City Council  
**Department:** Community Development Department and City Attorney's Office  
**Staff Contact:** Lydia Romero, City Manager; [lromero@lemongrove.ca.gov](mailto:lromero@lemongrove.ca.gov) and  
Kristen Steinke, City Attorney; [ksteinke@bwslaw.com](mailto:ksteinke@bwslaw.com)  
**Item Title:** **State Mandated Organic Waste Disposal Ordinance**

---

**Recommended Action:** Introduce for its first reading Ordinance 459 “An ordinance of the City Council of the City of Lemon Grove, California amending Chapter 13.28 of the Lemon Grove Municipal Code to comply with State mandated organic waste disposal requirements.”

**Summary:** Senate Bill No. 1383 mandates the implementation of an enforceable ordinance to ensure waste generator compliance with local regulations. The proposed amendments in the attached ordinance (**Attachment A**) include the required provisions of SB 1383, as outlined in CalRecycle’s model ordinance.

**Background:** Senate Bill No. 1383 (SB 1383) was signed into law on September 19, 2016, to reduce organic waste disposal by 75% and increase edible food recovery by 20%, by 2025. SB 1383 is the most significant waste reduction mandate to be adopted in the State of California in the last 30 years and requires all jurisdictions to implement a mandatory organic recycling ordinance by January 1, 2022. This Legislation requires all businesses, residents, and multi-family apartments to have access to recycling programs that capture food scraps, landscaping waste, and other organic waste materials.

As a result of SB 1383, the California Department of Resources Recycling and Recovery (CalRecycle), which is the state department tasked with administering California's waste and recycling programs, developed prescriptive regulations to achieve the State's outlined organic waste disposal goals by 2025. In November 2020, CalRecycle released the final regulations for SB 1383.

The action before the City Council is to introduce Ordinance 459 amending Chapter 13.28 of the Lemon Grove Municipal Code to comply with state mandated organic waste disposal requirements.

**Discussion:** As a result of SB 1383 and the regulations established by CalRecycle, the City will have to implement the following practices to be considered compliant with State Law:

- Provide organic waste recycling services to all residents and businesses through partnerships with waste haulers;
- Inspect- and enforce compliance with SB 1383 by adopting an enforcement ordinance (**Attachment A**);
- Implement an edible food recovery program that recovers edible food from the waste stream;
- Conduct outreach and education to all affected parties, including generators, haulers, facilities, and edible food recovery organizations;
- Procure recycled organic waste products like compost, mulch, and renewable natural gas; and,
- Maintain accurate and timely records of SB 1383 compliance for annual reporting requirements.

On January 1, 2022, CalRecycle's regulations will become enforceable, and will require each jurisdiction to adopt a mandatory recycling ordinance. SB 1383 allows cities to take an educational and non-punitive approach to enforcement for the first two years of the ordinance being in effect (up to December 2023). Taking an educational approach will allow the City and its franchise waste hauler (EDCO) to work with City residents and businesses to inform them of the requirements.

While the City expects to gain compliance from residents and businesses, SB 1383 regulations provide CalRecycle with the ability to engage in enforcement actions of its own if the designated level of compliance is not met. These actions may include:

- Conducting more frequent inspections;
- Taking over direct enforcement on non-compliant businesses within the City;
- Establishing a schedule for City compliance and a probationary period, requiring a work plan and that the jurisdiction demonstrates it has sufficient staffing to implement the requirements of the law; and/or
- Seeking administrative penalties against the City of up to \$10,000 per day.

The City is in a strong position to meet the requirements set forth in SB 1383. With the adoption of Ordinance 459, the City will be one step closer to becoming SB 1383 compliant.

As has been mentioned throughout this report, SB 1383 requires the City to adopt an enforceable ordinance to compel businesses and residents to recycle their organic waste and to comply with other requirements of State Law. In order to meet this requirement, the municipal code must be updated. The attached ordinance (Attachment A) includes the required provisions.

**Environmental Review:**

Not subject to review

Negative Declaration

Categorically Exempt

Mitigated Negative Declaration

The adoption of the ordinance is not subject to CEQA pursuant to Section 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a “project,” as defined in Section 15378 of the CEQA Guidelines.

**Fiscal Impact:** It is not anticipated that the proposed ordinance will result in any immediate fiscal impact. However, programmatic changes to comply with the legal requirements of the various State mandates may result in increased operational costs in the upcoming budget cycle.

**Staff Recommendation:** Introduce for its first reading Ordinance 459 “An ordinance of the City Council of the City of Lemon Grove, California amending Chapter 13.28 of the Lemon Grove Municipal Code to comply with State mandated organic waste disposal requirements.”

**Attachments:**

**Attachment A** – Ordinance 459 “An ordinance of the City Council of the City of Lemon Grove, California amending Chapter 13.28 of the Lemon Grove Municipal Code to comply with State mandated organic waste disposal requirements.”

**ORDINANCE NO. 459**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF LEMON GROVE, CALIFORNIA AMENDING  
CHAPTER 13.28 OF THE LEMON GROVE MUNICIPAL  
CODE TO COMPLY WITH STATE MANDATED  
ORGANIC WASTE DISPOSAL REQUIREMENTS**

**WHEREAS**, the California Integrated Waste Management Act of 1989 (AB 939), requires the City of Lemon Grove (City) to reduce, reuse, and recycle solid waste to the maximum extent feasible before disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment; and

**WHEREAS**, Assembly Bill (AB) 341 requires the City to implement a mandatory commercial recycling program under which, beginning on July 1, 2012, any business or any multifamily residential dwelling of five or more units that generates four cubic yards or more of solid waste per week must arrange for recycling services; and

**WHEREAS**, Assembly Bill (AB) 1826 requires the City to implement a mandatory commercial organics recycling program under which, beginning on January 1, 2019, a business or any multifamily residential dwelling of five or more units that generates four cubic yards or more of commercial solid waste per week must arrange for organic waste recycling services; and

**WHEREAS**, Senate Bill (SB) 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires the California Department of Resources Recycling and Recovery (CalRecycle) to develop regulations to reduce organics in landfills as a source of methane. As adopted by CalRecycle, these SB 1383 regulations (SB 1383 Regulations) place requirements on multiple entities including the City, residential households, commercial businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of statewide organic waste disposal reduction targets; and

**WHEREAS**, Senate Bill 1383 Regulations require the City to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB 1383 Regulations; and

**WHEREAS**, this Ordinance implements the requirements of AB 341, AB 1826, and the SB 1383 Regulations.

**NOW, THEREFORE**, the City Council of the City of Lemon Grove, California, does ordain as follows:

**SECTION ONE.** All of the above statements are true and incorporated herein.

**SECTION TWO.** The City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a “project,” as defined in Section 15378 of the CEQA Guidelines.

**SECTION THREE.** That the Lemon Grove Municipal Code Chapter 13.28 is amended to read as follows: SEE EXHIBIT “A”

**SECTION FOUR.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**SECTION FIVE.** Effective Date. This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of Lemon Grove shall cause this Ordinance to be published pursuant to the provisions of Government Code Section 36933.

***PASSED AND ADOPTED*** by the City Council of the City of Lemon Grove, State of California, on November 16, 2021 by the following vote:

***AYES:***

***NOES:***

***ABSENT:***

***ABSTAIN:***

---

***Racquel Vasquez, Mayor***

***Attest:***

---

***Lydia Romero, City Manager***

***Approved as to Form:***

---

***Kristen Steinke, City Attorney***

## **Chapter 13.28 MANDATORY RECYCLING**

### **13.28.005 Purpose and intent.**

### **13.28.010 Definitions.**

### **13.28.020 Designated recyclables.**

### **13.28.030 Segregation of recyclable materials.**

### **13.28.040 Separation of recyclable materials.**

### **13.28.050 Mandatory separation of recyclables, collection and disposal of solid waste and recyclables.**

### **13.28.005 Purpose and intent.**

The City finds and declares:

A. State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their Jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.

B. State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires Jurisdictions to implement a Mandatory Commercial Recycling program.

C. State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires Jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires Jurisdictions to implement a Mandatory Commercial Organics Recycling program.

D. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including Jurisdictions, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.

E. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires Jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

F. Requirements in this ordinance are consistent with other adopted goals and policies of the City.

### **13.28.010 Definitions.**

For the purposes of this chapter, certain words and phrases are defined as follows:

“Aluminum” means recoverable aluminum materials such as used beverage containers, siding and other manufactured items.

“Blue Container” has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.

“CalRecycle” means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on Jurisdictions (and others).

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

“City Enforcement Official” means the city manager or their authorized Designee(s) who is/are partially or whole responsible for enforcing this ordinance. See also “Regional or County Agency Enforcement Official”.

“Collection” means the act of collecting solid waste materials or recyclables at residential, commercial, industrial or governmental sites, and hauling it to a facility for processing, transfer, disposal or burning.

“Colored plastic bottles” mean plastic beverage bottles and other bottles marked PET or PETE(1) and HDPE(2) on the bottom which have a narrow neck and an opening smaller than the body of the container.

“Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.

“Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in this ordinance or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

“Compliance Review” means a review of records by the City to determine compliance with this ordinance.

“Commercial recyclables” mean recyclables from the two commercial subcategories of office buildings (of more than twenty thousand square feet) which are office paper, corrugated cardboard, newspaper and aluminum; and hospitality (restaurants and taverns) which are corrugated cardboard, plastic beverage bottles, glass jars and bottles, white goods (appliances), aluminum, and tin and bi-metal cans.

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

“Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.

“Compostable Plastics” or “Compostable Plastic” means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

“Container Contamination” or “Contaminated Container” means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

“Corrugated cardboard” means post-consumer waste paper grade corrugated cardboard (#11), kraft (brown) paper bags or solid fiber boxes which have served their packaging purpose and are discarded and can later be reclaimed for collection and recovery for recycling.

“C&D” means construction and demolition debris.

“Designated recyclable materials” mean materials that are recyclable and/or reusable within the following categories of residential, commercial (office and hospitality) and industrial as defined more specifically within each category as listed within this chapter.

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

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

“Enforcement Action” means an action of the City to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

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

“Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

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

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

“Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

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

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

“Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

“Food Scraps” means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.

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

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

“Food Waste” means Food Scraps, Food-Soiled Paper, and Compostable Plastics.

“Glass bottles and jars” mean food and beverage glass containers including container glass covered by the deposit law, and excluding household and kitchen containers such as drinking glasses, cups and cooking and serving dishes.

“Gray Container” has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.

“Gray Container Waste” means Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray

Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).

“Green Container” has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.

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

“Hauler Route” means the designated itinerary or sequence of stops for each segment of the City’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

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

“Hospitality industry” means any establishment that offers dining services or food or beverage sales including taverns, bars, cafeterias and restaurants, as well as motels and hotels, hospitals, schools, colleges and other such establishments that have dining services or a restaurant or bar on their premises.

“Industrial recyclables” mean recyclables from industry/construction waste streams including dirt, asphalt, sand, land-clearing brush, concrete and rock.

“Inspection” means a site visit where the City reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).

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

“Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.

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

“Mixed Waste Organic Collection Stream” or “Mixed Waste” means Organic Waste collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as otherwise defined in 14 CCR Section 17402(a)(11.5).

“Mixed paper” means magazines, junk mail, phone books and cereal and other noncorrugated food boxes generated by residential households.

“Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

“Multifamily residential recyclables” mean those specific recyclable materials from the residential waste stream including, but not limited to, newspaper, plastic beverage bottles, other plastic bottles marked PET or PETE (1) and HDPE (2) on bottom of container, aluminum, tin and bi-metal cans, yard wastes, white goods (appliances) and glass bottles and jars.

“MWELo” refers to the Model Water Efficient Landscape Ordinance (MWELo), 23 CCR, Division 2, Chapter 2.7.

“Newspaper” means materials printed on newsprint.

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

“Non-Local Entity” means the following entities that are not subject to the Jurisdiction’s enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):

- (1) Special district(s) located within the boundaries of the City.
- (2) Public universities (including community colleges) located within the boundaries of the City.
- (3) State agencies located within the boundaries of the City.
- (4) Facilities operated by the State park system located within the boundaries of the City.

“Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).

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

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

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

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

“Plastic beverage bottles” mean plastic containers with narrow necks, or mouth openings smaller than the diameter of the container bodies, used for containing milk, juice, soft drinks or water intended for human consumption; to be distinguished from non-food bottles such as those for containing motor oil, detergent or other household products.

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

“Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the City’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the City’s Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in City’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.

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

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

“Recyclable materials” mean materials which would otherwise become solid waste, and which can be collected, separated and processed and returned to use in the form of raw materials or products.

“Recycled-Content Paper” means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

“Regional Agency” means regional agency as defined in Public Resources Code Section 40181.

“Regional or County Agency Enforcement Official” means a regional or county agency enforcement official, designated by the City with responsibility for enforcing the ordinance in conjunction or consultation with City Enforcement Official.

“Remote Monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Blue Containers, Green Containers, and Gray Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

“Removal” means the act of taking solid waste materials or recyclables from the place of generation either by an approved collector, agent for the collector, or by a person in control of the premises.

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

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

“Route Review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

“Rubbish” means nonputrescible solid wastes such as ashes, glass, bedding, crockery, nonrecyclable plastics, rubber by-products or litter.

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

“SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

“Segregation of recyclable materials” means any of the following: the placement of recyclables in separate containers; the binding of recyclable material separately from the other waste material; the physical separation of recyclables from other waste material.

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

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

“Single-family residential recyclables” mean those specific recyclable materials from the residential waste stream including, but not limited to, newspaper, mixed paper, plastic beverage bottles, other plastic bottles marked PET or PETE (1) and HDPE (2) on bottom of container, aluminum, tin and bi-metal cans, yard wastes, white goods (appliances) and glass bottles and jars.

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

- (1) Hazardous waste, as defined in the State Public Resources Code Section 40141.
- (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
- (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated

medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

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

“Source Separated Blue Container Organic Waste” means Source Separated Organic Wastes that can be placed in a Blue Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

“Source Separated Green Container Organic Waste” means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.

“Source Separated Recyclable Materials” means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.

“State” means the State of California.

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

“Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Supermarket.
- (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
- (3) Food Service Provider.
- (4) Food Distributor.
- (5) Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this ordinance.

“Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (2) Hotel with an on-site Food Facility and 200 or more rooms.
- (3) Health facility with an on-site Food Facility and 100 or more beds.

- (4) Large Venue.
- (5) Large Event.
- (6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (7) A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this ordinance.

“Tin and bi-metal cans” means any steel food and beverage containers with a tin or aluminum plating.

“Uncontainerized Green Waste and Yard Waste Collection Service” or “Uncontainerized Service” means a collection service that collects green waste and yard waste that is placed in a pile or bagged for collection on the street in front of a generator’s house or place of business for collection and transport to a facility that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR Section 189852(a)(75).

“White goods” means kitchen or other large enameled appliances.

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

“Yard wastes” mean leaves, grass, weeds and wood materials from trees and shrubs. (Ord. 206 § 1, 1993)

### **13.28.020 Designated recyclables.**

The city council, by resolution, shall designate materials to be recycled in accordance with this chapter. (Ord. 206 § 1, 1993)

### **13.28.030 Segregation of recyclable materials.**

It shall be mandatory on the dates specified by council resolution designating materials to be recycled that such recyclable materials be segregated ~~from rubbish or garbage~~ for separate collection or removal. (Ord. 206 § 1, 1993)

### **13.28.040 Separation of recyclable materials.**

A. Containers for designated recyclables shall be provided by trash hauler to each of their customers, for collection of designated recyclables.

B. Containers provided to single-family and multifamily residences, commercial and industrial entities shall effectively segregate the designated recyclables for pickup according to this Chapter.

C. All recyclable materials shall be separated from other garbage and combined refuse, and grouped together and placed for collection in the same manner as when their regular garbage collection occurs. (Ord. 206 § 1, 1993)

**13.28.050 Mandatory separation of recyclables, collection and disposal of solid waste and recyclables.**

A. Requirements for Single Family Generators.

Single Family Organic Waste Generators except Single-Family generators that meet the Self-Hauler requirements in this ordinance shall:

1. Subscribe to City's Organic Waste collection services for all Organic Waste generated as described below in Section 62.12.012(A)(2). City shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the City. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

2. Participate in the City's Organic Waste collection service(s) by placing designated materials in designated containers, as described below, and shall not place Prohibited Container Contaminants in collection containers.

a. A three- and three-plus-container collection service (Blue Container, Green Container, and Gray Container)

i. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

B. Requirements for Commercial Businesses, including Multi-Family Residential Dwellings.

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

1. Subscribe to the City's three-, three-plus container collection services and comply with requirements of those services as described below in 62.12.012(B)(2), except Commercial Businesses that meet the Self-Hauler requirements in this ordinance. The City shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the City.

2. Except Commercial Businesses that meet the Self-Hauler requirements in Section F of this ordinance, participate in the City's Organic Waste collection service(s) by placing designated materials in designated containers as described below.

a. A three- and three-plus-container collection service (Blue Container, Green Container, and Gray Container)

i. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.

3. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with Sections B(4)(a) and B(4)(b) below) for employees, contractors, tenants, and customers, consistent with the City's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section F.

4. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

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

b. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant to 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

5. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in Section B(4) pursuant to 14 CCR Section 18984.9(b).

6. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the City's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section F.

7. Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, and Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

8. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.

9. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.

10. Provide or arrange access for the City or its agent to their properties during all Inspections conducted in accordance with Section G of this ordinance to confirm compliance with the requirements of this ordinance.

11. Accommodate and cooperate with the City's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, which may be implemented at a later date, to evaluate generator's compliance with Section B(2). The Remote Monitoring program may involve installation of Remote Monitoring equipment on or in the Blue Containers, Green Containers, and Gray Containers or Hauler's vehicles.

12. At Commercial Business's option and subject to any approval required from the City, implement a Remote Monitoring program for Inspection of the contents of its Blue Containers, Green Containers, and Gray Containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify Prohibited Container Contaminants. Generators may install Remote Monitoring devices on or in the Blue Containers, Green Containers, and Gray Containers subject to written notification to or approval by the City or its Designee.

13. If a Commercial Business wants to self-haul, meet the Self-Hauler requirements in Section F of this ordinance.

14. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

15. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section D.

#### C. Waivers for Generators.

1. De Minimis Waivers. The City may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in Section C(1)(b) below. Commercial Businesses requesting a de minimis waiver shall:

a. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in Section C(1)(b) below.

b. Provide documentation that either:

i. The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,

ii. The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.

c. Notify the City if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.

d. Provide written verification of eligibility for de minimis waiver every 5 years, if the City has approved de minimis waiver.

2. Physical space waivers. The City may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the City has evidence from its own

staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Section B. A Commercial Business or property owner may request a physical space waiver through the following process:

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

b. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.

c. Provide written verification to the City that it is still eligible for physical space waiver every five years, if the City has approved application for a physical space waiver.

3. Review and Approval of Waivers by City. The City Manager or the City Manager's designee shall be responsible for review and determination of any waiver submitted to the City for approval.

#### D. Requirements for Commercial Edible Food Generators.

1. Tier One Commercial Edible Food Generators must comply with the requirements of this Section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

2. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.

3. Commercial Edible Food Generators shall comply with the following requirements:

a. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.

b. Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

c. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

d. Allow the City's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.

e. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

i. A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

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

iii. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

1) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

2) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

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

4) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

f. No later than July 1, 2022 of each year for Tier One Commercial Edible Food Generators and July 1, 2024 for Tier Two Commercial Edible Food Generators, provide an annual Food Recovery report to the City that includes the following information:

i. All records required in e(i);

ii. Amount and type of Edible Food that was not accepted by Food Recovery Organizations or services for donation.

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

5. Requirements for Food Recovery Organizations and Services.

a. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

i. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.

ii. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.

iii. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.

iv. The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.

b. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

i. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.

ii. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.

iii. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

c. Commencing on January 1, 2022, and annually thereafter, Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b).

d. Food Recovery Capacity Planning. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the City, or its designated entity, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

#### E. Requirements for Haulers and Facility Operators.

##### 1. Requirements for Haulers.

a. Exclusive franchised hauler providing residential, Commercial, or industrial Organic Waste collection services to generators within the City's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the City to collect Organic Waste:

i. Through written notice to the City annually on or before January 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.

ii. Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

iii. Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1 and City's C&D ordinance.

b. Exclusive franchised hauler authorization to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license, or other agreement entered into with City.

##### 2. Requirements for Facility Operators and Community Composting Operations.

a. Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon City's request, provide information regarding available and potential new or expanded capacity at

their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.

b. Community Composting operators, upon City request, shall provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days.

#### F. Self-Hauler Requirements.

1. Self-Haulers shall source separate all recyclable materials and Organic Waste generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.

2. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

3. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the City. The records shall include the following information:

a. Delivery receipts and weight tickets from the entity accepting the waste.

b. The amount of material in cubic yards or tons transported by the generator to each entity.

c. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

4. Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section F(3) to City.

5. A residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in Section F(3) and (4).

#### G. Inspections and Investigations by City.

1. City representatives and/or its designated entity, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow City to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business containers for compliance with Section B(2) or C(2) of this ordinance, City may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial

Businesses shall accommodate and cooperate with the Remote Monitoring pursuant to Section B or C of this ordinance.

2. Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of Remote Monitoring equipment; or (ii) access to records for any inspection or investigation is a violation of this ordinance and may result in penalties described.

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

4. City representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.

5. City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

#### H. Enforcement.

1. Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the City's Enforcement Official or representative. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. The City's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.

2. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. The City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The City may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of City staff and resources.

I. Effective Date. This ordinance shall be effective commencing on January 7, 2022.

The City is in a strong position to meet the requirements set forth in SB 1383. With the adoption of Ordinance 459, the City will be one step closer to becoming SB 1383 compliant.

As has been mentioned throughout this report, SB 1383 requires the City to adopt an enforceable ordinance to compel businesses and residents to recycle their organic waste and to comply with other requirements of State Law. In order to meet this requirement, the municipal code must be updated. The attached ordinance (Attachment A) includes the required provisions.

**Environmental Review:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration           |
| <input type="checkbox"/> Categorically Exempt             | <input type="checkbox"/> Mitigated Negative Declaration |

The adoption of the ordinance is not subject to CEQA pursuant to Section 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a “project,” as defined in Section 15378 of the CEQA Guidelines.

**Fiscal Impact:** It is not anticipated that the proposed ordinance will result in any immediate fiscal impact. However, programmatic changes to comply with the legal requirements of the various State mandates may result in increased operational costs in the upcoming budget cycle.

**Staff Recommendation:** Introduce for its first reading Ordinance 459 “An ordinance of the City Council of the City of Lemon Grove, California amending Chapter 13.28 of the Lemon Grove Municipal Code to comply with State mandated organic waste disposal requirements.”

**Attachments:**

**Attachment A** – Ordinance 459 “An ordinance of the City Council of the City of Lemon Grove, California amending Chapter 13.28 of the Lemon Grove Municipal Code to comply with State mandated organic waste disposal requirements.”

**Attachment B** - Lemon Grove - Chapter 13 - Organic Waste Ordinance - REDLINE

**Chapter 13.28 MANDATORY RECYCLING**

**13.28.005 Purpose and intent.**

**13.28.010 Definitions.**

**13.28.020 Designated recyclables.**

**13.28.030 Segregation of recyclable materials.**

**13.28.040 Separation of recyclable materials.**

**13.28.050 Enforcement. Mandatory separation of recyclables, collection and disposal of solid waste and recyclables.**

**13.28.005 Purpose and intent.**

The City finds and declares:

A. State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their Jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.

B. State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires Jurisdictions to implement a Mandatory Commercial Recycling program.

C. State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires Jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires Jurisdictions to implement a Mandatory Commercial Organics Recycling program.

D. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including Jurisdictions, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.

E. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires Jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

F. Requirements in this ordinance are consistent with other adopted goals and policies of the City.

**13.28.010 Definitions.**

For the purposes of this chapter, certain words and phrases are defined as follows:

“Aluminum” means recoverable aluminum materials such as used beverage containers, siding and other manufactured items.

“Blue Container” has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.

“CalRecycle” means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on Jurisdictions (and others).

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

“City Enforcement Official” means the city manager or their authorized Designee(s) who is/are partially or whole responsible for enforcing this ordinance. See also “Regional or County Agency Enforcement Official”.

“Collection” means the act of collecting solid waste materials or recyclables at residential, commercial, industrial or governmental sites, and hauling it to a facility for processing, transfer, disposal or burning.

“Colored plastic bottles” mean plastic beverage bottles and other bottles marked PET or PETE(1) and HDPE(2) on the bottom which have a narrow neck and an opening smaller than the body of the container.

“Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.

“Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in this ordinance or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

“Compliance Review” means a review of records by the City to determine compliance with this ordinance.

“Commercial recyclables” mean recyclables from the two commercial subcategories of office buildings (of more than twenty thousand square feet) which are office paper, corrugated cardboard, newspaper and aluminum; and hospitality (restaurants and taverns) which are corrugated cardboard, plastic beverage bottles, glass jars and bottles, white goods (appliances), aluminum, and tin and bi-metal cans.

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

“Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.

“Compostable Plastics” or “Compostable Plastic” means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

“Container Contamination” or “Contaminated Container” means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

“Corrugated cardboard” means post-consumer waste paper grade corrugated cardboard (#11), kraft (brown) paper bags or solid fiber boxes which have served their packaging purpose and are discarded and can later be reclaimed for collection and recovery for recycling.

“C&D” means construction and demolition debris.

“Designated recyclable materials” mean materials that are recyclable and/or reusable within the following categories of residential, commercial (office and hospitality) and industrial as defined more specifically within each category as listed within this chapter.

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

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

“Enforcement Action” means an action of the City to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

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

## ATTACHMENT B

“Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

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

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

“Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

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

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

“Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

“Food Scraps” means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.

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

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

“Food Waste” means Food Scraps, Food-Soiled Paper, and Compostable Plastics.

~~“Garbage” means all kitchen and table waste and animal or vegetable waste that attends or results from the storage, preparation, cooking or handling of food stuffs.~~

“Glass bottles and jars” mean food and beverage glass containers including container glass covered by the deposit law, and excluding household and kitchen containers such as drinking glasses, cups and cooking and serving dishes.

“Gray Container” has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.

“Gray Container Waste” means Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).

“Green Container” has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.

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

“Hauler Route” means the designated itinerary or sequence of stops for each segment of the City’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

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

“Hospitality industry” means any establishment that offers dining services or food or beverage sales including taverns, bars, cafeterias and restaurants, as well as motels and hotels, hospitals, schools, colleges and other such establishments that have dining services or a restaurant or bar on their premises.

“Industrial recyclables” mean recyclables from industry/construction waste streams including dirt, asphalt, sand, land-clearing brush, concrete and rock.

“Inspection” means a site visit where the City reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).

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

“Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.

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

“Mixed Waste Organic Collection Stream” or “Mixed Waste” means Organic Waste collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as otherwise defined in 14 CCR Section 17402(a)(11.5).

“Mixed paper” means magazines, junk mail, phone books and cereal and other noncorrugated food boxes generated by residential households.

“Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

“Multifamily residential recyclables” mean those specific recyclable materials from the residential waste stream including, but not limited to, newspaper, plastic beverage bottles, other plastic bottles marked PET or PETE (1) and HDPE (2) on bottom of container, aluminum, tin and bi-metal cans, yard wastes, white goods (appliances) and glass bottles and jars.

“MWELo” refers to the Model Water Efficient Landscape Ordinance (MWELo), 23 CCR, Division 2, Chapter 2.7.

“Newspaper” means materials printed on newsprint.

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

“Non-Local Entity” means the following entities that are not subject to the Jurisdiction’s enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):

- (1) Special district(s) located within the boundaries of the City.
- (2) Public universities (including community colleges) located within the boundaries of the City.
- (3) State agencies located within the boundaries of the City.
- (4) Facilities operated by the State park system located within the boundaries of the City.

“Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).

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

~~“Office paper” means waste paper grades of white and colored ledgers. Examples include forms, copy paper, stationery and other papers that are generally associated with desk activity.~~

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

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

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

“Plastic beverage bottles” mean plastic containers with narrow necks, or mouth openings smaller than the diameter of the container bodies, used for containing milk, juice, soft drinks or water intended for human consumption; to be distinguished from non-food bottles such as those for containing motor oil, detergent or other household products.

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

“Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the City’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the City’s Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in City’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.

~~“Putrescible wastes” mean the waste in organic material with the decomposition capacity to emit noticeable quantities of odor and gas by products. Material in this category includes, but is not limited to, kitchen waste, dead animals, food from containers, etc.~~

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

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

“Recyclable materials” mean materials which would otherwise become solid waste, and which can be collected, separated and processed and returned to use in the form of raw materials or products.

“Recycled-Content Paper” means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

“Regional Agency” means regional agency as defined in Public Resources Code Section 40181.

“Regional or County Agency Enforcement Official” means a regional or county agency enforcement official, designated by the City with responsibility for enforcing the ordinance in conjunction or consultation with City Enforcement Official.

“Remote Monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Blue Containers, Green Containers, and Gray Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

“Removal” means the act of taking solid waste materials or recyclables from the place of generation either by an approved collector, agent for the collector, or by a person in control of the premises.

~~“Residential recyclables.” (See “Multifamily residential recyclables” and “Single-family residential recyclables.”)~~

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

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

“Route Review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

“Rubbish” means nonputrescible solid wastes such as ashes, glass, bedding, crockery, nonrecyclable plastics, rubber by-products or litter.

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

“SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

“Segregation of recyclable materials” means any of the following: the placement of recyclables in separate containers; the binding of recyclable material separately from the other waste material; the physical separation of recyclables from other waste material.

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

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

“Single-family residential recyclables” mean those specific recyclable materials from the residential waste stream including, but not limited to, newspaper, mixed paper, plastic beverage bottles, other plastic bottles marked PET or PETE (1) and HDPE (2) on bottom of container, aluminum, tin and bi-metal cans, yard wastes, white goods (appliances) and glass bottles and jars.

~~“Solid waste” means any garbage, rubbish and other discarded material, including solid, liquid, semisolid or contained gaseous materials, resulting from industrial, commercial and residential activities, but excludes recyclable materials.~~

“Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or

chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

- (1) Hazardous waste, as defined in the State Public Resources Code Section 40141.
- (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
- (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

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

“Source Separated Blue Container Organic Waste” means Source Separated Organic Wastes that can be placed in a Blue Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

“Source Separated Green Container Organic Waste” means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.

“Source Separated Recyclable Materials” means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.

“State” means the State of California.

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

“Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Supermarket.
- (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
- (3) Food Service Provider.
- (4) Food Distributor.
- (5) Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this ordinance.

“Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (2) Hotel with an on-site Food Facility and 200 or more rooms.
- (3) Health facility with an on-site Food Facility and 100 or more beds.
- (4) Large Venue.
- (5) Large Event.
- (6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (7) A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this ordinance.

“Tin and bi-metal cans” means any steel food and beverage containers with a tin or aluminum plating.

“Uncontainerized Green Waste and Yard Waste Collection Service” or “Uncontainerized Service” means a collection service that collects green waste and yard waste that is placed in a pile or bagged for collection on the street in front of a generator’s house or place of business for collection and transport to a facility that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR Section 189852(a)(75).

“White goods” means kitchen or other large enameled appliances.

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

“Yard wastes” mean leaves, grass, weeds and wood materials from trees and shrubs. (Ord. 206 § 1, 1993)

### **13.28.020 Designated recyclables.**

The city council, by resolution, shall designate materials to be recycled in accordance with this chapter. (Ord. 206 § 1, 1993)

### **13.28.030 Segregation of recyclable materials.**

It shall be mandatory on the dates specified by council resolution designating materials to be recycled that such recyclable materials be segregated ~~from rubbish or garbage~~ for separate collection or removal. (Ord. 206 § 1, 1993)

### **13.28.040 Separation of recyclable materials.**

A. Containers for designated recyclables shall be provided by trash hauler to each of their customers, for collection of designated recyclables.

B. Containers provided to single-family and multifamily residences, commercial and industrial entities shall effectively segregate the designated recyclables for pickup according to this Chapter.

C. All recyclable materials shall be separated from other garbage and combined refuse, and grouped together and placed for collection in the same manner as when their regular garbage collection occurs. (Ord. 206 § 1, 1993)

**13.28.050 Enforcement. Mandatory separation of recyclables, collection and disposal of solid waste and recyclables.**

~~—The city manager or designee shall have responsibility for the enforcement of all provisions of this chapter and those enforcement policies as designated by council resolution. Violations of this chapter and regulations adopted pursuant to this chapter will be addressed in the same manner as other violations of the Municipal Code; however, nothing in the regulations shall prevent the authorized agents or deputies from efforts to obtain voluntary compliance by way of warning, notice of violation or educational means and proceeding by either infraction or misdemeanor for each violation. (Ord. 206 § 1, 1993)~~

**A. Requirements for Single Family Generators.**

Single Family Organic Waste Generators except Single-Family generators that meet the Self-Hauler requirements in this ordinance shall:

1. Subscribe to City's Organic Waste collection services for all Organic Waste generated as described below in Section 62.12.012(A)(2). City shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the City. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
2. Participate in the City's Organic Waste collection service(s) by placing designated materials in designated containers, as described below, and shall not place Prohibited Container Contaminants in collection containers.

a. A three- and three-plus-container collection service (Blue Container, Green Container, and Gray Container)

- i. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

**B. Requirements for Commercial Businesses, including Multi-Family Residential Dwellings.**

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

1. Subscribe to the City's three-, three-plus container collection services and comply with requirements of those services as described below in 62.12.012(B)(2), except Commercial Businesses that meet the Self-Hauler requirements in this ordinance. The City shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided

for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the City.

2. Except Commercial Businesses that meet the Self-Hauler requirements in Section F of this ordinance, participate in the City's Organic Waste collection service(s) by placing designated materials in designated containers as described below.

a. A three- and three-plus-container collection service (Blue Container, Green Container, and Gray Container)

i. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.

3. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with Sections B(4)(a) and B(4)(b) below) for employees, contractors, tenants, and customers, consistent with the City's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section F.

4. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

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

b. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant to 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

5. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in Section B(4) pursuant to 14 CCR Section 18984.9(b).

6. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the City's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section F.

7. Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, and Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

8. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.

9. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.

10. Provide or arrange access for the City or its agent to their properties during all Inspections conducted in accordance with Section G of this ordinance to confirm compliance with the requirements of this ordinance.

11. Accommodate and cooperate with the City's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, which may be implemented at a later date, to evaluate generator's compliance with Section B(2). The Remote Monitoring program may involve installation of Remote Monitoring equipment on or in the Blue Containers, Green Containers, and Gray Containers or Hauler's vehicles.

12. At Commercial Business's option and subject to any approval required from the City, implement a Remote Monitoring program for Inspection of the contents of its Blue Containers, Green Containers, and Gray Containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify Prohibited Container Contaminants. Generators may install Remote Monitoring devices on or in the Blue Containers, Green Containers, and Gray Containers subject to written notification to or approval by the City or its Designee.

13. If a Commercial Business wants to self-haul, meet the Self-Hauler requirements in Section F of this ordinance.

14. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

15. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section D.

#### C. Waivers for Generators.

1. De Minimis Waivers. The City may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in Section C(1)(b) below. Commercial Businesses requesting a de minimis waiver shall:

a. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in Section C(1)(b) below.

b. Provide documentation that either:

i. The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,

ii. The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.

c. Notify the City if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.

d. Provide written verification of eligibility for de minimis waiver every 5 years, if the City has approved de minimis waiver.

2. Physical space waivers. The City may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Section B. A Commercial Business or property owner may request a physical space waiver through the following process:

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

b. Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.

c. Provide written verification to the City that it is still eligible for physical space waiver every five years, if the City has approved application for a physical space waiver.

3. Review and Approval of Waivers by City. The City Manager or the City Manager's designee shall be responsible for review and determination of any waiver submitted to the City for approval.

#### D. Requirements for Commercial Edible Food Generators.

1. Tier One Commercial Edible Food Generators must comply with the requirements of this Section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

2. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.

3. Commercial Edible Food Generators shall comply with the following requirements:

a. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.

b. Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

c. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

d. Allow the City's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.

e. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

i. A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

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

iii. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

1) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

2) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

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

4) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

f. No later than July 1, 2022 of each year for Tier One Commercial Edible Food Generators and July 1, 2024 for Tier Two Commercial Edible Food Generators, provide an annual Food Recovery report to the City that includes the following information:

i. All records required in e(i);

ii. Amount and type of Edible Food that was not accepted by Food Recovery Organizations or services for donation.

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

#### 5. Requirements for Food Recovery Organizations and Services.

a. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

i. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.

ii. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.

iii. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.

iv. The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.

b. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

i. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.

ii. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.

iii. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

c. Commencing on January 1, 2022, and annually thereafter, Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b).

d. Food Recovery Capacity Planning. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the City, or its designated entity, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

#### E. Requirements for Haulers and Facility Operators.

##### 1. Requirements for Haulers.

a. Exclusive franchised hauler providing residential, Commercial, or industrial Organic Waste collection services to generators within the City's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the City to collect Organic Waste:

i. Through written notice to the City annually on or before January 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.

ii. Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

iii. Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1 and City's C&D ordinance.

b. Exclusive franchised hauler authorization to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license, or other agreement entered into with City.

## 2. Requirements for Facility Operators and Community Composting Operations.

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

b. Community Composting operators, upon City request, shall provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days.

## F. Self-Hauler Requirements.

1. Self-Haulers shall source separate all recyclable materials and Organic Waste generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.

2. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

3. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the City. The records shall include the following information:

a. Delivery receipts and weight tickets from the entity accepting the waste.

b. The amount of material in cubic yards or tons transported by the generator to each entity.

c. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

4. Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section F(3) to City.

5. A residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in Section F(3) and (4).

G. Inspections and Investigations by City.

1. City representatives and/or its designated entity, including Designees are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow City to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business containers for compliance with Section B(2) or C(2) of this ordinance, City may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring pursuant to Section B or C of this ordinance.

2. Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or its designated entity/Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of Remote Monitoring equipment; or (ii) access to records for any inspection or investigation is a violation of this ordinance and may result in penalties described.

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

4. City representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.

5. City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

H. Enforcement.

1. Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the City's Enforcement Official or representative. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. The City's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.

2. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. The City may pursue civil actions in the California courts to seek recovery of unpaid

## ATTACHMENT B

administrative citations. The City may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of City staff and resources.

I. Effective Date. This ordinance shall be effective commencing on January 7, 2022.



# CITY OF LEMON GROVE

## CITY COUNCIL STAFF REPORT

**Item No.** 3.  
**Meeting Date:** November 16, 2021  
**Submitted to:** Honorable Mayor and Members of the City Council  
**Department:** City Manager's Office  
**Staff Contact:** Lydia Romero, City Manager; [lromero@lemongrove.ca.gov](mailto:lromero@lemongrove.ca.gov)  
**Item Title:** **Call for Applications for the Community Advisory Commission**

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**Recommended Action:** That the City Council: 1) Give direction to Staff regarding the appointment process and 2) Adopt a resolution (Attachment A), establishing a recruitment process for the three permanent and ad-hoc members of the Community Advisory Commission.

**Background:** At the September 1, 2015, City Council Meeting, Ordinance No. 431 was introduced establishing the Community Advisory Commission (CAC). The CAC is made up of three (3) permanent members and a variable number of temporary members. The number and makeup of the temporary membership would change based upon the need for resident-members as determined on an issue-to-issue basis by the City Council. The CAC would serve the role as either a Committee or Focus Group with the permanent members serving in the leadership positions for the Committee (*i.e.* Chair and Vice Chair of the overall committee or focus group and chairs of any sub-groups formed). The purpose would be to provide more stability to the Committee/Group with less reliance on staff to assume a leadership role.

Permanent positions on the Commission shall be appointed by the City Council and shall serve for a period of three (3) years, or until reappointment or appointment of a successor. Temporary members of the Commission shall be appointed for a limited duration by resolution of the City Council that establishes the task to be studied by the Commission or by subsequent resolution. The temporary Commission members shall serve for the length of time designated in the Resolution of the City Council establishing the matter to be studied or as amended by subsequent resolution of the City Council

In 2017, the City Council made appointments of the three (3) permanent members of the CAC, as well as ad-hoc appointments to study and recommend zoning for homeless shelters. Upon completion of the assignment, the CAC lay dormant with all the permanent position terms expiring.

**Discussion:** In the FY 21/22 City Council work plan, the City Council identified the CAC to function as a Budget Review Committee. Acting in this capacity, the CAC will work with City staff to review and discuss the status of the City’s General fund, Capital Improvement Budget and governmental funds and make recommendations to the Finance Manager and City Council. Staff envisions convening the newly appointed CAC in January of 2022.

To accomplish the goal of having the CAC serve as a Budget Review Committee, staff is recommending that the City Council call for applications for the permanent and ad-hoc members of the Committee. Staff also recommends following the schedule below for the Committee recruitment:

- November 18, 2021                      Applications available
- December 9, 2021                      Deadline for Applications
- December 21, 2021                      City Council Appointment

Based on the number of applications, staff recommends holding a special meeting to conduct interviews of Commission members. A special meeting can be held on December 14<sup>th</sup> or December 20<sup>th</sup>, depending on the preference of the City Council.

**Environmental Review:**

- Not subject to review                       Negative Declaration
- Categorical Exemption, Section |                      |  Mitigated Negative Declaration

**Fiscal Impact:** None.

**Public Notification:** None

**Staff Recommendation:** That the City Council: 1) Give direction to Staff regarding the appointment process and 2) Adopt a resolution (**Attachment A**), establishing a recruitment process for the three permanent and ad-hoc members of the Community Advisory Commission.

**Attachment:**

**Attachment A** – Resolution

**RESOLUTION NO. 2021-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,  
CALIFORNIA ESTABLISHING A RECRUITMENT PROCESS TO APPOINT  
THE PERMANENT AND AD-HOC MEMBERS OF THE COMMUNITY  
ADVISORY COMMISSION.**

**WHEREAS**, on September 15, 2015, the Lemon Grove City Council adopted an Ordinance establishing the Community Advisory Commission; and

**WHEREAS**, the City Council, after having made implementing changes in the municipal code to set the general parameters for the Community Advisory Commission, desires to appoint the three (3) permanent members of the Commission through a recruitment process established hereunder; and

**WHEREAS**, the City Council, after having made implementing changes in the municipal code to set the general parameters for the Community Advisory Commission, desires to appoint Ad-Hoc members of the Commission through a recruitment process established hereunder; and

**WHEREAS**, the City Council authorizes the City Manager and city staff to advertise for the appointment of Community Advisory Commission in the manner set out below.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Lemon Grove, California hereby resolves as follows that:

1. The foregoing recitals are true and correct, and
2. The City Council authorizes the City Manager, and her designees, to advertise the recruitment of citizens to serve in three permanent offices and ad-hoc members on the Community Advisory Commission as follows:

**November 18, 2021**

**Public Notice Deadline**

**December 9, 2021**

**Deadline for Applications**

**December 21, 2021**

**City Council Appointment**

3. The appointment process shall be posted and advertised at least once in a newspaper of general circulation within the City of Lemon Grove. Further notices shall be given through electronic mail and on the City's Website, and

4. The City Council intends to appoint three members to terms of one, two and three years, to re-establish the Community Advisory Commission.

***PASSED AND ADOPTED*** on November 16, 2021, the City Council of the City of Lemon Grove, California, adopted Resolution No. \_\_\_\_\_, passed by the following vote:

***AYES:***

***NOES:***

***ABSENT:***

***ABSTAIN:***

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***Racquel Vasquez, Mayor***

***Attest:***

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***Audrey Malone, Deputy City Clerk***

***Approved as to Form:***

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***Kristen Steinke, City Attorney***