



Pedro "Pete" M. Sanchez, Mayor
Lori Wilson, Mayor Pro-Tem
Jane Day
Michael J. Hudson
Michael A. Segala

First and Third Tuesday
Every Month

A G E N D A

**SPECIAL MEETING OF THE
SUISUN CITY COUNCIL
SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY,
AND HOUSING AUTHORITY
TUESDAY, JULY 15, 2014
5:30 P.M.**

SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA

TELECONFERENCE NOTICE
Pursuant to Government Code Section 54953, Subdivision (b), the following Council/Successor Agency/Housing Authority meeting will include teleconference participation by Councilmember Jane Day from: 301 Morgan Street, Suisun City, CA 94585.

ROLL CALL

Council/Board Members

PUBLIC COMMENT

(Requests by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3 allowing 3 minutes to each speaker).

CONFLICT OF INTEREST NOTIFICATION

(Any items on this agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)

CLOSED SESSION

Pursuant to California Government Code section 54950 the City Council / Suisun City Council Acting as Successor Agency / Housing Authority will hold a Closed Session for the purpose of:

Joint City Council / Housing Authority

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to California Government Code Section 54956.8., the City Council / Housing Authority of the City of Suisun City will hold a Closed Session for the purpose of Conference with Real Property Negotiator.

Property Under Negotiation: APN 0032-230-290

Agency Negotiator: Suzanne Bragdon, City Manager, Ronald C. Anderson, Jr., Assistant City Manager/Administrative Services, Daniel Kasperson, Building/Public Works Director, Jason Garben, Economic Development Director, John Kearns, Associate Planner

Negotiating Parties: Pacific Gas and Electric

Under Negotiations: Real property terms and payment

City Council

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to California Government Code Section 54956.8., the City Council of the City of Suisun City will hold a Closed Session for the purpose of Conference with Real Property Negotiator.

Property Under Negotiation: APN 0174-160-070

Agency Negotiator: Suzanne Bragdon, City Manager, Ronald C. Anderson, Jr., Assistant City Manager/Administrative Services, Jason Garben, Economic Development Director

Negotiating Parties: Pacific Infinity/Cepeda Baseball

Under Negotiations: Real property terms and payment

3. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b): One potential case.

Joint City Council / Suisun City Council Acting as Successor Agency

4. PERSONNEL MATTERS

Pursuant to California Government Code Section 54954.5 et seq. the Suisun City Council will hold a Closed Session for the purpose of Public Employee Performance Evaluation: City Attorney.

CONVENE OPEN SESSION

Announcement of Actions Taken, if any, in Closed Session.

ADJOURNMENT

A complete packet of information containing staff reports and exhibits related to each item for the open session of this meeting, and provided to the City Council, are available for public review at least 72 hours prior to a Council /Agency/Authority Meeting at Suisun City Hall 701 Civic Center Blvd., Suisun City. Agenda related writings or documents provided to a majority of the Council/Board/Commissioners less than 72 hours prior to a Council/Agency/Authority meeting related to an agenda item for the open session of this meeting will be made available for public inspection during normal business hours. An agenda packet is also located at the entrance to the Council Chambers during the meeting for public review. The City may charge photocopying charges for requested copies of such documents. Assistive listening devices may be obtained at the meeting

PLEASE NOTE:

1. The City Council/Agency/Authority hopes to conclude its public business by 11:00 P.M. Ordinarily, no new items will be taken up after the 11:00 P.M. cutoff and any items remaining will be agendized for the next meeting. The agendas have been prepared with the hope that all items scheduled will be discussed within the time allowed.
2. Suisun City is committed to providing full access to these proceedings; individuals with special needs may call 421-7300.
3. Agendas are posted at least 72 hours in advance of regular meetings at Suisun City Hall, 701 Civic Center Boulevard, Suisun City, CA. Agendas may be posted at other Suisun City locations including the Suisun City Fire Station, 621 Pintail Drive, Suisun City, CA, and the Suisun City Senior Center, 318 Merganser Drive, Suisun City, CA.



Pedro "Pete" M. Sanchez, Mayor
Lori Wilson, Mayor Pro-Tem
Jane Day
Michael J. Hudson
Michael A. Segala

First and Third Tuesday
Every Month

A G E N D A

**SPECIAL MEETING OF THE
SUISUN CITY COUNCIL
SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY,
AND HOUSING AUTHORITY
TUESDAY, JULY 15, 2014
7:00 P.M.**

SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA

TELECONFERENCE NOTICE

Pursuant to Government Code Section 54953, Subdivision (b), the following Council/Successor Agency/Housing Authority meeting will include teleconference participation by Councilmember Jane Day from: 301 Morgan Street, Suisun City, CA 94585. This Notice and Agenda will be posted at the teleconference location.

(Next Ord. No. – 727)
(Next City Council Res. No. 2014 – 59)
Next Suisun City Council Acting as Successor Agency Res. No. SA2014 – 05
(Next Housing Authority Res. No. HA2014 – 03)

ROLL CALL

Council / Board Members
Pledge of Allegiance
Invocation

PUBLIC COMMENT

(Requests by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3 allowing 3 minutes to each speaker).

REPORTS: (Informational items only.)

1. Mayor/Council -Chair/Boardmembers
2. City Manager/Executive Director/Staff

CONFLICT OF INTEREST NOTIFICATION

(Any items on this agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

3. Introduction of new Suisun City Public Works Department 2014 Metropolitan Transportation Commission High School Intern Shanice Fezeu – (Kasperson).
4. Presentation of Proclamation to Captain Harvey, The Salvation Army, Proclaiming August 5, 2014 “National Night Out”.

CONSENT CALENDAR**City Council**

5. Setting Ad Valorem Tax Rates for Voter-Approved Debt Service Issues – (Anderson).
 - a. Council Adoption of Resolution No. 2014-___: Approving the Debt Service Rate for the North Bay Aqueduct Bond Issue for Fiscal Year 2014-15.
 - b. Council Adoption of Resolution No. 2014-___: Approving the Debt Service Rate for the Highway 12 Bond Issue for Fiscal Year 2014-15.
6. Council Adoption of Resolution No. 2014 - ___: Authorizing the Filing of an Application for Funding Assigned to Metropolitan Transportation Commission (MTC), Committing any Necessary Matching Funds and Assuring Completion of the Driftwood Drive Improvement Project – (Kasperson).
7. Council Adoption of Resolution No. 2014 - ___: Authorizing the City Manager to Execute a Contract with Pacific Municipal Consultants (PMC) to Provide Consultant Services for the Preparation of the 2015-2023 Suisun City Housing Element Update and Implementation of Certain Programs for the 2009-2014 Housing Element. – (Kearns).
8. Council Adoption of Resolution No. 2014 - ___: Authorizing the City Manager to Enter into a Professional Services Contract Agreement on the City’s Behalf with BKF Engineers for the Preparation of Construction Documents for the Walters Road/Pintail Drive Traffic Signal Project – (Kasperson).

Joint City Council / Suisun City Council Acting as Successor Agency

9. Council/Agency Approval of the June 2014 Payroll Warrants in the amount of \$369,017.88. Council/Agency Approval of the June 2014 Payable Warrants in the amount of \$663,356.48 – (Finance).

Joint City Council / Suisun City Council Acting as Successor Agency / Housing Authority

10. Council/Agency/Authority Approval of the Minutes of the Regular and/or Special Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on June 17, 2014 and July 1, 2014 – (Hobson).

GENERAL BUSINESS

11. Discussion and Direction: Local Land Use, Public Space Signage Regulations and Restrictions for Smoking Including Tobacco, Flavored Tobacco, Vapor and Related Products for the Health and Safety of the Community – (Dadisho).

ADJOURNMENT

A complete packet of information containing staff reports and exhibits related to each item for the open session of this meeting, and provided to the City Council, are available for public review at least 72 hours prior to a Council /Agency/Authority Meeting at Suisun City Hall 701 Civic Center Blvd., Suisun City. Agenda related writings or documents provided to a majority of the Council/Board/Commissioners less than 72 hours prior to a Council/Agency/Authority meeting related to an agenda item for the open session of this meeting will be made available for public inspection during normal business hours. An agenda packet is also located at the entrance to the Council Chambers during the meeting for public review. The City may charge photocopying charges for requested copies of such documents. Assistive listening devices may be obtained at the meeting

PLEASE NOTE:

1. The City Council/Agency/Authority hopes to conclude its public business by 11:00 P.M. Ordinarily, no new items will be taken up after the 11:00 P.M. cutoff and any items remaining will be agendaized for the next meeting. The agendas have been prepared with the hope that all items scheduled will be discussed within the time allowed.
2. Suisun City is committed to providing full access to these proceedings; individuals with special needs may call 421-7300.
3. Agendas are posted at least 72 hours in advance of regular meetings at Suisun City Hall, 701 Civic Center Boulevard, Suisun City, CA. Agendas may be posted at other Suisun City locations including the Suisun City Fire Station, 621 Pintail Drive, Suisun City, CA, and the Suisun City Senior Center, 318 Merganser Drive, Suisun City, CA.

Office of the Mayor

Suisun City, California

Proclamation



WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique nationwide crime, drug and violence prevention program on August 5th, 2014 entitled "National Night Out", and

WHEREAS, the "31st Annual National Night Out" provides a unique opportunity for Suisun City to join forces with thousands of other communities across the country in promoting cooperative police-community crime prevention efforts; and

WHEREAS, The Salvation Army "KROC" Center and Neighborhood Watch Groups play a vital role in assisting the Suisun City Police Department through joint crime, drug and violence prevention efforts in Suisun City and is supporting "National Night Out 2014" locally; and

WHEREAS, it is essential that all citizens of Suisun City be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in Suisun City; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "National Night Out" program; and therefore the Salvation Army "KROC" Center is sponsoring a community block party for National Night Out 2014 at Carl E. Hall Park; and

NOW, THEREFORE, BE IT RESOLVED, that I, Pete Sanchez, by virtue of the authority vested in me as Mayor of the City of Suisun City in the State of California, do hereby proclaim Tuesday, August 5th, 2014 as

"NATIONAL NIGHT OUT"

in the City of Suisun City and in doing so, urge all residents of Suisun City to join with the National Association of Town Watch, the Salvation Army "KROC" Center and Suisun City Police in supporting the "31st Annual National Night Out" by hosting and participating in neighborhood events and activities.

In witness whereof I have hereunto set my hand and caused this seal to be affixed.

ATTEST _____

DATE _____

AGENDA TRANSMITTAL

MEETING DATE: July 15, 2014

CITY AGENDA ITEM: Setting Ad Valorem Tax Rates for Voter-Approved Debt Service Issues:

- a. Council Adoption of Resolution No. 2014-___: Approving the Debt Service Rate for the North Bay Aqueduct Bond Issue for FY 2014-15; and
- b. Council Adoption of Resolution No. 2014-___: Approving the Debt Service Rate for the Highway 12 Bond Issue for FY 2014-15.

FISCAL IMPACT: The proposed rates for FY 2014-15 to make the debt service payments for these two voter-approved bond issues would be 0.004095 per \$100 Assessed Valuation (AV) for the North Bay Aqueduct (NBA); and 0.016819 per \$100 AV for Highway 12 (SR12). As indicated in the attached table and chart, the NBA levy would go down by \$0.000834 per \$100 or decrease by about \$2.09 per year on a home with an AV of \$250,000. The SR12 levy would go down by 0.004346 per \$100 AV or a decrease \$10.87 per year on a home with an AV of \$250,000. *The net would be a decrease of about \$12.96 per year on a home with an AV of \$250,000.*

STAFF REPORT: Each year the City Council is required to establish the *ad valorem* property tax rates to be levied on the properties that benefit from the voter-approved bond issues for the acquisition of water from the North Bay Aqueduct and Highway 12 Improvement Bonds. These tax proceeds are used to make annual debt service payments on these two bond issues. Staff uses the Preliminary 2014-2015 Assessed Valuations Estimates provided by Solano County to calculate the levy, because the actual assessed valuations are not available in time to meet legal deadlines for submitting the tax rate to the County. There is an inverse relationship between the assessed values and the tax rates needed to generate the funds necessary to make the annual bond payments. In other words, when assessed values (AVs) go up, the tax rate will go down while still generating the needed revenue. When AVs go down, the tax levy must go up in order to generate the amount needed for bond payments.

STAFF RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No. 2014-___: Approving the Debt Service Rate for the North Bay Aqueduct Bond Issue for FY 2014-15; and
2. Adopt Resolution No. 2014-___: Approving the Debt Service Rate for the Highway 12 Bond Issue for FY 2014-15.

ATTACHMENTS:

1. Table and Chart Showing Property Tax Rates for NBA and Highway 12 Bonded Indebtedness, FY 2005 through FY 2015 (proposed).
2. Resolution No. 2014-___: Approving the Debt Service Rate for the North Bay Aqueduct Bond Issue for FY 2014-15.
3. Resolution No. 2014-___: Approving the Debt Service Rate for the Highway 12 Bond Issue for FY 2014-15.

PREPARED BY:

REVIEWED/APPROVED BY:

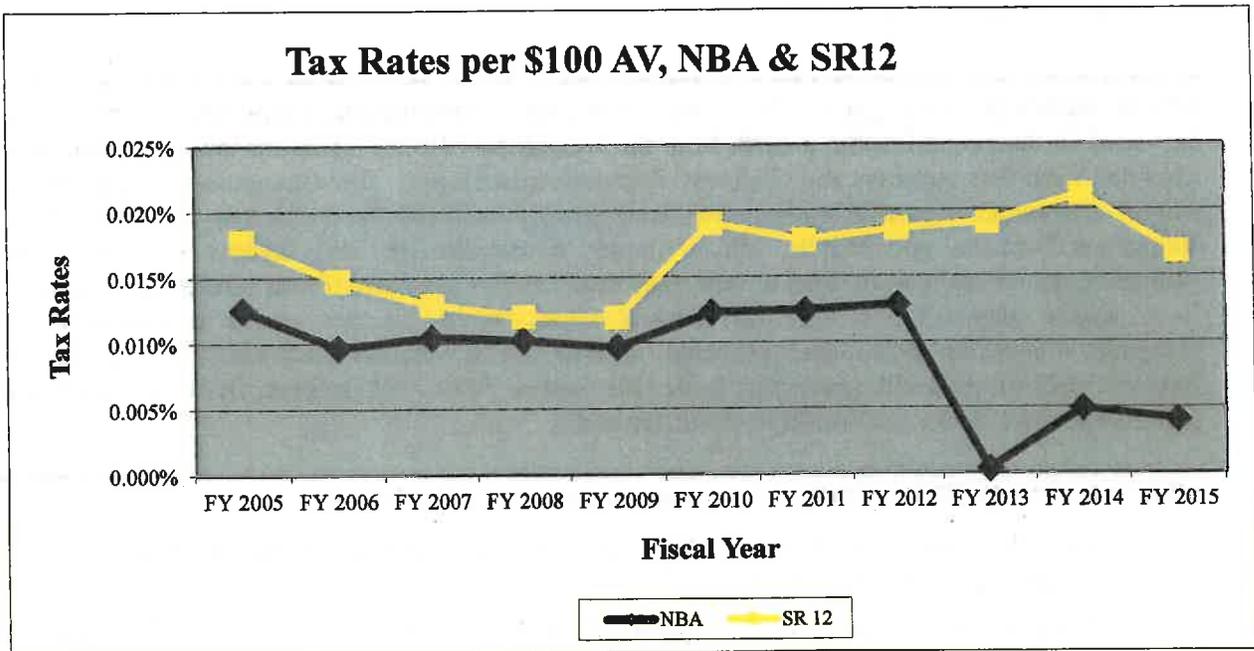
Elizabeth Luna, Senior Accountant

Ronald C. Anderson, Jr., Assistant City Manager

Suzanne Bragdon, City Manager

Property Tax Rates for NBA and Highway 12 Bonded Indebtedness
Rates per \$100 of Assessed Valuation (AV)

<u>Fiscal Year</u>	<u>NBA</u>	<u>SR 12</u>
FY 2005	0.012563%	0.017775%
FY 2006	0.009701%	0.014788%
FY 2007	0.010465%	0.012960%
FY 2008	0.010228%	0.012030%
FY 2009	0.009704%	0.011937%
FY 2010	0.012328%	0.019064%
FY 2011	0.012448%	0.017766%
FY 2012	0.012862%	0.018605%
FY 2013	0.000345%	0.019090%
FY 2014	0.004929%	0.021165%
FY 2015	0.004095%	0.016819%



	NBA			Hwy12			TOTAL Difference
	FY 2013-14	FY 2014-15	Difference	FY 2013-14	FY 2014-15	Difference	
Assessment Rate	0.004929	0.004095	(0.000834)	0.021165	0.016819	(0.004346)	(0.0051800)
Assessed Value of \$ 250,000	\$ 12.32	\$ 10.24	\$ (2.09)	\$ 52.91	\$ 42.05	\$ (10.87)	\$ (12.95)

RESOLUTION NO. 2014-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
FIXING THE DEBT SERVICE RATE FOR THE NORTH BAY AQUEDUCT
BOND ISSUE FOR FISCAL YEAR 2014-15**

WHEREAS, on October 22, 1985, the City of Suisun City ("City") entered into an agreement with the Solano County Flood Control and Water Conservation District ("District") for the purpose of obtaining an additional water supply up to a maximum of 1,300 acre-feet per annum from the State's North Bay Aqueduct project; and

WHEREAS, under the agreement, the City is required to make annual payments to the District for the District's costs associated with wheeling that water until the agreement matures in July 1, 2036; and

WHEREAS, the City is obligated to make these interest-free payments to District by levying a zone of benefit property assessment; and

WHEREAS, the City has made the necessary calculations and has determined the correct tax rate for the 2014-15 fiscal year is \$0.004095 per \$100.00 of assessed valuation.

NOW, THEREFORE, BE IT RESOLVED that the City of Suisun City Council does hereby approve the rate of Debt Service designated in the number of cents upon each \$100.00 of the full cash value of the property in the City of Suisun City, as equalized and returned to this City Council by the Auditor of Solano County, to raise the amount of money necessary to pay the FY 2014-15 indebtedness for the North Bay Aqueduct which rate is \$0.004095 per \$100.00 of assessed valuation; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a certified copy of this Resolution to the County Auditor as soon as possible, and to post three (3) copies thereof in the three (3) places designated by ordinance for posting in the City.

PASSED AND ADOPTED at a regular meeting of the Suisun City Council, duly noticed and held on Tuesday the 15th day of July 2014 by the following vote:

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____

WITNESS my hand and the seal of said City this 15th day of July 2014.

Linda Hobson, CMC
City Clerk

NORTH BAY AQUEDUCT - Fund 079

Calculation of Voter Approved Debt for 2014-15

(Using schedules provided by the Solano County Auditor-Controller)

	<u>Unsecured</u>	<u>Secured</u>	<u>Total</u>
Net Values (Less H.O.)	19,370,947	1,681,741,060	1,701,112,007
SBE Values	-	65,340	65,340
Subtotal	19,370,947	1,681,806,400	1,701,177,347
Less: 2% Delinquency	(387,419)		(387,419)
.25% Delinquency		(4,204,516)	(4,204,516)
Redevelopment	-	-	-
Add: Homeowners	-	26,758,200	26,758,200
Adjusted Net Values	18,983,528	1,704,360,084	1,723,343,612
 Tax Rates *	 0.004929%	 0.004095%	
 Amount of Taxes	 \$ 936	 \$ 69,788	 \$ 70,724

<u>Amount Needed</u>	<u>\$ 85,514</u>
Current Reserves	14,790
Interest	-
Secured Taxes	69,788
Unsecured Taxes	936
Total	<u>85,514</u>

Variance

-

Payments to be Made in 2014-2015

Principal	77,740
Interest	-
Others	
Required Reserve	7,774
Total	<u>85,514</u>

* The Previous Years Secured Rate is the Current Years Unsecured Rate

RESOLUTION NO. 2014-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY FIXING
THE DEBT SERVICE RATE FOR THE HIGHWAY 12 BOND ISSUE
FOR FISCAL YEAR 2014-15**

WHEREAS, in 1995, the City of Suisun City ("City") issued \$4.25 million in voter-approved general obligation bonds for the purpose of financing costs of widening that portion of California Highway 12 located within the City; and

WHEREAS, the City is obligated to calculate the annual levy on the assessed valuation of property within the City subject to taxation, until the bonds mature in 2019; and

WHEREAS, the City has determined that the 2014-15 fiscal year tax rate is \$0.016819 per \$100.00 of assessed valuation.

NOW, THEREFORE, BE IT RESOLVED that the City of Suisun City Council does hereby approve the rate of Debt Service designated in the number of cents upon each \$100.00 of the full cash value of the property in the City of Suisun City, as equalized and returned to this City Council by the Auditor of Solano County, to raise the amount of money necessary to pay the FY 2014-15 indebtedness for the Highway 12 Bond which rate is \$0.016819 per \$100.00 of assessed valuation; and

BE IT ALSO RESOLVED that the City Clerk is hereby directed to transmit a certified copy of this Resolution to the County Auditor as soon as possible, and to post three (3) copies thereof in the three (3) places designated by ordinance for posting in the City.

PASSED AND ADOPTED at a regular meeting of the Suisun City Council, duly noticed and held on Tuesday the 15th day of July 2014 by the following vote:

AYES:	Councilmembers	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____

WITNESS my hand and the seal of said City this 15th day of July 2014.

Linda Hobson, City Clerk

HIGHWAY 12 IMPROVEMENT BOND - FUND 324

Calculation of Voter Approved Debt for 2014-2015

(Using schedules provided by the Solano County Auditor-Controller)

	Unsecured	Secured	Total
Net Values (Less H.O.)	19,370,947	1,679,636,969	1,699,007,916
SBE Values	-	65,340	65,340
Subtotal	19,370,947	1,679,702,309	1,699,073,256
Less: 2% Delinquency	(387,419)		(387,419)
.25% Delinquency		(4,199,256)	(4,199,256)
Add: Homeowners	-	26,744,200	26,744,200
Adjusted Net Values	18,983,528	1,702,247,253	1,721,230,781
 Tax Rates *	0.021165%	0.016819%	
 Amount of Taxes	\$ 4,018	\$ 286,301	\$ 290,319

<u>Amount Needed</u>	\$ 330,146
Current Reserves	39,827
Interest	-
Secured Taxes	286,301
Unsecured Taxes	4,018
Total	330,146

Variance

-

Payments to be Made Using the 2014-15 collection

Principal Feb 2015	255,000
Interest Feb 2015 & Aug 2015	68,770
Bond Services	2,500
Required Reserves	3,876
Total	330,146

* The Previous Years Secured Rate is the Current Years Unsecured Rate

AGENDA TRANSMITTAL

MEETING DATE: July 15, 2014

CITY AGENDA ITEM: Council Adoption of Resolution No. 2014 __: Authorizing the Filing of an Application for Funding Assigned to MTC, Committing Any Necessary Matching Funds and Assuring Completion of the Driftwood Drive Improvement Project.

FISCAL IMPACT: There would be no General Fund impact. The City is eligible to receive a total of \$349,065 as part of Solano County's allocation from the One Bay Area Grant Program (OBAG) distributed by the Metropolitan Transportation Commission (MTC) to the Solano Transportation Agency (STA) for distribution and management for the Driftwood Drive Improvement Project (Project). These OBAG funds are made up of \$349,065 in Congestion Mitigation and Air Quality (CMAQ) funds. This funding source requires a local match of 11.47% or \$45,225 in total. Note that the City still needs to secure additional funding to complete this Project. The City has filed Active Transportation Program (ATP) Grants with MTC at the State and Regional level to fill this funding gap of \$350,000.

This action would not award any construction contract or any design contract at this time. That action would come to the Council for approval at a later date.

BACKGROUND: The Metropolitan Transportation Commission (MTC) has historically provided funds to the Solano Transportation Authority (STA) for federal transportation projects within the County. On May 17, 2012, MTC released guidelines for the OBAG program. OBAG is a new program developed by MTC and the Association of Bay Area Governments (ABAG) for the allocation of the region's federal Surface Transportation Program (STP) and Congestion Mitigation and Air Quality (CMAQ) funds. OBAG combines funds for local streets and roads maintenance, Transportation for Livable Communities (TLC), regional bicycle network Congestion Management Agency (CMA) Planning activities, and other STP and CMAQ eligible transportation activities into one grant proposal. For STA, OBAG funding for Solano County is estimated to be \$18.8 million over four years. The awarded funds were discretionary funds that MTC gave to STA to program.

On May 20, 2014 Council approved the signing of a funding agreement with STA for the Project and for the OBAG funds. The second part of the process to receive OBAG funds is to pass a Resolution referencing the City's commitment to MTC to provide the required matching funds and to complete the Project, which is the action before Council.

STAFF REPORT: In order to receive these OBAG funds, MTC requires that the City Council adopt a resolution of local support stating that the City will provide the required 11.47% local match; will comply with all requirements set forth from MTC, Caltrans and FHWA; and will deliver and complete the Project on schedule. To comply with "the assurance to complete the Project", the City needs to sign a funding agreement with STA, which was approved by Council at the May 20, 2014 meeting.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Amanda Dum, Management Analyst I
 Daniel Kasperson, Building & Public Works Director
 Suzanne Bragdon, City Manager

The Project will replace the existing 4.5-foot wide sidewalk with a 10-foot wide (minimum) concrete Class I pedestrian and bicycle path along the south side of Driftwood Drive from Marina Boulevard to Whispering Bay Lane. The location of the project is along the main frontage of the Crystal Middle School, and is within Suisun City's Priority Development Area (PDA). The project scope also includes, but is not limited to, installing curb bulb-out, signs, striping, double-swing gates, and trash receptacles; replacing and/or relocating chain link fencing, trees and street lighting; modifying landscaping/irrigation; replacing curb/gutter; and upgrading curb ramps to ADA-compliant curb-ramps.

Approval of this resolution would not commit the City to any contracts or establish a detailed scope of work. Staff would come back to Council before award of a construction contract.

RECOMMENDATION: It is recommended that the City Council adopt resolution No. 2014-___: Authorizing the Filing of an Application for Funding Assigned to MTC, Committing Any Necessary Matching Funds and Assuring Completion of the Driftwood Drive Improvement Project.

ATTACHMENTS:

1. Resolution No. 2014-___: Authorizing the Filing of an Application for Funding Assigned to MTC, Committing Any Necessary Matching Funds and Assuring Completion of the Driftwood Drive Improvement Project.

RESOLUTION NO. 2014-___

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDING
ASSIGNED TO MTC, COMMITTING ANY NECESSARY
MATCHING FUNDS AND ASSURING COMPLETION OF
THE DRIFTWOOD DRIVE IMPROVEMENT PROJECT**

WHEREAS, the City of Suisun City (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$349,065 in funding assigned to MTC for programming discretion, including but not limited to federal funding administered by the Federal Highway Administration (FHWA) such as Surface Transportation Program (STP) funding (\$0), Congestion Mitigation and Air Quality Improvement (CMAQ) funding (\$349,065) and/or Transportation Alternatives (TA) funding (\$0) (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the Driftwood Drive Improvement Project (herein referred to as PROJECT) for the One Bay Area Grant Program (herein referred to as PROGRAM); and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141, July 6, 2012) and any extensions or successor legislation for continued funding (collectively, MAP 21) authorize various federal funding programs including, but not limited to the Surface Transportation Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives Program (TA) (23 U.S.C. § 213); and

WHEREAS, state statutes, including California Streets and Highways Code 182.6 and 182.7, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to MAP-21, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal funds for a project shall submit an application first with the appropriate MPO for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of federal funds; and

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, Fairfield and Suisun City share the same school district, the City of Fairfield has agreed to give its portion of SR2S funding to Suisun City for this round of OBAG funding; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

1. the commitment of any required matching funds; and
2. that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
3. that the project will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
4. the assurance of the sponsor to complete the project as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
5. that the project will comply with all project-specific requirements as set forth in the PROGRAM; and
6. that the project (transit only) will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under MAP-21 for continued funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Suisun City that the APPLICANT, by adopting this resolution, does hereby state that:

1. APPLICANT will provide any required matching funds; and
2. APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
3. APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation projects, and has assigned, and will maintain a single point of contact for all FHWA-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans and FHWA on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA-funded transportation projects implemented by APPLICANT; and
4. PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and

5. APPLICANT and the PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and
6. APPLICANT (for a transit project only) agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866, revised; and

BE IT FURTHER RESOLVED that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and

BE IT FURTHER RESOLVED that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

BE IT FURTHER RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and

BE IT FURTHER RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

BE IT FURTHER RESOLVED that APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and

BE IT FURTHER RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution and to include the PROJECT, if approved, in MTC's federal TIP.

PASSED AND ADOPTED by the City Council of the City of Suisun City at a regular meeting thereof held on the 15th day of July 2014 by the following vote:

AYES:	Council Members	_____
NOES:	Council Members	_____
ABSENT:	Council Members	_____
ABSTAIN:	Council Members	_____

WITNESS my hand and the seal of said City on this 15th day of July 2014.

Linda Hobson, CMC
City Clerk

AGENDA TRANSMITTAL

MEETING DATE: July 15, 2014

CITY AGENDA ITEM: Council Adoption of Resolution No. 2014-__ : Authorizing the City Manager to Execute a Contract with Pacific Municipal Consultants (PMC) to Provide Consultant Services for the Preparation of the 2015-2023 Suisun City Housing Element Update and Implementation of Certain Programs for the 2009-2014 Housing Element.

FISCAL IMPACT: The proposed scope of services includes a base price of \$24,940 and three optional tasks totaling \$14,250; cumulatively totaling \$39,190. The FY 2014-15 budget includes a \$25,000 appropriation for the Housing Element Update of which \$13,000 is offset by funding from the Housing Authority. The costs associated with the optional tasks (\$14,250) will be funded through salary savings from the vacant Community Development Director position.

BACKGROUND: In July 2009, the Council adopted the 2009-2014 Housing Element. As a part of that Element, a handful of programs were included to meet the mandates of state law. Staff's approach to implementing these programs was to include them in the General Plan Update (GPU) and Zoning Ordinance Update (ZOU), which were expected to be completed within 18-24 months of project initiation. With the delay in the GPU and ZOU, these programs need to be implemented before the Housing Element for the new cycle can be finalized.

The next cycle of the Housing Element is due to the State Department of Housing and Community Development (HCD) by January 31, 2015.

STAFF REPORT: Every city and county in California is required by state law to update its Housing Element by a specified deadline. The law also requires that the Housing Element be reviewed and certified by HCD. As a part of the Housing Element Update, the City is required to identify and designate in its General Plan sufficient sites at sufficient densities to accommodate its RHNA, as determined by ABAG.

2009-2014 Housing Element

The next Housing Element cycle is due to HCD by January 31, 2015. In order for the City to have the upcoming Housing Element certified by HCD, the City needs to complete implementation of the existing Housing Element Programs found below:

- Pursuant to Senate Bill (SB) 2, staff will amend the City Zoning Ordinance to allow emergency shelters as a permitted use in the ML (Manufacturing Light) district without a conditional use permit or other discretionary review. In addition the City will evaluate adopting development and managerial standards that will be consistent with Government Code Section 65583(a)(4) and consistent with the development standards in the ML district. This will be accomplished by amending the Municipal Code.
- Pursuant to SB 2, the City must explicitly allow both supportive and transitional housing types in all residential zones. Both transitional and supportive housing types will be allowed as a permitted use subject only to the same restrictions on residential uses contained in the same type of structure. This will be accomplished by amending the Municipal Code.

PREPARED BY:

REVIEWED/APPROVED BY:

John Kearns, Associate Planner
Suzanne Bragdon, City Manager

JK
S. Bragdon

- Develop and formalize a general process that a person with disabilities will need to go through in order to make a reasonable accommodation request in order to accommodate the needs of persons with disabilities and streamline the permit review process. The City will provide information to individuals with disabilities regarding reasonable accommodation policies, practices, and procedures based on the guidelines from the California Housing and Community Development Department (HCD). This information will be available through postings and pamphlets at the City and on the City's website. This can be accomplished by adopting a procedure, policy or ordinance.
- To promote the financial feasibility of producing affordable housing units utilizing density bonuses and incentives and concessions the City will adopt a density bonus ordinance in compliance with Government Code Section 65915. The City will reserve the option of granting an additional density bonus to increase the financial feasibility of an affordable housing project that includes extremely low-; very low-; and low-income units. This will be accomplished by adding an ordinance to the Municipal Code.
- The City will rezone property to meet the City's remaining Regional Housing Need (108 units) for the Low and Very Low Income group. The City will also amend its R-H zone to require a minimum density of 20 units per acre by right without discretionary review.

All of these program elements have previously been approved by the City Council. The areas proposed to address the final point include zoning a portion of the property at the northeast corner of Marina Boulevard and Highway 12 Residential High-Density and developing Transit-Oriented Development (TOD) overlay in the area west of Main Street, north of Sacramento Street and south of Highway 12 (i.e. residential above commercial uses).

PMC has included optional tasks in there Cost Proposal (#2 and #3). These tasks include technical work which PMC would accomplish the above. Additionally, PMC has included a cost for an additional task to complete the appropriate CEQA document for a cost of \$6,560.

2015-2023 Housing Element

Below is a comparison of the 2007 and 2014 Regional Housing Need Allocation (RHNA) which is the state-mandated process to identify the total number of housing units (by affordability level) that each local jurisdiction must accommodate in its Housing Element. It is important to note that property that is rezoned for the existing Housing Element can be carried over to the new Housing Element to count toward very low and low income **as long as the existing Housing Element is completed before the due date of the "new cycle"**.

Income Level	2007 RHNA DU's	2014 RHNA
Very Low	173	147
Low	109	57
Moderate	94	60
Above Moderate	234	241
Total	610	505

The consultants proposed timeline/schedule for preparing the Housing Element for the next cycle (2015-2023) includes:

- One Community workshop.
- Public review draft of Housing Element.
- Two Planning Commission meetings.
- Two City Council Meetings.
- Two reviews by HCD (initial 60-day review and final 90-day review/certification).

For any local jurisdiction that does not have its Housing Element certified within 120 days following the January 31, 2015 deadline, that local jurisdiction would need to update its Housing Element every four years (versus the newly allowed eight years) until the jurisdiction has adopted at least two revisions by the statutory deadline.

RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2014-__: Authorizing the City Manager to Execute a Contract with Pacific Municipal Consultants (PMC) to Provide Consultant Services for the Preparation of the 2015-2023 Suisun City Housing Element Update and Implementation of Certain Programs for the 2009-2014 Housing Element.

ATTACHMENTS:

1. Resolution No. 2014-__: Authorizing the City Manager to Execute a Contract with Pacific Municipal Consultants (PMC) to Provide Consultant Services for the Preparation of the 2015-2023 Suisun City Housing Element Update and Implementation of Certain Programs for the 2009-2014 Housing Element.
2. Scope of Services, Project Timeline, Cost Proposal.

RESOLUTION NO. 2014-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PACIFIC
MUNICIPAL CONSULTANTS (PMC) TO PROVIDE CONSULTANT SERVICES FOR
THE PREPARATION OF THE 2015-2023 SUISUN CITY HOUSING ELEMENT UPDATE
AND IMPLEMENTATION OF CERTAIN PROGRAMS FOR THE
2009-2014 HOUSING ELEMENT**

WHEREAS, on June 19, 2014, the City issued a Request for Proposals to the update the Housing Element of the Suisun City General Plan; and

WHEREAS, one firm responded to the Request for Proposals; and

WHEREAS, staff reviewed the submitted proposals and selected Pacific Municipal Consultants for recommendation to the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Suisun City hereby approves a Consultant Services Contract with Pacific Municipal Consultants to provide consultant services for the preparation of the 2015-2023 Suisun City Housing Element and implementation of the 2009-2014 Housing Element for an amount not to exceed \$39,190, and authorizes the City Manager to execute the agreement on the City's behalf, and to take any and all necessary and appropriate actions to implement this Resolution.

PASSED AND ADOPTED at the Regular Meeting of the City Council of the City of Suisun City duly held on Tuesday, the 15th day of July 2014 by the following vote:

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____

WITNESS my hand and the seal of the City of Suisun City this 15th of July, 2014.

Linda Hobson, CMC
City Clerk



SCOPE OF SERVICES

This section describes the services PMC will provide to assist the City in the preparation of the 2015–2023 Housing Element. The description includes a base work program, which is designed to maximize the budget as stated in the Request for Proposals and offer City staff support and assistance on nearly all aspects of the project.

In addition, this description of services includes optional assistance tasks. Optional assistance tasks describe ways in which PMC can provide greater support if desired by the City, generally by taking the lead in the preparation of a deliverable or completion of a task. Optional assistance is called out separately in the budget and is included in order to provide City staff with a comprehensive menu of options. PMC is flexible in our approach and is prepared to work closely with the City to establish a collaborative work program that maximizes available City resources.

The estimated number of hours by task and by staff level for both base tasks and optional assistance tasks is provided in the Cost Proposal.

TASK 1: PROJECT INITIATION AND COORDINATION

PMC will communicate with City staff via phone and e-mail as needed throughout the project and will prepare for and hold a kickoff meeting via phone to exchange information and initiate work on the Housing Element update. Based on an understanding of implementation work the City has completed since the adoption of the 2009–2014 Housing Element, at the meeting, PMC will:

- Review the scope of work and schedule, including public outreach events and project milestones. The proposed project schedule is included in Section 4 of this proposal.
- Discuss information sources.
- Identify Suisun City’s critical housing issues.
- Discuss the desired style and format of the Housing Element.
- Review Housing Element legal requirements.
- Discuss lessons learned from the previous Housing Element.
- Provide a list of data needs, which may include but is not limited to:
 - Housing Element annual reports (electronic or hard copies)
 - Current fee schedules and information regarding permit processing timelines

Task 1 Deliverables: Prepare agenda and attend kick-off meeting phone call. PMC will provide on-going coordination throughout the Housing Element Update.

Task 2 Optional Deliverables: Draft zoning map; list of sites for rezone, specifying existing and proposed zoning designation and/or specific plan land use designation.

Task 3 Optional Deliverables: One administrative draft, one public review draft, and final Zoning Ordinance amendment text in Microsoft Word and PDF formats.

OPTIONAL TASK 2: 2009–2014 HOUSING ELEMENT REZONE PROGRAM

PMC will complete the rezoning of properties in the city as specified in the implementation program of the City's existing Housing Element. This process assumes that the proposed zoning is already consistent with the General Plan Land Use Map and that the Environmental Impact Report for the General Plan is sufficient for purposes of CEQA. It also assumes that the public outreach process used in development of the Housing Element was sufficient in that no further outreach to property owners is necessary.

PMC will utilize the information in the existing Housing Element to create a series of maps depicting the rezoning of the subject lots as specified in the Housing Element. A draft of this work will be provided to the City for review and comment prior to use. This task assumes that the City will provide all necessary GIS data, including but not limited to parcels, ownership data, and existing General Plan, zoning, and specific plan data. City staff will be responsible for presenting the zoning amendment at one Planning Commission and one City Council meeting for adoption. PMC will review staff reports, public hearing notices, draft resolutions for recommendation, and presentation materials.

OPTIONAL TASK 3: TEXT AMENDMENT TO COMPLY WITH STREAMLINED CERTIFICATION PROCESS

The PMC team will process a text amendment to bring the City's Zoning Ordinance into full compliance in order to be eligible for streamlined review. PMC will work with City staff and decision-makers to:

- Bring the City's Zoning Ordinance into full compliance with Senate Bill 2 by amending the City Zoning Ordinance to allow emergency shelters as a permitted use in the ML (Manufacturing Light) district without a conditional use permit or other discretionary review.
- Update the City's Zoning Ordinance to include separate definitions of transitional and supportive housing as defined in Health and Safety Code Sections 50675.2 and 50675.14. Both transitional and supportive housing types will be allowed as a permitted use subject only to the same restrictions on residential uses contained in the same type of structure.

- Develop and formalize a general process that a person with disabilities will need to go through in order to make a reasonable accommodation request in order to accommodate the needs of persons with disabilities and streamline the permit review process.
- Adopt a density bonus ordinance in compliance with Government Code Section 65915.

City staff will be responsible for presenting the zoning amendment at one Planning Commission and one City Council meeting for adoption. PMC will review staff reports, public hearing notices, draft resolutions for recommendation, and presentation materials.

TASK 4: EVALUATION OF 2009–2014 HOUSING ELEMENT

State law requires that the Housing Element review the effectiveness of the previous Housing Element, including (1) actual results of the current element compared to its goals, policies, and programs (Section 65588(a)(2)); (2) significant differences between the objectives and planned activities stated in the element and outcomes achieved (Section 65588(a)(3)); and (3) how the policies and implementation programs of the updated element incorporate what was learned from the prior element (Section 65588(a)(1)).

PMC will work closely with the City to determine the status, effectiveness, and appropriateness of the 2009–2014 Housing Element policies and implementation actions and identify any barriers to implementation. PMC will prepare a matrix (in Word or Excel) that shows implementation actions from the 2009–2014 Housing Element, describes steps taken toward their implementation and results achieved (quantitative, when possible), and notes whether the implementation action will be continued, modified, or deleted for the new planning period.

PMC will populate the matrix with information from the City's Housing Element annual reports, adopted ordinances and code amendments, and correspondence with City staff. PMC will forward the draft of the matrix to the City with specific questions and requests for additional information for review and completion. Results of the analysis will be used to inform revisions to policies and programs for the new planning period.

Task 4 Deliverables: Matrix reviewing 2009–2014 Housing Element programs with the status of implementation (quantified, where appropriate) and notes on whether implementation actions should be continued, modified, or deleted for the new planning period.

Task 5.1 Deliverables: Update of Housing Needs Assessment to be incorporated into the administrative draft Housing Element.

Task 5.2 Deliverables: Update of constraints and resources to be incorporated into the administrative draft Housing Element.

TASK 5: UPDATE HOUSING ELEMENT COMPONENTS

PMC will update Housing Element components based on updated analyses and data in the following sections.

Task 5.1: Housing Needs Assessment

PMC will update the data in the Housing Needs Assessment, utilizing data from the Data Profiles for Housing Elements packet provided by the Association of Bay Area Governments (ABAG), issued in January 2014 where possible. This packet includes population, household, and job projections through 2040. The data has been preapproved by HCD and will serve to streamline HCD's review of the draft Housing Element.

The update will include:

- **Population Characteristics:** population trends and projections, age characteristics, and race and ethnicity
- **Household Characteristics:** number and type of households, overpaying and overcrowded households, and lower-income households (including extremely low)
- **Housing Stock and Market Characteristics:** housing types, housing age and condition, tenure, vacancy rates, housing costs, and affordability
- **Special Housing Needs:** special housing needs of persons with disabilities (including addressing persons with developmental disabilities), seniors, large households, female-headed households, homeless persons, and farmworkers
- **Inventory of At-Risk Units:** an inventory based on the City's data and information from the California Housing Partnership Corporation, preservation options, and replacement cost estimates
- **Regional Housing Needs Allocation:** 2014–2022 Regional Housing Needs Allocation (RHNA) by income category

Task 5.2: Constraints and Resources

Pursuant to state law (Government Code Section 65583(a)), PMC will update the constraints and resources section of the Housing Element.

PMC will update the constraints and resources section to reflect changes to land use controls, market conditions, and program and funding resources.

The updated analysis will include:

- An analysis of governmental and non-governmental constraints, including infrastructure, development fees, land use controls, natural resources, land availability, and the cost of housing construction, land, and financing.

- A review of housing programs and resources, including but not limited to, the Rehabilitation Loan Program, HAP, CDBG and HOME, Housing Authority, density bonus, Section 8, Neighborhood Revitalization Program, mobile home rent control, and other financing mechanisms (tax credits, bonds, mortgage credit certificates, housing trust).
- An inventory of affordable units at risk of converting to market rate in the next 10 years, cost estimates for unit replacement, and potential resources to preserve affordability. PMC will work with the California Housing Partnership Corporation and other resources, as needed, to compile this information.

PMC will work closely with City staff to examine opportunities to reduce or mitigate any identified constraints.

Task 5.3: Analysis of Housing Capacity

PMC will review and update the inventory of sites available for residential development. Sites may include vacant land, underutilized sites, and planned/entitled residential projects, as well as the potential for second units. In keeping with state housing element law, PMC will document the realistic capacity for each parcel as well as constraints and access to infrastructure. Additionally, PMC will prepare a map showing all identified sites.

PMC will compare the inventory of available land to the RHNA and update the analysis to clearly describe how the City will accommodate the needs of households at all income levels.

Task 5.4: Objectives, Policies, and Programs

PMC will collaborate with City staff to update the Housing Element objectives, policies, and programs, using this section of the existing Housing Element as a starting point. The update will be informed by the findings from the review of the 2009–2014 Housing Element, as described in Task 4. Programs will address all new state law requirements, including Senate Bill 812 (housing needs of persons with developmental disabilities), as well as regulatory incentives, constraint-removal programs, fair housing programs, and sources of affordable housing funding, and will describe the specific steps, time frame, and departments responsible for implementation.

In addition to meeting statutory requirements, PMC will assist City staff in identifying and drafting programs that address the unique desires and opportunities in the community.

Task 5.3 Deliverables: Updated Analysis of Housing Capacity to be incorporated into the administrative draft Housing Element. Map showing all identified sites.

Task 5.4 Deliverables: Update the objectives, policies, and programs for inclusion in the administrative draft Housing Element.

TASK 6: DRAFT AND FINAL HOUSING ELEMENT

While PMC recognizes that the 5th cycle Housing Element update is primarily a technical update, PMC will work with City staff to update to improve the readability of the document's formatting and structure.

Task 6.1 Deliverables: PMC will provide one (1) electronic copy of the administrative draft in Microsoft Word and PDF formats for City staff review and comment.

Task 6.1: Administrative Draft Housing Element

PMC will prepare a complete administrative draft of the Housing Element. PMC will work with staff to determine the best method for showing changes to the 2009–2014 Housing Element in preparation for HCD's streamlined review. This is generally done through a combination of strikeouts and highlights.

The draft will include an updated cover and table of contents. As needed, PMC will verify and/or insert references to charts, tables, and programs throughout the document. PMC will provide a completed updated draft to City staff for review in Word and PDF.

Task 6.2 Deliverables: PMC will provide one (1) electronic copy of the public review draft in Microsoft Word and PDF formats for Planning Commission.

Task 6.2: Public Review Draft Housing Element

PMC will revise the administrative draft and prepare a public review draft Housing Element. City staff will post this draft to the City's website and circulate it for public review. PMC will revise this draft, as needed, to address comments from the public and the Planning Commission prior to HCD submittal.

Task 6.3 Deliverables: PMC will supply one (1) electronic copy of the certified Housing Element in Microsoft Word and PDF formats.

Task 6.3: Final Housing Element

PMC will prepare a final Housing Element that incorporates all changes needed to address HCD comments following the initial review period. PMC will provide the final Housing Element to City staff in Word and PDF. City staff will post the Housing Element to the City's website and circulate it for review prior to the adoption hearings.

TASK 7: HCD CERTIFICATION

Reaching a consensus with HCD is a negotiation process, and we are committed to representing the City's best interests in this process. By maintaining close contact with HCD and representing the needs of our clients, PMC has never failed to obtain certification of any of our Housing Elements.

PMC's close proximity to HCD's office makes it easy for PMC to meet with HCD staff as needed. PMC will serve as the City's liaison to HCD. This service will include:

- Acting as the primary contact who will communicate with HCD staff as needed.
- Submittals to HCD, including cover letters and printed copies of the Housing Element with highlighted changes and additions.
- Should the City qualify for HCD's streamlined process, PMC will complete all required documents.
- Completion of all revisions requested by HCD.
- Meetings and/or conference calls with HCD staff and City staff to discuss comments.
- Submission of the final draft to HCD for review and certification.

TASK 8: PUBLIC PARTICIPATION

Public participation is essential in developing a Housing Element that represents the needs and views of the local community. PMC will facilitate the Housing Element community outreach program consistent with state and federal laws to solicit input from all segments of the community, including housing development professionals, residents, businesses, service groups, youth, seniors, and various stakeholders.

City staff will develop and maintain a list of interested parties and inform this group of opportunities for input throughout the update process. PMC will review the list and add parties, as appropriate.

Task 7 Deliverables: Submittal of the draft Housing Element for initial HCD review, including a submittal letter, completed streamlined review checklists, and one hard copy of the draft Housing Element; preparation of one memo responding to HCD questions and comments; phone calls and meetings with HCD, as necessary.

Submittal of the adopted Housing Element for final HCD review and certification, including a submittal letter, one hard copy of the adopted Housing Element, and the adoption resolution.

Task 8.1 Deliverables: PMC will facilitate one workshop including preparing workshop agenda and Microsoft PowerPoint slides, and will review the stakeholder list.

Task 8.2 Deliverables: PMC will review staff reports and prepare presentation materials.

Task 8.1: Community Workshop

PMC will coordinate and facilitate one public workshop used to inform the community about the Housing Element update and gather information regarding housing needs.

City staff will handle meeting logistics (book the workshop venue, set up the room, and provide refreshments) and advertise the workshop through public notices, postings to the City website, and e-mail or mail notifications to the stakeholder list. PMC will provide the workshop materials including a formatted agenda and comment card, PowerPoint slides, and other materials, as determined through coordination with City staff.

Task 8.2: Public Hearings

City staff will present the Housing Element for approval at one Planning Commission meeting prior to submitting the draft for HCD's initial review and at Planning Commission and City Council hearings for adoption, once the Housing Element has earned conditional compliance from HCD. City staff will notice the meetings and prepare staff reports. PMC will not attend the meetings but will assist the City with meeting preparation, including preparation of PowerPoint presentations and review of draft staff reports.

Optional Added Assistance

As an optional task, PMC will attend one, two, or all three of the planned public hearings and will present the draft and final Housing Element for review and adoption (the total optional budget for this task assumes three meetings; however, a fee per meeting can be provided). PMC will prepare PowerPoint presentations for each meeting. City staff will notice the meetings and draft staff reports. PMC will provide assistance with and review of staff reports.

TASK 9: ENVIRONMENTAL DETERMINATION (OPTIONAL)

Based on the CEQA environmental documentation prepared for the 2009–2014 Housing Element update, and the fact that the Suisun City General Plan is more than 20 years old, PMC anticipates an Initial Study/Negative Declaration (IS/ND) will be the appropriate environmental review document for the 5th cycle Housing Element. As an alternative, an addendum to the General Plan Update EIR can be prepared should the timing for the General Plan update correspond with the completion of the Housing Element update. PMC will work with City staff on the most appropriate approach for the Housing Element update.

The IS/ND will consist of a project description, CEQA environmental checklist, discussion of environmental issues, and references. The project description will summarize the proposed Housing Element revisions and areas of the city affected by specific programs that may have significant impacts. It will also include general location maps showing the areas of the city affected by those proposed programs. All final environmental documentation will be consistent with CEQA. This scope assumes a single set of comments from the City. PMC will revise the IS/ND based on City staff comments and prepare the revised document for public circulation. PMC will be available to address the environmental review during the public hearing process.

After the 30-day review period has expired, PMC will work with City staff to consider any written comments received. PMC will then prepare a final IS/ND that consists of written public and agency comments received on the IS/ND, responses to those comments, and errata of any changes to the document. The final environmental document will be approved concurrently with the final Housing Element.

The budget for the IS/ND assumes that PMC can use data from readily available sources (e.g., previously prepared IS/ND, the City's GIS, General Plan, engineering reports, master plans, and previous technical studies).

Optional Task 9 Deliverables:

Electronic versions of administrative draft, draft, and final IS/ND (Microsoft Word and PDF).

PROJECT TIMELINE

This section provides a detailed project timeline. As described in the Professional Team section of this proposal, PMC has a strong record of success in completing high quality, certified Housing Elements. Our team will work closely with staff to keep the Housing Element update on schedule.

PROJECT SCHEDULE

PMC is available to initiate work on the Housing Element update immediately and will work closely with City staff to keep the project on the schedule outlined in the following table. The schedule targets HCD certification by April 2015. We acknowledge the target completion date in the RFP of January 2015 and have scheduled the Housing Element to be adopted by City Council by this date. Should unexpected issues arise during the update process, it is important to note that the Housing Element can be adopted as late as May 2015 and still remain eligible for the eight-year update cycle. PMC does not anticipate that this additional time will be needed.

Time Frame	Task
2014	
July 21 (week of)	Project kick-off meeting
July–August	Review and assess existing Housing Element; update Housing Element components
August	Community workshop
September 19	Administrative draft Housing Element
October 13	Public review draft Housing Element
October 28	Planning Commission meeting (presentation by City staff)
October 31	Revised draft Housing Element; HCD submittal
November–December	HCD review (up to 60 days)
November	Conference call with HCD to address any comments or issues
December	City receives a “conditional compliance” letter from HCD
2015	
January 13	Planning Commission hearing (presentation by City staff)
January 20	City Council adoption hearing (presentation by City staff)
January 23	HCD submittal
January–April	Final HCD review and certification (up to 90 days)



COST PROPOSAL

PMC's estimated fee to assist in the preparation of the City's 2015–2023 Housing Element update is \$24,940. PMC's bill rates and a detailed budget are included below.

We are flexible in our approach and understand that the City faces budget constraints. For many tasks, PMC has provided estimated time and hours to provide a greater level of support in the completion of tasks and preparation of deliverables. A description of this additional support is provided in the Scope of Services section. PMC is prepared to work closely with City staff to determine the best allocation of PMC and City time and resources.

BILL RATES

Below is a listing of PMC's bill rates for the Housing Element update.

Staff	Hourly Rate
Jennifer Gastelum, Project Director	\$150
Patrick Angell, CEQA Project Manager	\$220
Kim Obstfeld, Project Manager	\$120
Alice Tackett, Environmental Planner	\$120
Courtney Wood, Associate Planner	\$85
GIS Specialist	\$100
Technical Review	\$85
Administrative Assistance	\$65

COST ESTIMATE BY TASK

The following table includes the hours and cost associated with each task included in the Scope of Services. The table provides an estimate as well as hourly detail by staff level for each base task and provides a supplemental estimate for optional assistance as described in the Scope of Services.

Task	Estimate for Services							Planner	Technical/Support
	Cost	Total Hours	Director	Project Manager	Environmental Project Manager	Environmental Planner	Planner		
Task 1. Project Initiation and Coordination	\$1,600	14	2	8			4		
Optional Task 2. 2009-2014 Housing Element Rezone Program	\$2,665	25	2	10			8	5	
Optional Task 3. Text Amendments to Comply with Streamlined Certification Process	\$2,985	27	2	16			8	7	
Task 4. Evaluation of 2009-2014 Housing Element	\$1,310	13	1	4			8		
Task 5. Update Housing Element Components									
5.1 Housing Needs Assessment	\$2,555	26	1	8			16	1	
5.2 Constraints and Resources	\$2,365	23	2	8			12	1	
5.3 Analysis of Housing Capacity	\$2,905	27	2	12			8	5	
5.4 Objectives, Policies, and Programs	\$2,025	19	2	8			8	1	
Task 6. Draft and Final Housing Element									
6.1 Administrative draft	\$2,670	26	4	8			8	6	
6.2 Public review draft	\$1,705	17	2	6			4	5	
6.3 Final Housing Element	\$1,225	13	2	2			4	5	
Task 7. HCD Certification	\$3,500	30	6	16			8		
Task 8. Public Participation*									
8.1 Community Workshop	\$1,870	15	7	4			4		
8.2 Public Hearings	\$1,210	11	1	6			4		
Optional 8.2 Assistance	\$2,040	16	4	12					
Optional Task 9. Environmental Determination	\$6,560	48							
TOTAL (excluding optional tasks)	\$24,940	234	32	90	0	0	88	24	
Subtotal Optional	\$14,250	116	8	38	8	40	16	6	
Total including optional tasks	\$39,190	350	40	128	8	40	104	30	

*PMC is available to attend additional public workshops or hearings at a cost of \$1,200 per meeting.

The above per task costs are based on our best estimate of time needed. Actual time spent on individual tasks may not meet or may exceed such estimates. PMC reserves the right to transfer unused budget from one task to another if necessary. The total estimated budget will not be exceeded without prior authorization from the client.

AGENDA TRANSMITTAL

MEETING DATE: July 15, 2014

CITY AGENDA ITEM: Council Adoption of Resolution No. 2014-___: Authorizing the City Manager to Enter into a Professional Services Contract Agreement on the City's behalf with BKF Engineers for the Preparation of Construction Documents for the Walters Road/Pintail Drive Traffic Signal Project.

FISCAL IMPACT: This project would have no fiscal impact on the General Fund. BKF Engineers has submitted a proposal to complete construction documents and to provide bid support and construction support for the Walters Road/Pintail Drive Traffic Signal project for \$38,691. With a 10% contingency of \$3,870 for possible change orders, the total contract would be \$42,561. Highway Safety Improvement (HSIP) Cycle 6 grant funds and Walmart contributions have been secured up to \$79,900 for the preparation of plans and specifications.

BACKGROUND: City staff has secured funding through the HSIP Cycle 6 grant fund program and Walmart contribution to fund the design and construction of the project, estimated to be approximately \$445,000. This project will install a traffic signal system at the t-intersection of Walters Road and Pintail Drive, as well as update curb ramps to ADA standards, improve signage and roadway striping, and modify landscaping/irrigation. A traffic signal warrant study supports the installation of this traffic signal system to improve pedestrian, bicyclist and motorist travel through this t-intersection.

STAFF REPORT: A Request for Proposals (RFP) for the preparation of construction documents for the Walters Road/Pintail Drive Traffic Signal project was issued by the City on May 27, 2014, to solicit proposals for this project. The qualified firm would provide the City with construction plans and specifications, bid support, and construction support for the project.

The RFP was due on June 19, 2014, and the City received one response. The City had reached out directly to more than a dozen engineering firms by emailing them the RFP. The City also advertised the RFP on the City's website and with various trade organizations. After the due date, City staff was able to contact six of the engineering firms to which the RFP was emailed, and the firms provided one or more of the following reasons for not submitting a proposal: the City's email/RFP was caught in the firm's spam filter, the firm was too busy with other ongoing projects, and/or the firm was not interested in City's project because of the project was not large enough.

BKF's proposal was evaluated based on the criteria outlined in the RFP and on the information gathered in a phone interview with BKF and in phone interviews with BKF's references. Based on the information in the RFP and on the information gathered in the phone interviews, it was determined that BKF is qualified to perform the required work. Staff recommends BKF for this project because of its knowledge and previous experience with this type of project, as well as on its ability and commitment to deliver the project within the specified timeline.

PREPARED BY:

Nick Lozano, Associate Engineer

REVIEWED BY:

Daniel Kasperson, Building & Public Works Director

APPROVED BY:

Suzanne Bragdon, City Manager

RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2014-__: Authorizing the City Manager to Enter into a Professional Services Contract Agreement on the City's behalf with BKF Engineers for the Preparation of Construction Documents for the Walters Road/Pintail Drive Traffic Signal Project.

ATTACHMENTS:

1. Resolution No. 2014-__: Authorizing the City Manager to Enter into a Professional Services Contract Agreement on the City's behalf with BKF Engineers for the Preparation of Construction Documents for the Walters Road/Pintail Drive Traffic Signal Project.

RESOLUTION NO. 2014- __

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL
SERVICES CONTRACT AGREEMENT ON THE CITY'S BEHALF WITH BKF
ENGINEERS FOR THE PREPARATION OF CONSTRUCTION DOCUMENTS FOR THE
WALTERS ROAD/PINTAIL DRIVE TRAFFIC SIGNAL PROJECT**

WHEREAS, the City has secured Highway Safety Improvement Program (HSIP) Cycle 6 grant funding and Walmart contributions for the design and construction of the Walters Road/Pintail Drive Traffic Signal project; and

WHEREAS, the Walters Road/Pintail Drive Traffic Signal project will install a traffic signal system and associated improvements at the t-intersection of Walters Road and Pintail; and

WHEREAS, the City released a Request for proposals on May 27, 2014, for three weeks, and one engineering firm responded; and

WHEREAS, BKF Engineers, a California Corporation, submitted the lone proposal; and through a proposal review and interview process BKF Engineers has been determined to be a qualified firm that can perform the required work.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Suisun City authorizes the City Manager to enter into a Professional Services Agreement on behalf of the City with BKF Engineers for the preparation of construction documents, bid support, and construction for the Walters Road/Pintail Drive Traffic Signal project in the amount of \$38,691 to take any and all necessary and appropriate actions to implement this contract. The City Council further authorizes the City Manager to approve unanticipated changes in the scope of work not to exceed 10%.

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Suisun City duly held on Tuesday, the 15th day of July 2014, by the following vote:

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____

WITNESS my hand and the seal of said City this 15th day of July 2014,

Donna Pock, CMC
Deputy City Clerk

4. Inst
1. Inst
2. Inst

MINUTES

SPECIAL MEETING OF THE SUISUN CITY COUNCIL

AND

SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY

TUESDAY, JUNE 17, 2014

6:00 P.M.

SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA

TELECONFERENCE NOTICE

Pursuant to Government Code Section 54953, Subdivision (b), the following Council/Successor Agency/Housing Authority meeting will include teleconference participation by Councilmember Jane Day from: 301 Morgan Street, Suisun City, CA 94585. This Notice and Agenda will be posted at the teleconference location.

ROLL CALL

Mayor / Chairman Sanchez called the meeting to order at 6:00 PM with the following Council / Board Members present: Segala, Hudson, Day, Wilson, Sanchez.

PUBLIC COMMENT - None

(Requests by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3 allowing 3 minutes to each speaker).

CONFLICT OF INTEREST NOTIFICATION - None

(Any items on this agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)

CLOSED SESSION

1. PERSONNEL MATTERS

Pursuant to California Government Code Section 54954.5 et seq. the Suisun City Council will hold a Closed Session for the purpose of Public Employee Performance Evaluation: City Attorney.

6:02 PM – Mayor Sanchez recessed the City Council to Closed Session.

CONVENE OPEN SESSION

Announcement of Actions Taken, if any, in Closed Session.

6:43 PM – Mayor Sanchez reconvened the meeting and announced no decisions were made in Closed Session.

ADJOURNMENT

There being no further business, Mayor Sanchez adjourned the meeting at 6:43 PM.

Donna Pock, CMC
Deputy City Clerk

MINUTES

SPECIAL MEETING OF THE SUISUN CITY COUNCIL / HOUSING AUTHORITY OF THE CITY OF SUISUN CITY"

TUESDAY, JUNE 17, 2014

6:00 P.M.

(or as soon thereafter as possible)

SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA

TELECONFERENCE NOTICE

Pursuant to Government Code Section 54953, Subdivision (b), the following Council/Successor Agency/Housing Authority meeting will include teleconference participation by Councilmember Jane Day from: 301 Morgan Street, Suisun City, CA 94585. This Notice and Agenda was posted at the teleconference location.

ROLL CALL

Mayor / Chairman Sanchez called the meeting to order at 6:00 PM with the following Council / Board Members present: Segala, Hudson, Day, Wilson, Sanchez.

PUBLIC COMMENT None

(Requests by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3 allowing 3 minutes to each speaker).

CONFLICT OF INTEREST NOTIFICATION None

(Any items on this agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)

CLOSED SESSION

Mayor Sanchez announced this item will not be heard at tonight's meeting.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to California Government Code Section 54956.8., the City Council / Housing Authority of the City of Suisun City will hold a Closed Session for the purpose of Conference with Real Property Negotiator.

Property Under Negotiation: APN 0032-230-290

Agency Negotiator: Suzanne Bragdon, City Manager, Ronald C. Anderson, Jr.,
Assistant City Manager/Administrative Services, Daniel Kasperson,
Building/Public Works Director, John Kearns, Associate Planner

Negotiating Parties: Pacific Gas and Electric

Under Negotiations: Real property terms and payment

CONVENE OPEN SESSION

Announcement of Actions Taken, if any, in Closed Session.

ADJOURNMENT

There being no further business, Mayor Sanchez adjourned the meeting.

Donna Pock, CMC
Deputy City Clerk

MINUTES

REGULAR MEETING OF THE SUISUN CITY COUNCIL

SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY,

AND HOUSING AUTHORITY

TUESDAY, JUNE 17, 2014

7:00 P.M.

SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA

TELECONFERENCE NOTICE

Pursuant to Government Code Section 54953, Subdivision (b), the following Council/Successor Agency/Housing Authority meeting will include teleconference participation by Councilmember Jane Day from: 301 Morgan Street, Suisun City, CA 94585. This Notice and Agenda was posted at the teleconference location.

ROLL CALL

Mayor / Chairman Sanchez called the meeting to order at 7:00 PM with the following Council / Board Members present: Day, Hudson, Segala, Wilson, Sanchez.

Pledge of Allegiance led by Girl Scout Troops #20484, #20486 & #20031.

Invocation given by City Manager Bragdon.

PUBLIC COMMENT

(Requests by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3 allowing 3 minutes to each speaker).

Jonathan Harvey commented on an incident with Suisun City Police Officers on June 7, 2014. Ms. Harvey completed the reading of Jonathan Harvey's statement.

Michelle. Harvey commented on the relationship between law enforcement and the community and that her son's constitutional rights were violated. Council should know that constitutional rights are being violated. Suggested council members and residents form an accountability committee.

George Guynn commented on the adoption of the budget at the last city council meeting, and WalMart Revenues.

REPORTS: (Informational items only.)

1. Mayor/Council -Chair/Boardmembers

- Council / Board Member Segala: Requested a spread sheet identifying the expenditures of the Senior Center CDBG Grant, commented on the bus stop in front of the post office, best of the best, and requested we send a letter to transit to get solar put on the bus stop in front of the senior center and they provide the same type of litter barrel as in the bus stop. Thanked the scouts for stepping up and taking on a big challenge keeping Grizzly Island Trail clean. Commented on flyer on train depot regarding September 2015 and take a

look at portable facilities for people coming off of the train. We need to display flags with pride and respect and maintain, American Legion will continue to take care of flags between Grizzly Island Road and Marina through the Fourth of July.

Council / Board Member Hudson: Commented on election results, shopping cart in bushes near KROC Center, another cart by Senior Center and one by 333 Sunset. Requested we be more diligent about picking them up, and has seen reduction in graffiti. Proud of budget passed by council at the last meeting, City put money away for anticipated structural deficit.

- Council / Board Member Day: Commented proud of budget, good participation on Flag Day and thanked our veterans and Fire Department for their efforts. Thanked Council Member Segala for starting the flags on Highway 12 and Happy Father's Day to all the fathers.
 - Council / Board Member Wilson: Thanked Girl Scouts for all the work they did on Grizzly Island Trail and for attending the council meeting to see the political process at work. Appreciated Harvey family coming and sharing their story, and encouraged by our Chief of Police that a thorough investigation will happen and you will be notified of results. This gives us an opportunity to look within and make sure our policies are correct and our officers are trained appropriately. Happy Father's Day to the fathers of Suisun.
 - Mayor / Chairman Sanchez: Attended the STA Board meeting on June 11, the Oversight Board meeting and the Solano County Water Agency meeting on June 12, was present at the Flag Day event at the Waterfront for the presentation, and attended the Fairfield-Suisun Sewer District Executive Board meeting. Today, presented proclamation and was glad to represent the City and welcome home newly retired United States Marine Master Sergeant Jack Bernardo who retired after 21 years of service. Master Sergeant Bernardo returned from Okinawa expecting to live in a fixer-upper home he bought 6 months ago. Thanks to the efforts of the Doolittle Foundation Members and his friends Master Sergeant Bernardo returned to a home in brand new condition.
2. City Manager/Executive Director/Staff: Reported her husband got a wonderful Father's Day gift, his daughter just graduated from college in four years. WalMart does continue to move forward, there was an old fuel line, decommissioned in 1949, that was hit by a backhoe; there was a little dirty water that leaked out but quickly contained. There will be no delay.

CONFLICT OF INTEREST NOTIFICATION . NONE

(Any items on this agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

3. Presentation of a Proclamation to the Recreation and Community Services Department Proclaiming July 2014 as "Parks and Recreation Month".

Mayor Sanchez read and Council Member presented the proclamation to Mick Jessop, Director Recreation and Community Services and Angel Borja, Chairman, Parks and Recreation Commission.

4. Recognition of Girl Scout Troops (#20484 & #20486 & #20031) & Daisy Troop (#20289) for their Volunteer Work on Grizzly Island Trail.

Mayor Sanchez read the Certificates of Appreciation and Mayor Pro Tem presented the certificates recognizing the three Girl Scout Troops and the Daisy Troop for their ongoing dedication to cleaning the Grizzly Island Trail. Certificates of Appreciation were presented to Co-Leader Cindy Rote and her two Troops, Cadette Troop #20484 (Fairfield) and Junior Troop #20486 (Fairfield), Co-Leader Rene Higman and her Troop #20031 (Fairfield), and Sarah Duggan and her Daisy Scout Troop #20289 (Suisun City).

CONSENT CALENDAR

City Council

5. Council Adoption of Resolution No. 2014-48: Authorizing the City Manager to Recruit and Appoint a Full-Time Permanent Police Officer for an Anticipated Opening, and if Deemed Necessary, Recruit and Appoint a Full-Time Temporary Police Officer – (Dadisho).
6. Railroad Avenue Extension Environmental Review – (Kearns).
- a Council Adoption of Resolution No. 2014-49: Adopting the Second Amendment to the Annual Appropriation Resolution No. 2014-47 to Appropriate Funds for the Environmental Review of the Railroad Avenue Extension (Marina to Main) Project.
- b Council Adoption of Resolution No. 2014-50: Authorizing the City Manager to Execute an Amendment to the Contract with Pacific Municipal Consultants (PMC) to Provide Consultant Services for the Preparation of the Environmental Documentation for the Railroad Avenue Extension (Marina to Main) Project.

Joint City Council / Suisun City Council Acting as Successor Agency

7. Council/Agency Approval of the May 2014 Payroll Warrants in the amount of \$559,414.51. Council/Agency Approval of the May 2014 Payable Warrants in the amount of \$1,321,479.50 – (Finance).

Joint City Council / Suisun City Council Acting as Successor Agency / Housing Authority

8. Council/Agency/Authority Approval of the Minutes of the Regular and/or Special Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on June 10, 2014 – (Hobson).

Motioned by Council / Board Member Day and seconded by Council / Board Member Hudson to approve the Consent Calendar. Motion carried unanimously with following roll call vote:

AYES: Council / Board Members: Day, Hudson, Segala, Wilson, Sanchez

GENERAL BUSINESS

City Council

9. HEARING
- Council Adoption of Resolution No. 2014-51: Placing Liens for Unpaid Waste Collection Service Charges on Certain Lands Situated in the City of Suisun City, County of Solano, State of California. – (Anderson).

**Motioned by Council Member Wilson and seconded by Council Member Hudson to adopt Resolution No. 2014-51. Motion carried unanimously with following roll call vote:
AYES: Council Members: Day, Hudson, Segala, Wilson, Sanchez**

10. Downtown Waterfront Specific Plan Update – (Kearns).

- a Council Adoption of Resolution No. 2014-52: Adopting the First Amendment to the Annual Appropriation Resolution No. 2014-47 to Appropriate Funds to Update the Downtown Waterfront Specific Plan.
- b Council Adoption of Resolution No. 2014-53: Authorizing the City Manager to Execute a Consultant Services Contract in the Amount of \$154,850 with AECOM Technical Services, Inc. for the Downtown Waterfront Specific Plan Update.

Motioned by Council Member Segala and seconded by Council Member Hudson to adopt Resolution No. 2014-52 and Resolution No. 2014-53. Motion carried unanimously with following roll call vote:

AYES: Council Members: Day, Hudson, Segala, Wilson, Sanchez

11. Council Adoption of Resolution No. 2014-54: Requesting that the State Include the Participation of City of Suisun City in the Pilot Program to Deal with the Property Squatters – (Dadisho).

Motioned by Council Member Day and seconded by Council Member Wilson to adopt Resolution No. 2014-54. Motion carried by the following roll call vote:

AYES: Council Members: Day, Segala, Wilson, Sanchez

NOES: Council Members: Hudson

PUBLIC HEARINGS

12. PUBLIC HEARING

Council Waive Reading and Introduction of Ordinance No. 726: Repealing Title 8, Chapter 8.24 of the City of Suisun City Ordinance Regulating Sex Offender's Proximity to Children's Facilities – (Dadisho).

Motioned by Council Member Hudson and seconded by Council Member Segala to Waive Reading and Introduce Ordinance No, 726. Motion carried by the following roll call vote:

AYES: Council Members: Day, Hudson, Segala, Wilson, Sanchez

ADJOURNMENT

There being no further business, Mayor Sanchez adjourned the meeting at 8:44 PM.

Donna Pock, CMC
Deputy City Clerk

MINUTES

SPECIAL MEETING OF THE SUISUN CITY COUNCIL

AND

SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY

TUESDAY, JULY 1, 2014

6:00 P.M.

SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA

TELECONFERENCE NOTICE

Pursuant to Government Code Section 54953, Subdivision (b), the following Council/Successor Agency/Housing Authority meeting will include teleconference participation by Councilmember Jane Day from: 301 Morgan Street, Suisun City, CA 94585. This Notice and Agenda was posted at the teleconference location.

ROLL CALL

Mayor / Chairman Sanchez called the meeting to order at 6:00 PM with the following Council / Board Members present: Segala, Hudson, Day, Wilson, Sanchez.

PUBLIC COMMENT - None

(Requests by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3 allowing 3 minutes to each speaker).

CONFLICT OF INTEREST NOTIFICATION - None

(Any items on this agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)

CLOSED SESSION

1. PERSONNEL MATTERS

Pursuant to California Government Code Section 54954.5 et seq. the Suisun City Council will hold a Closed Session for the purpose of Public Employee Performance Evaluation: City Attorney.

6:02 PM – Mayor Sanchez recessed the City Council to Closed Session.

CONVENE OPEN SESSION

Announcement of Actions Taken, if any, in Closed Session.

6:55 PM – Mayor Sanchez reconvened the meeting and announced no decisions were made in Closed Session.

ADJOURNMENT

There being no further business, Mayor Sanchez adjourned the meeting at 6:54 PM.

Donna Pock, CMC
Deputy City Clerk

MINUTES

REGULAR MEETING OF THE SUISUN CITY COUNCIL

SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY, AND HOUSING AUTHORITY

TUESDAY, JULY 1, 2014

7:00 P.M.

SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA

TELECONFERENCE NOTICE

Pursuant to Government Code Section 54953, Subdivision (b), the following Council/Successor Agency/Housing Authority meeting will include teleconference participation by Council Member Jane Day from: 301 Morgan Street, Suisun City, CA 9458.

ROLL CALL

Mayor / Chairman Sanchez called the meeting to order at 7:00 PM with the following Council / Board Members present: Segala, Day, Wilson, Sanchez. Council / Board Member Hudson was absent.

Pledge of Allegiance was led by Mayor Pro Tem Wilson.

Invocation was given by City Manager Bragdon.

PUBLIC COMMENT

(Requests by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3 allowing 3 minutes to each speaker).

George Guynn discussed government transparency and discussed the CASA Conference expenses and expressed concern about possible fireworks fires due to drought conditions.

REPORTS: (Informational items only.)

1. Mayor/Council -Chair/Boardmembers

Council / Board Member Segala reported Ace Hardware will be having a grand opening on July 11 and the manager looking into offering military discounts.

Council / Board Member Wilson hoped everyone would enjoy the 4th of July celebrations on the waterfront and expressed concern about neighbors shooting off fireworks in the middle of the night.

Council / Board Member Day thanked ATOD and the Police Department for the sting on June 28 regarding alcohol being sold to minors; there were no business violations this year and thanked staff for their work on the 4th of July celebration and hopes everyone has a good and safe time.

Mayor / Chairman Sanchez attended the following meetings: Suisun-Solano Water Authority where budget was approved; Fairfield- Suisun Sewer District where hot topic was letting a company from Canada operate a bio-solid processing plant in the sewer district location;

Oversight Board meeting where the board ratified the assets related to the assets transferred for government use from the Successor Agency to the City of Suisun City; and represented the City at the medical graduation at the David Grant Medical Center at TAFB.

2. City Manager/Executive Director/Staff

City Manager Bragdon shared WalMart was continuing to move forward and construction was on schedule.

- a. Traffic Committee Presentation – Annual Report - (Kasperson/O'Brien).
- b. SB 506 Introduced by Senators Hill and Wolk – (Bragdon/O'Brien)

City Manager Bragdon reported SB 506 had died.

CONFLICT OF INTEREST NOTIFICATION

(Any items on this agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

3. Appointment of Voting Delegate and Alternate(s) for the League of California Cities Annual Conference.

Mayor Sanchez appointed Mayor Pro Tem Wilson to be the voting delegate and Council Member Hudson to be the alternate.

Roll call vote to confirm appointments:

AYES: Council Members Day, Segala, Wilson, Sanchez

ABSENT: Council Member Hudson

CONSENT CALENDAR

City Council

4. Council Adoption of Resolution No. 2014-55: Authorizing the City Manager to Enter into a Professional Services Agreement on the City's Behalf with Interactive Resources for Design Phase II of the Suisun-Fairfield Train Depot Improvement Project – (Kasperson).
5. Council Adoption of Resolution No. 2014-56: Acting as the Legislative Body of Community Facilities District No. 1, Peterson Ranch, Providing for the Levy and Collection of Special Taxes for Fiscal Year 2014-15 – (Kasperson).
6. Council Adoption of Resolution No. 2014-57: Providing for the Levy and Collection of Special Taxes for Community Facilities District (CFD) No. 2 for Fiscal Year 2014-15 – (Kasperson).
7. Council Adoption of Resolution No. 2014-58: Authorizing the Payment of Time and One-Half to Temporary City Employees Working the Fourth of July Event – (Anderson).
8. Council Adoption of Ordinance No. 726: Repealing Title 8, Chapter 8.24 of the City of Suisun City Ordinance Regulating Sex Offender's Proximity to Children's Facilities – (Dadisho).

George Guynn reported citizens could refer to Megan's List to find out who is living near them.

Council Member Segala requested Item 7 be pulled from Consent.

Motioned by Council / Board Member Day and seconded by Council / Board Member Wilson to approve the Consent Calendar Items 4, 5, 6, and 8. Motion carried with the following roll call vote:

AYES: Council / Board Members Day, Segala, Wilson, Sanchez

ABSENT: Council / Board Member Hudson

Motioned by Council / Board Member Day and seconded by Council / Board Member Wilson to approve Consent Calendar Item 7. Motion carried with the following roll call vote:

AYES: Council / Board Members Day, Segala, Wilson, Sanchez

ABSENT: Council / Board Member Hudson

GENERAL BUSINESS

PUBLIC HEARINGS

ADJOURNMENT

There being no further business, Mayor Sanchez adjourned the meeting at 7:35 PM.

Donna Pock, CMC
Deputy City Clerk

AGENDA TRANSMITTAL

MEETING DATE: July 15, 2014

CITY AGENDA ITEM: Council Discussion and Direction: Local Land Use, Public Space Signage Regulations and Restrictions for Smoking Including Tobacco, Flavored Tobacco, Vapor and Related Products for the Health and Safety of the Community.

FISCAL IMPACT: There would be no fiscal impacts to the General Fund to discuss the imposition of restrictions on tobacco products and their use.

BACKGROUND: The City, for many years, participates in the countywide "Alcohol, Tobacco and Other Drugs (ATOD)" youth outreach program, which supports programs and policies that encourage youth to "say no" to these substances. At the same time, new devices are coming on the market (i.e., e-cigarettes) that many regulatory agencies are raising concerns over. Like e-cigarettes, Hookah lounges are becoming known as another way to enjoy flavored tobacco.

The City currently does not have any policies dealing with the regulation of tobacco products and their use in public places, signage regulations or location restrictions associated with the emergence of vapor and Hookah lounges. This item allows the Council to consider whether or not there is an interest in expanding the local regulation in this area or not.

STAFF REPORT: Many regulatory agencies have raised concerns regarding the dangers of e-cigarettes, including the US Department of Transportation (USDOT) by banning the use of e-cigarettes on all US commercial airline flights. The US Food and Drug Administration (FDA) has issued advisories regarding the possible carcinogens and other chemical substances that will affect health, specifically stating that E-cigarettes have not been fully studied, so consumers currently don't know the potential risks of e-cigarettes when used as intended, how much nicotine or other potentially harmful chemicals are being inhaled during use, or whether there are any benefits associated with using these products.

Additionally, the FDA has indicated that it is not known whether e-cigarettes may lead young people to try other tobacco products, including conventional cigarettes, which are known to cause disease and lead to premature death. The health effects of electronic cigarettes have not been extensively studied, but they are often designed to look like cigarettes and use vapor to deliver nicotine which can create the appearance of a puff of smoke when exhaled. E-cigarettes come in many flavors that are smoked, including legal nicotine, as well as marijuana and other illegal drugs.

Regarding hookahs, the California Department of Public Health states that "Hookahs" are glass or metal water pipes that originated in India. They are shaped somewhat like a bottle and have long, flexible hoses with tips that people put into their mouths to inhale tobacco smoke. In most hookahs, hot charcoal is placed on top of the tobacco in a bowl to heat it. The tobacco, or shisha, is typically flavored, and contains the same chemicals found in all tobacco nicotine. Hookahs are used to smoke legal tobacco, as well as marijuana and other illegal drugs. The World Health Organization (WHO) Study Group on Tobacco Product Regulation (TobReg) research shows that

PREPARED BY:

Edmond Dadisho, Police Chief 

REVIEWED/APPROVED BY:

Suzanne Bragdon, City Manager 

smoking a hookah for 45-60 minutes can be equivalent to smoking 100 or more cigarettes. Numerous studies have shown that smoking hookah is just as harmful, or even more so, than smoking cigarettes with regard to the inhaling of cancerous toxins, the addictive chemical nicotine, and carbon monoxide poisoning.

E-cigarettes and hookahs have been a concern of the City and County Alcohol, Tobacco and Other Drugs (ATOD) group for the past several months. The concerns have been the availability, prominence among the youth, and the notion that e-cigarettes and hookahs are not as dangerous as tobacco cigarettes. The ATOD groups have raised the concern that e-cigarettes are harmful and are becoming a prevalent method of ingesting nicotine and marijuana amongst our youth. ATOD is currently conducting a public outreach campaign to educate the public and political appointees of the dangers of both the e-cigarettes and hookah's. One of the main points in the public education is the ease in which illegal drugs can be turned into a liquid form and ingested in the e-cigarettes – essentially turning the illegal substance to vapor an unnoticeable to the average person, including law enforcement.

Because of the dangers ATOD and the California Department of Public Health have pointed out, the City of Benicia recently enacted an ordinance regulating the use of e-cigarettes and hookah smoking and lounges throughout the city. California's landmark statewide smoke free law, AB 13, protects millions of Californians from secondhand smoke exposure. In January 1995, many of California's enclosed public places and workplaces went smoke free, and restaurants and bars went 100% smoke free in January 1998.

Suisun City currently adheres to State laws regulating smoking and tobacco products. However, the state laws and our current local regulations didn't contemplate these types of uses with the e-cigarettes and hookahs. If the City receives a request for a cigar, hookah, or vapor lounge, the City would simply have to abide by the State restrictions only – allowing these businesses to go in any commercial zone within the City without a CUP. Consistent with previous direction from Council regarding the zoning and planning for the Downtown area, staff is asking for policy direction in this area. Some of the questions to the Council for consideration are as follows:

- Does the City Council want to regulate land use (location for selling e-cigarettes and allowing e-cigarette and hookah lounges) or just maintain the status quo?
- Does the Council want to create a smoking Ordinance addressing public spaces and events, such as banning all smoking at the Plaza?
- Does the Council want to regulate signage for selling and smoking e-cigarettes and hookahs? Does the Council want some level of regulation not currently in place or leave it as is with only the State regulations?
- If the Council is interested in some level of regulation, is there an interest in Moratorium for 45 days to study and provide the Council with recommendations moving forward?
- Or does the Council want to review smoking in public places, or the regulation of smoking lounges through the Zoning Update to the General Plan Update Process recognizing that if uses come in in the meantime they would be allowed?

A series of attachments at the end of this report provide more information on this broad topic, including examples from the City of Benicia.

RECOMMENDATION: It is recommended that the City Council discuss this topic and provide direction to staff regarding: Local Land Use, Public Space Signage Regulations and Restrictions for Smoking Including Tobacco, Flavored Tobacco, Vapor and Related Products for the Health and Safety of the Community.

ATTACHMENTS:

1. California's Smoke-free Workplace Act: Ending Exemptions – Finding Equity.
2. City of Benicia "Smoking in Enclosed Public Places" Ordinance and Urgency Interim Ordinance.
3. Solano Public Health "E-Cigarettes and the New Tobacco Industry".
4. ATOD Agenda on E-cigarettes and Hookah lounges and "Healthy Stores for a Healthy Community" Campaign.

11 0000
11 0000

California's Smoke-free Workplace Act

Ending Exemptions – Finding Equity

Narinder Dhaliwal, M.A.
California's Clean Air Project
narinderd@etr.org

San Jose
Regional Forum
February 23, 2011



CALIFORNIA HAS FALLEN BEHIND



- Once the leader in protecting workers from the toxic effects of secondhand smoke, California has fallen behind

WHAT HAPPENED

Twenty-four states and Washington D.C. are considered by the Centers for Disease Control (CDC) to be 100 percent smoke-free



California is not among them



WHY?

Because exemptions and loopholes in California's Smoke-Free Workplace law (Labor Code Section 6404.5) still leave employees and patrons of certain businesses exposed to secondhand smoke

A SERIOUS PROBLEM

One in seven workers (14% of California's workforce) report being exposed to secondhand smoke in the workplace



EXEMPTIONS LEAD TO DISPARITIES

Exemptions in our smoke-free workplace law mean inadequate and unequal protection for:

- Low income workers
(earning less than \$30,000)
- Young adults (ages 18-24)
- Hispanics



WHICH WORKERS ARE STILL EXPOSED TO SHS?

- 29.7% with household income of \$10,001 to \$20,000
- 44% with household income of \$20,001 to \$30,000
- 24.3% of 18-24 year olds
- 23.3 of Hispanic/Latinos

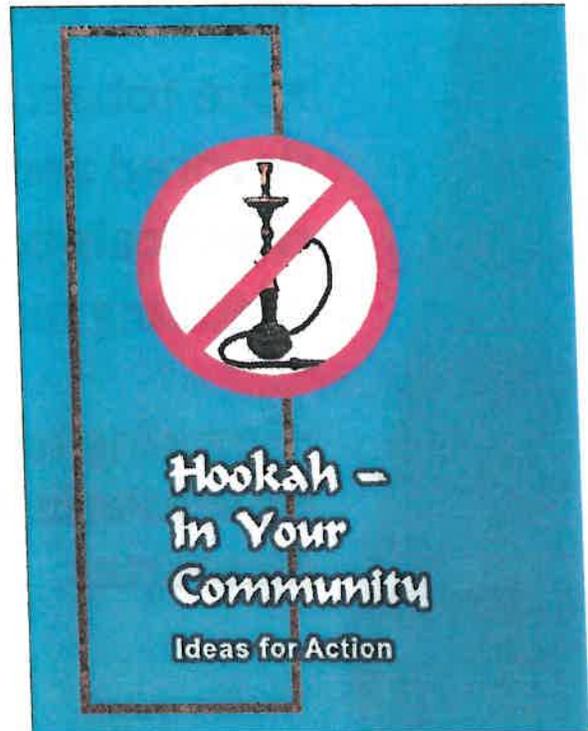


EXEMPTIONS LEAVE WORKERS UNPROTECTED

**California's law still allows smoking
under certain circumstances**

Hookah

• New trend!



Hookah



- Hookah are glass or metal waterpipes that originated in the Middle East

- The tobacco or shisha is typically flavored and contains the same chemicals typically found in tobacco including nicotine

- Smoking hookah for 45-60 minutes can be equivalent to smoking 100 or more cigarettes





UNPROTECTED

Hookah establishments are notorious for:

- Claiming to be owner-operated when they are not (LC 6404.5)
- Claiming to be tobacco stores when they are not (LC 6404.5)
- Setting up shop near colleges and high schools
- Providing minors with hookah tobacco

Hookah



- **The proliferation of hookah bars and lounges in California is leading to a growing public acceptance of smoking. This threatens to setback twenty years of progress in reducing tobacco related death and disease**

EXEMPTIONS THAT SHOULD NEVER BE USED...

...BUT REMAIN IN THE LAW:

- Of the many loopholes in the law, there are two that specifically require adoption of ventilation standards
- **However**

No ventilation standards exist!

OUTDATED

These outdated exemptions -- stemming from political realities that existed back in 1994 -- are not just embarrassing, they are unfair and dangerous



DANGEROUS

The gaps in the law mean that **1.5 million California workers** still have smoke blown in their faces at their workplaces

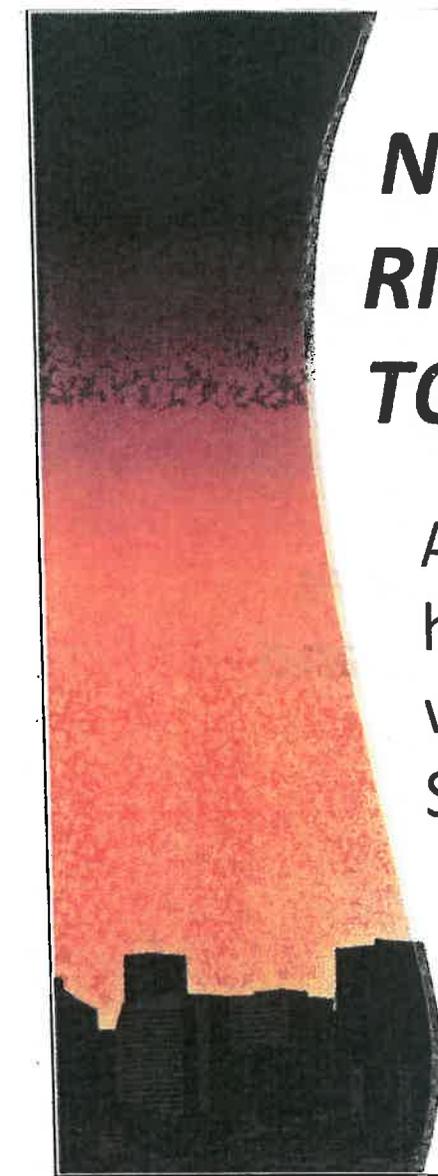




DANGEROUS

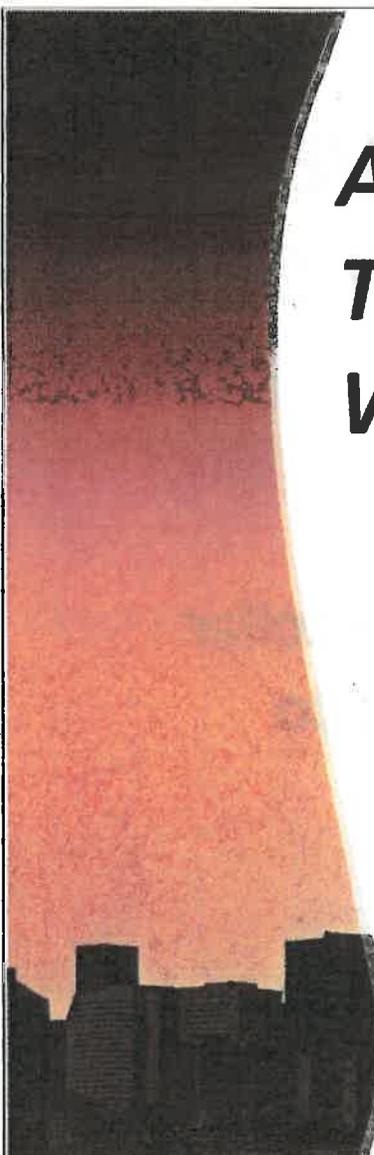
This unequal protection from exposure to secondhand smoke at work causes all the life-threatening public health effects that we know too well:

- increased rate of heart attacks
- increased chance of cancer
- annual **direct** health care costs of \$5 billion nationally



***NO ONE SHOULD HAVE TO
RISK THEIR HEALTH IN ORDER
TO MAKE A LIVING***

An unfairly large number of hospitality, service, and blue-collar workers still report exposure to SHS on the job



A SMOKE-FREE WORKPLACE IS THE ONLY WAY TO PROTECT WORKERS FROM SHS

The U.S. Surgeon General has found that smoking rooms and ventilation systems do not eliminate exposure to SHS

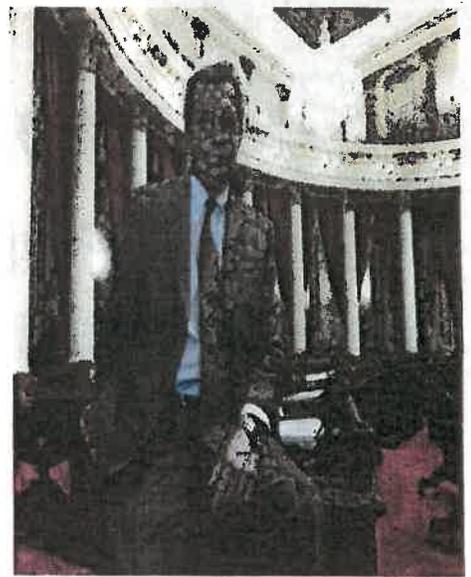


ENDING EXEMPTIONS REDUCES DISPARITIES

Strong smoke-free workplace laws not only protect workers and the public from the health burdens associated with SHS; they increase workers' chances of successfully quitting smoking

THIS IS WINNABLE

State legislation introduced in 2007 to remove some of the exemptions in Labor Code 6404.5 and increase protection from SHS had no opposition from business groups – including the tobacco industry. It was vetoed by the former Governor.



THIS IS WINNABLE



“Local action directed toward a statewide goal...”

- local ordinances
- state legislation
- collaborative efforts at all policy levels

PUBLIC PRIORITY & COMMUNITY RESPONSIBILITY

- All California workers deserve equal protection from SHS to prevent proven and dangerous health risks. The only way to protect people from breathing SHS is to require that all workplaces be 100% smoke-free



Chapter 9.06 SMOKING IN ENCLOSED PUBLIC PLACES

Sections:

- [9.06.010](#) Definitions.
- [9.06.020](#) Regulation of smoking in city-owned facilities.
- [9.06.030](#) Prohibition of smoking in designated enclosed places.
- [9.06.040](#) Regulation of smoking in places of employment.
- [9.06.050](#) Smoking – Optional areas.
- [9.06.060](#) Posting requirements.
- [9.06.070](#) Enforcement.
- [9.06.080](#) Penalties.
- [9.06.090](#) Nonretaliation.
- [9.06.100](#) Other applicable laws.
- [9.06.110](#) Prohibition of smoking in outdoor public places.
- [9.06.120](#) Existing tobacco shops.
- [9.06.130](#) Prohibition of all smoke lounges.

9.06.010 Definitions. [SHARE](#)

The following words and phrases, whenever used in this chapter, shall be construed as hereafter set out, unless it shall be apparent from the context that they have a different meaning.

“Bar” means an area which is devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages on the premises.

“Electronic cigarette” means any electronic device used for the inhalation of nicotine vapor or other substances, usually a battery powered device that contains liquid nicotine cartridges.

“Employee” means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit.

“Employer” means any person, partnership, or corporation, including municipal corporation, who employs the services of more than three persons.

“Enclosed” means closed in by a roof and four walls with appropriate openings for ingress and egress.

"Hookah" means the use of a water pipe, and any associated products and devices, in order to produce fumes, smoke, and/or vapor from the burning of material including, but not limited to, tobacco, shisha, or other plant matter.

"Place of employment" means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including but not limited to work areas, employee lounges, conference rooms and employee cafeterias. A private residence is not a place of employment unless it is used as a child care or a health care facility. The dining area of a restaurant is not a "place of employment."

"Restaurant" means an establishment that sells, prepares, and/or serves primarily food to its guests and the dining areas in which said food is consumed.

"Smoke lounge" means any business where smoking is the primary activity and usually, but not always, accompanied by the sale of tobacco and other smoking paraphernalia, specifically, but not limited to, cigar clubs and hookah lounges.

"Smoking" means holding or possession of a lighted or heated pipe, cigar, or cigarette of any kind, including use of an electronic cigarette, or any other lighted smoking equipment including hookah and other versions of water pipes, as well as the lighting, emitting or exhaling the smoke, fumes, or vapors from plant product, like tobacco, typically used in such devices.

"Sports arena" means a sports pavilion, gymnasium, health spa, boxing arena, swimming pool, roller and ice rink, bowling alley, and other similar place where members of the public assemble to engage in physical exercise, participate in athletic competition or witness sports events.

"Tobacco shop" means a retail or wholesale store that stands independently from any restaurant, bar, or other place of amusement, whose exclusive purpose, and principal business, is in the sale of tobacco and tobacco related paraphernalia evidenced by more than 50 percent of the total floor and display area being devoted to the sale of these products and more than 70 percent of gross sales deriving from the sale of said product. (Ord. 13-10 § 2; Ord. 87-10 N.S. § 3, 1987).

9.06.020 Regulation of smoking in city-owned facilities. SHARE

All enclosed facilities owned by the city of Benicia shall be subject to the provisions of this chapter. (Ord. 87-10 N.S. § 3, 1987).

9.06.030 Prohibition of smoking in designated enclosed places.  SHARE

Smoking shall be prohibited in the following places within the city:

A. All enclosed areas available to and customarily used by the general public and all businesses patronized by the public, including, but not limited to, retail stores, hotels and motels, pharmacies, banks, attorneys' offices and other offices;

B. Within all restaurants having an occupied capacity of 50 or more persons; provided, however, that this prohibition does not prevent (1) the designating of a contiguous area within a restaurant that contains no more than 50 percent of the seating capacity of the restaurant as a smoking area, or (2) the providing of separate rooms designated as smoking rooms, so long as said rooms do not contain more than 50 percent of the seating capacity of the restaurant;

C. Waiting rooms, hallways, wards, and semiprivate rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors' and dentists' offices, except that health facilities shall also be subject to the provisions of [BMC9.06.040](#) regulating smoking in places of employment;

D. Elevators, public restrooms, indoor services lines, buses, taxicabs and other means of public transit under the authority of the city while within the boundaries of the county, and in ticket, boarding, and waiting areas of public transit (1) establishing separate waiting areas for smokers and nonsmokers, or (2) establishing at least 50 percent of a given waiting area as a nonsmoking area;

E. In public areas of museums and galleries;

F. Enclosed theaters, auditoriums, and halls which are used for motion pictures, stage dramas, and musical performances, ballets or other exhibitions, except when smoking is part of any such production;

G. Retail food marketing establishments, including grocery stores and supermarkets, except those areas of such establishments set aside for the purpose of serving food and drink, restrooms and offices, and areas thereof not open to the public, which may be otherwise regulated by this chapter;

H. Public schools and other public facilities under the control of another public agency, which are available to and are customarily used by the general public, to the extent that the same are subject to the jurisdiction of the city;

I. Sports arenas and convention halls, except in designated smoking areas;

J. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment. (Ord. 87-10 N.S. § 3, 1987).

9.06.040 Regulation of smoking in places of employment.  SHARE

A. It shall be the responsibility of employers to provide smoke-free areas for nonsmokers within existing facilities to the maximum extent possible, but employers are not required to incur any expense to make structural or other physical modifications in providing these areas.

B. Within 90 days of the effective date of the ordinance adopting this chapter, each employer and each place of employment located within the city shall adopt, implement, make known and maintain a written smoking policy, which shall contain at a minimum the following requirements:

1. Prohibition of smoking in conference and meeting rooms, restrooms, medical facilities, hallways and elevators.
2. Any employee in a place of employment shall be given the right to designate his or her immediate work area as a nonsmoking area and to post the same with an appropriate sign or signs, to be provided by the employer. The policy adopted by the employer shall include a reasonable definition of the term "immediate work area."
3. In any dispute arising under this smoking policy, the rights of the nonsmoker shall be given precedence.
4. Provision and maintenance of a separate and contiguous nonsmoking area of not less than 50 percent of the seating capacity and floor space in cafeterias, lunchrooms and employee lounges.

C. The smoking policy shall be communicated to all employees within three weeks of its adoption, and at least annually thereafter.

D. Notwithstanding the provisions of subsection (A) of this section, every employer shall have the right to designate any place of employment, or portion thereof, as a nonsmoking area. (Ord. 87-10 N.S. § 3, 1987).

9.06.050 Smoking – Optional areas.  SHARE

Notwithstanding any other provisions of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

A. Private residences;

B. Bars;

C. Hotel and motel rooms rented to guests;

D. Retail stores that deal exclusively in the sale of tobacco and smoking paraphernalia;

E. Restaurants, hotel and motel conference or meeting rooms, and public and private assembly rooms while these places are being used for private functions;

F. A private residence which may serve as a place of employment except when used as a child care or a health care facility. Board and care facilities shall provide smoke-free living quarters for nonsmoking boarders;

G. A private enclosed place occupied exclusively by smokers, even though such a place may be visited by nonsmokers, and a private enclosed office, excepting places in which smoking is prohibited by the fire department or by any other law, ordinance or regulation. (Ord. 87-10 N.S. § 3, 1987).

9.06.060 Posting requirements.  SHARE

A. "Smoking" or "No Smoking" signs, whichever are appropriate, with letters of not less than one inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every building or other place where smoking is controlled by this chapter, by the owner, operator, manager or other person having control of such building or other place.

B. Every restaurant regulated by this chapter will have posted at its entrance a sign clearly stating that a nonsmoking section is available, and every patron shall be asked as to his or her preference. (Ord. 87-10 N.S. § 3, 1987).

9.06.070 Enforcement.  SHARE

A. Enforcement shall be implemented by the city manager or his/her designees.

B. Any citizen who desires to register a complaint under this chapter may initiate enforcement with the city manager or his/her designees.

C. Any owner, manager, operator or employer of any establishment controlled by this chapter shall have the right to inform persons violating this chapter of the appropriate provisions thereof. (Ord. 87-10 N.S. § 3, 1987).

9.06.080 Penalties.  SHARE

A. It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to the restrictions of this chapter to fail to: properly post signs required hereunder; to provide signs for the use of employees in designating their areas; to properly set aside "No Smoking" areas; to adopt a smoking restriction policy; or to comply with any other requirements of this chapter.

B. It shall be unlawful for any person to smoke in any area restricted by the provisions of this chapter.

C. Any person/business who violates subsections (A) or (B) of this section, or any other provisions of this chapter, shall be guilty of an infraction, punishable by:

1. A fine, not exceeding \$100.00 for first violation;
2. A fine, not exceeding \$200.00 for a second violation of this chapter within one year;
3. A fine, not exceeding \$500.00 for each additional violation of this chapter within one year.

D. Each day during which this chapter is violated shall constitute a separate and distinguishable violation of this chapter. (Ord. 87-10 N.S. § 3, 1987).

9.06.090 Nonretaliation.  SHARE

No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any rights afforded by this chapter. (Ord. 87-10 N.S. § 3, 1987).

9.06.100 Other applicable laws.  SHARE

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. (Ord. 87-10 N.S. § 3, 1987).

9.06.110 Prohibition of smoking in outdoor public places.  SHARE

Smoking shall be prohibited within 20 feet of all entrance(s), exit(s), open windows, ventilation intake systems and covered entryways of any building that is (A) owned or leased by the city of Benicia and (B) used by the city of Benicia. All city of Benicia buildings will post "No Smoking Within 20 Feet" signs outside of all entrance(s), exit(s), and ventilation intake systems. (Ord. 03-1, 2003).

9.06.120 Existing tobacco shops.  SHARE

Tobacco shops shall not permit smoking on the premises. Convenience stores, as well as retail and wholesale stores that deal primarily in the sale of tobacco and smoking paraphernalia, are subject to the indoor smoking restrictions of this chapter. (Ord. 13-10 § 2).

9.06.130 Prohibition of all smoke lounges.  SHARE

No person shall establish, maintain, manage or operate any smoke lounge or permit or allow any smoke lounge to be established, maintained, managed or operated within any building or structure owned, occupied, or controlled by him/her. (Ord. 13-10 § 2).

CITY OF BENICIA ORDINANCE NO. 13-01
URGENCY INTERIM ORDINANCE

AN ORDINANCE TO EXTEND ORDINANCE 12-07, AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN INTERIM ZONING MORATORIUM ON THE ESTABLISHMENT OF HOOKAH LOUNGES IN THE CITY OF BENICIA AND ADOPTING FINDINGS INCLUDING ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN

WHEREAS, on December 4, 2012, the City Council considered as one of its items of business, not noticed in accordance with Government Code Section 65090, an interim zoning ordinance to be adopted as an urgency ordinance in accordance with Government Code Section 65858, to regulate the establishment hookah lounges in the City of Benicia; and

WHEREAS, the City Council finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth below; and

WHEREAS, Goal 2.1 of the General Plan states "Preserve Benicia as a small-sized city;" and

WHEREAS, Goal 2.3 of the General Plan states "Ensure orderly and sensitive site planning and design for large undeveloped areas of the City, consistent with the land use designations and other policies in this General Plan;" and

WHEREAS, Goal 2.5 of the General Plan states "Facilitate and encourage new uses and development which provides substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life;" and

WHEREAS, the General Plan also includes the following policies:

"POLICY 2.1.1: Ensure that new development is compatible with adjacent existing development and does not detract from Benicia's small town qualities and historic heritage, (and to the extent possible, contributes to the applicable quality of life factors noted above.)"

"POLICY 2.1.2: Make efficient use of land in new development areas consistent with the surrounding neighborhood;" and

WHEREAS, according to the California Department of Public Health "hookahs are glass or metal waterpipes that originated in India. They are shaped somewhat like a bottle and have long, flexible hoses with tips that people put into their mouths to inhale tobacco smoke. In most hookahs, hot charcoal is placed on top of tobacco in a bowl to heat it. The tobacco, or shisha, is typically flavored, and contains the same chemicals

found in all tobacco, including nicotine;" and

WHEREAS, a hookah lounge is a facility that may be either a stand-alone operation where only hookah smoking occurs or it may be combined with a bar and/or restaurant; and

WHEREAS, the City Council finds that establishment of hookah lounges under the City's current zoning ordinance will conflict with these Goals and Policies of the General Plan; and

WHEREAS, the City Council finds and determines that the City has no regulations for hookah lounges; and

WHEREAS, this temporary zoning moratorium on hookah lounges will allow the status quo to be maintained while the regulations and permanent controls are debated and adopted; and

WHEREAS, hookahs may be used to smoke legal tobacco as well as marijuana and other illegal drugs; and

WHEREAS, the lack of regulations for hookah lounges may create conflicts with the General Plan, Zoning Ordinance and other city regulations; and

WHEREAS, the Community Development Department has reviewed this ordinance pursuant to the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and found it categorically exempt from environmental review by California Environmental Quality Act Guidelines Section 15308, which excludes actions by regulatory agencies to protect the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN AS FOLLOWS:

Section 1.

Findings and Intent. The City Council incorporates the findings set forth above and further finds that issuing permits, business licenses and other applicable entitlements for the establishment of hookah lounges prior to the completion of the City's study of the potential impacts of such facilities, poses a current and immediate threat to the public health, safety and welfare and that a temporary moratorium is necessary on the issuance of such permits, business licenses and other applicable entitlements is necessary. Adopting a moratorium will allow the City staff to study hookah lounges; to consider and adopt appropriate recommendations and policies; and to maintain the status quo by suspending the issuance of permits, approvals, or other entitlements for use which would have as their result the establishment, development or construction of hookah lounges.

Section 2.

To the extent that any other ordinance or city regulation is inconsistent with this ordinance, this ordinance shall govern.

Section 3.

Interim Suspension of Permits, Approvals, or Other Entitlements for Use.

A. Notwithstanding any other ordinance, regulation, policy or rule of the City of Benicia, no use permit, building permit, site and design approval, or any other permit, license, including a business license, or applicable entitlement for use which has as its result the approval or allowance of hookah lounges or the establishment, development, or construction of such hookah lounges within the City shall be processed, issued, granted or approved by any employee, department or commission of the City.

B. This prohibition shall continue for a period of twenty-two (22) months plus fifteen (15) days, commencing on the date of adoption of this Interim Ordinance, or until such time as this Interim Ordinance may otherwise expire pursuant to any extension that the City Council may adopt and approve pursuant to Government Code Section 65858.

Section 4.

The City, on a case-by-case basis, shall have the authority upon a showing of good cause by an applicant to waive the moratorium imposed by this ordinance. Good cause shall mean a factual and evidentiary showing by the applicant that the moratorium, if not waived will deprive the applicant of substantially all reasonable use of his or her property. Such applications for waiver shall be filed with the City's Community Development Director. The decision of the Community Development Director may be appealed to the City Council.

Within ten (10) calendar days of a decision by the Community Development Director, an appeal from said decision may be filed by the applicant, the permit holder, or any other interested party. In the event the last date of appeal falls on a weekend or holiday when City offices are closed, the next day such offices are open for business shall be the last date for appeal. Such appeal shall be filed with the Community Development Department and shall state specifically wherein it is claimed there was an error or abuse of discretion by the Community Development Director or wherein the decision is not supported by the evidence in the record. Upon receipt of the appeal, the matter shall be set for hearing before the City Council. Notice shall be given in writing to the applicant, the applicant in those cases where the applicant is not the appellant, adverse party or parties, the attorney, spokespersons and other interested groups and neighborhood associations who have requested notification. The City Council shall vote on the appeal within 30 days after its hearing of the appeal.

Section 5.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 6.

Effective Date. This ordinance is an urgency ordinance for the immediate preservation of the public health and safety; therefore it shall be passed immediately upon its introduction and shall become effective immediately upon its introduction pursuant to Government Code Section 36937.

Section 7.

Expiration. This Interim Ordinance shall be of no further force or effect upon the expiration of twenty-two (22) months plus fifteen (15) days from the date of adoption, unless extended in accordance with Government Code Section 65858.

Section 8.

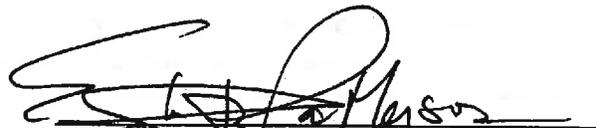
Certification. The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

On motion of Council Member **Schwartzman**, seconded by Council Member **Hughes**, the foregoing Ordinance was introduced and adopted at a meeting of the Council held on the 15th day of January, 2013, by the following vote:

Ayes: Council Members Campbell, Hughes, Schwartzman, Strawbridge and Mayor Patterson

Noes: None

Absent: None


Elizabeth Patterson, Mayor

ATTEST:


Lisa Wolfe, City Clerk



E-Cigarettes and the New Tobacco Industry

February 27, 2014

Presentation to:

Suisun ATOD Prevention City Team

Annette Balter, MPH

Tobacco Prevention and Education Program



What are E-Cigarettes?

- Battery-operated devices that deliver inhaled nicotine, flavor and other chemicals
- Disposable or reusable
- Do not contain tobacco; but nicotine may be derived from tobacco

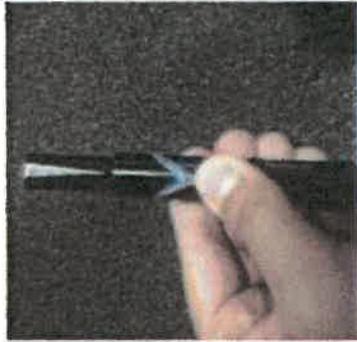


How Does An E-Cig Work?

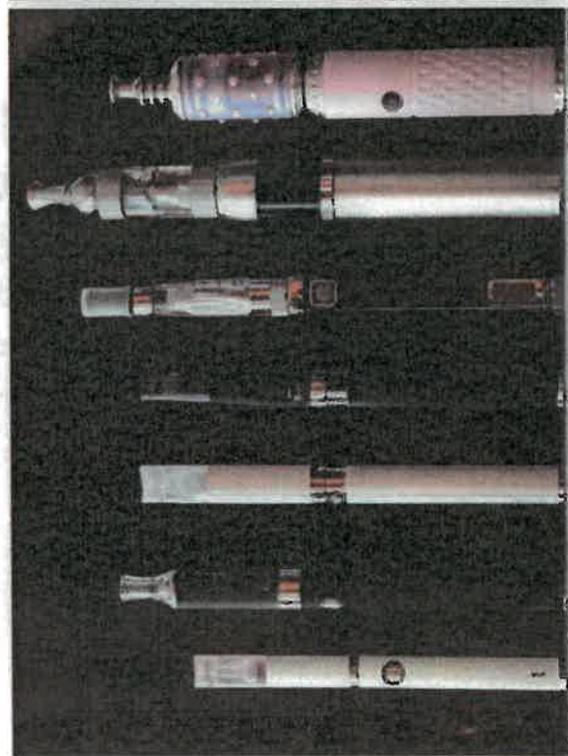


Not Your Grandfather's Cigarette





SUPERSTIKER Bluetooth



Glamorous, modern or 'stealth' designs

Big Tobacco Gets in the Game

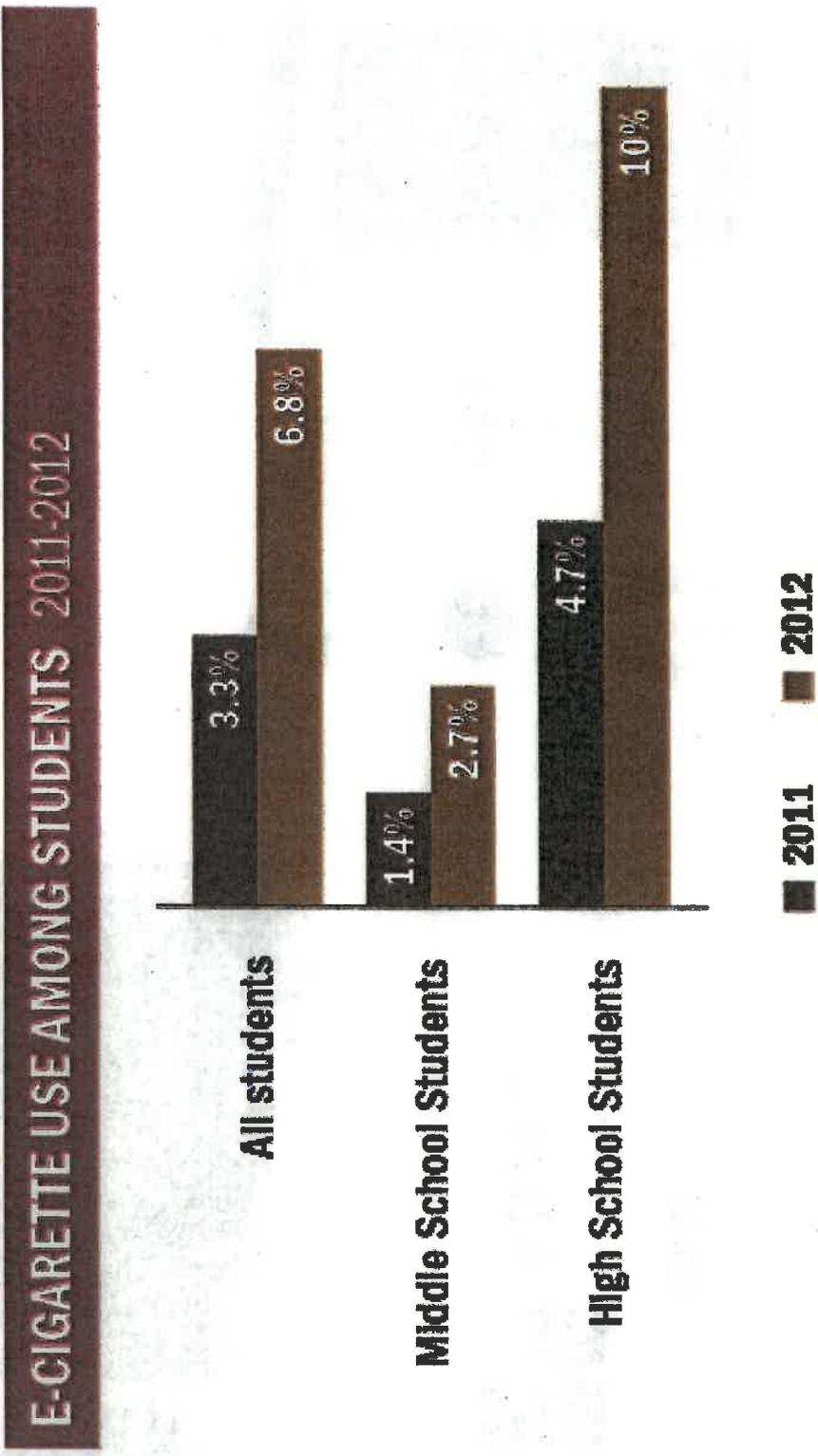


Altria



A Wells Fargo analyst speculates that e-cigarette sales will overtake traditional cigarette sales in 10 years

Youth Use Doubled



Source: CDC, National Youth Tobacco Survey

Are E-Cigarettes Safe?

Toxic Chemicals in Liquid/Vapor

- **Formaldehyde**
- Diethylene Glycol
- **Nickel**
- **Chromium**
- **Cadmium**
- **Lead**
- Fine and Ultrafine Particles
- TSNAs
- VOCs
- Heavy Metals
- Silicate Particles
- **Acetaldehyde**
- **Acrolein**
- **Benzene**
- **Isoprene**
- **Nicotine**
- **Touline**

* Items in RED: On CA prop 65 list of carcinogens and reproductive toxins

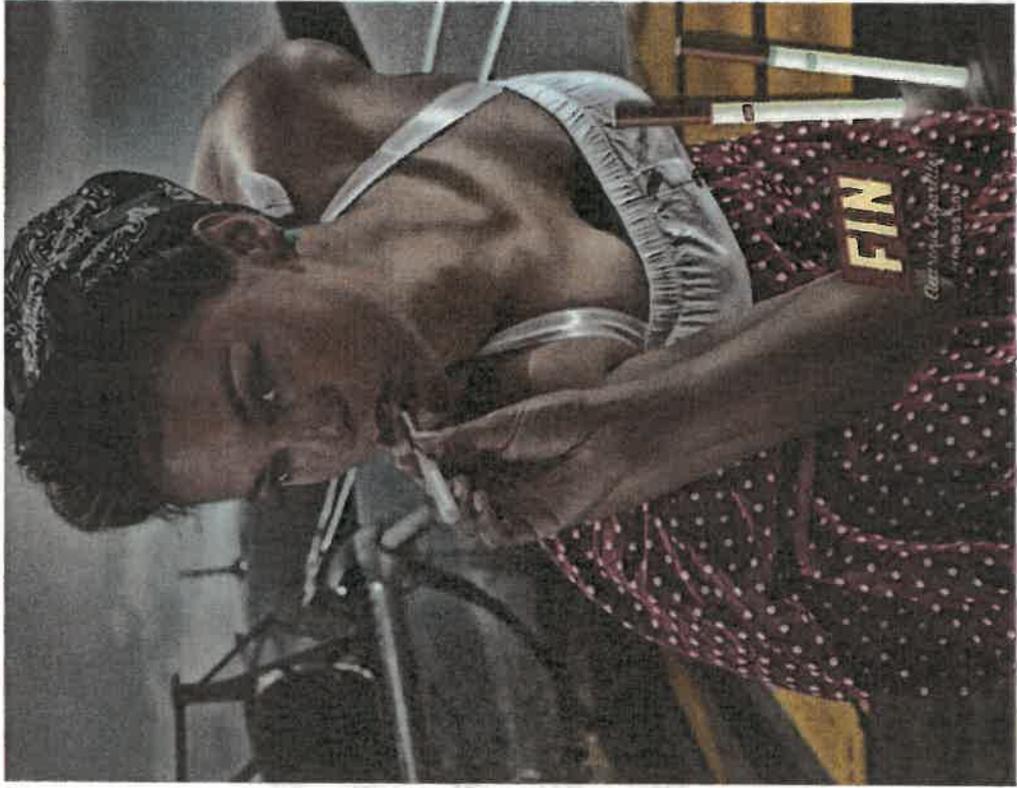
Reported Health Effects

- Throat Irritation/ Sore Throat
- Mouth Irritation/ Dry Mouth/ Mouth Ulcers
- Dry Cough
- Dizziness
- Headache
- Nausea
- Allergic Reactions
- Short-term adverse lung function similar to cigarettes
- Explosions
- Poisoning
- Long term health effects are unknown

The E-Cigarette Debate

- Smoke fewer cigarettes
- Less harmful
- Help me quit
- Will not increase youth initiation
- Dual use/no safe amount
- Long-term effects unknown
- Not approved by FDA, evidence inconclusive/less quit attempts
- Youth may progress to traditional cigarettes/get hooked on nicotine/use for other drugs

Advertising: Back to the Future



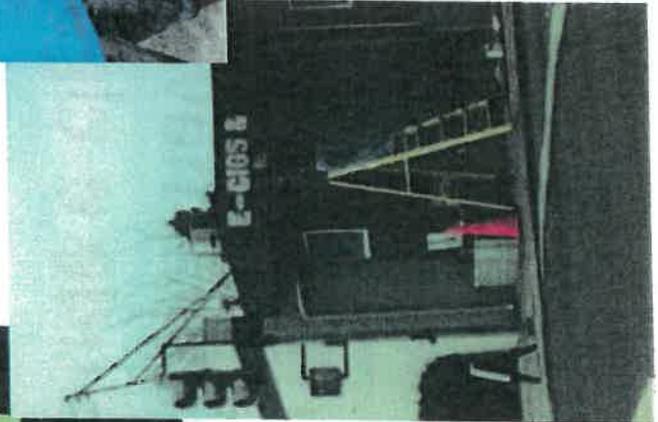
Lack of Regulation

- Currently not regulated
- Lack of manufacturing standards can lead to accidental poisoning, leaking cartridges
- Variable nicotine delivery (inconsistent dose) and labeling

E-Cigarette Policy

- Policies by public health groups, such as WHO, NACCHO, CDE
- State of CA restricts sales to minors
- FAA prohibits on aircraft
- SB 648: Electronic Cigarettes: Restriction of Use and Advertising?
- FDA?

Solano County



Local Policy Options

- 44 jurisdictions in California, including the City of Benicia, have updated smoke-free policies to include e-cigarettes
- Solano County
- Solano County Office of Education
- Tobacco Retail Licensing
- Land use/zoning
- Changelab Solutions for model language

Annette Balter, MPH

(707) 784-8900

adbalter@solanocounty.com

**Solano County Public Health Division
Tobacco Prevention and Education Program**

www.tobaccofreesolano.org



HEALTHY STORES FOR A HEALTHY COMMUNITY



Stores play an important role in our community. They shape the economic vitality, quality, and safety of our neighborhoods. They also influence the health of the families and young people who shop in them.

The *Healthy Stores for a Healthy Community* campaign focuses on the link between the store environment and community health. It addresses community concerns and findings that:

- In California, many stores that sell tobacco are less than 2 blocks away from a school.¹
- In California, communities with a higher number of stores that sell alcohol have higher crime rates.²
- Stores cluttered with unhealthy advertising and graffiti contribute to neighborhood decay and blight.³
- Marketing of tobacco products and junk food promotes consumption of these unhealthy products.^{4,5}
- Low-income communities have the least access to affordable, fresh, and nutritious food, which is a barrier to healthy eating.⁶

Young people are commonly targeted and influenced by tobacco, alcohol, and junk food marketing:

- Youth are three times more likely to be influenced by tobacco advertisements than adults.¹
- Tobacco companies use price discounts to target youth and low-income groups.⁴
- Underage drinking increases when youth are exposed to more alcohol advertisements.⁷
- Companies that sell junk food spend \$1 million every hour on youth marketing.⁵

HOW ARE THESE PRODUCTS HARMING OUR COMMUNITY?

TOBACCO



- Each year, 36,600 adults in California die from smoking and 30,600 kids become new daily smokers.⁸
- California children buy 76.6 million packs of cigarettes each year.⁸

ALCOHOL



- In any given 30 day period, 1 in 5 California high school students drink 5 or more alcoholic drinks in a row.⁹
- The number one killer of 10-24 year olds in the U.S. is alcohol-related accidents.¹⁰

JUNK FOOD*



- The largest source of calories for youth is sugary drinks, including sodas and sports drinks.¹¹
- In California, 1 in 3 teenagers are obese or overweight.¹²

* Junk food includes pre-packaged foods that are high in calories, fat, salt/sodium, and/or sugar; and low nutrient and/or sugar-sweetened drinks, such as soft drinks, diet drinks, energy drinks, and vitamin enhanced water.

In Solano County:

- There are 335 tobacco retailers
- The City of Vallejo has a sign ordinance limiting advertising to 15% of ground floor windows



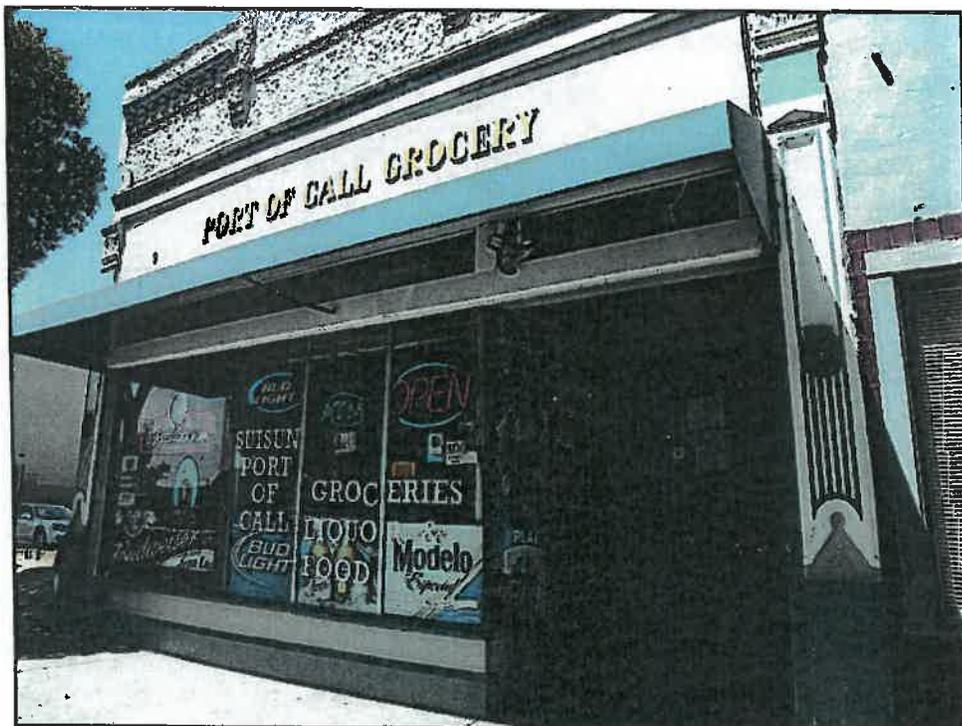
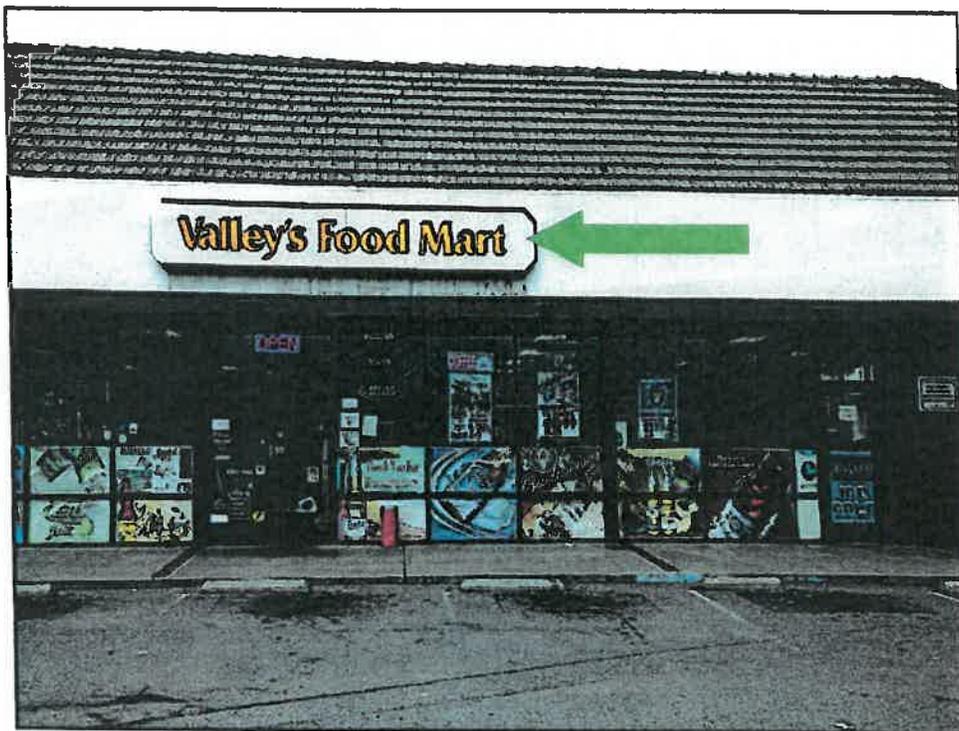
**If a Picture is Worth a
Thousand Words...
*The Impact of the
Retail Environment***

February 27, 2014
Presentation to:
Suisun ATOD Prevention City Team
Annette Balter, MPH
Tobacco Prevention and Education Program



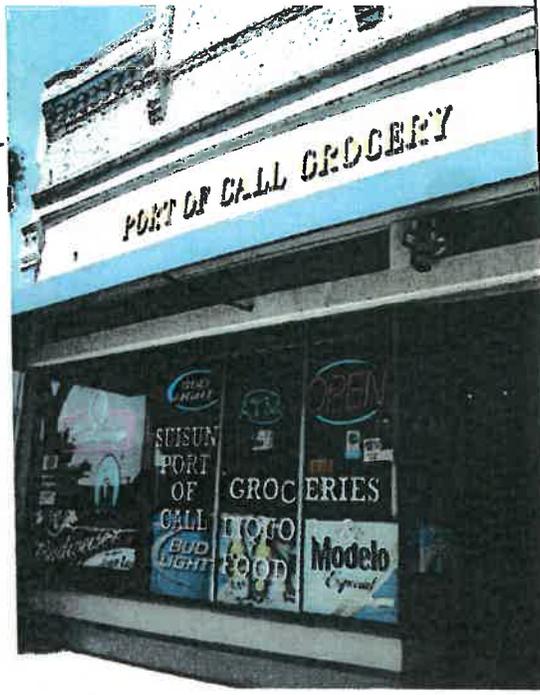
**SOLANO
PUBLIC
HEALTH**



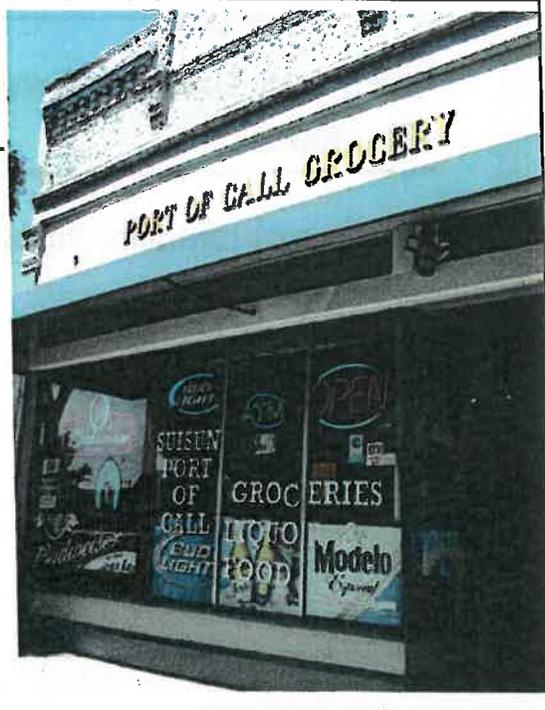




**Suisun's Retail
Environment**



**Suisun's Retail
Environment**



Why Does the Tobacco Retail Environment Matter?

- High levels of tobacco advertising and promotion remain in retail stores while tobacco advertising in most other areas is restricted
- Exposure to tobacco marketing in retail stores
 - ✦ Increases youth tobacco experimentation and uptake
 - ✦ Prevents current users from successfully quitting

Source: Tobacco in the Retail Environment Fact Sheet, California Department of Public Health, California Tobacco Control Program, 2012.

A Convergence of Goals/Opportunities

***Envision and Create
Healthy Retailers***

A Convergence of Goals/Opportunities

- Substance Abuse Prevention: "Strategic Prevention Plan For Alcohol, Tobacco, and Other Drug Prevention FY 2012/13 through FY 2017/18"
- Tobacco Prevention—All California health departments are focusing on this
- Nutrition
- Community Transformation Grant: CA4Health

Healthy Stores Campaign

August - September 2013: **210** stores visited!

- ❖ Vacaville: 37
- ❖ Birds Landing: 1
- ❖ Vallejo: 53
- ❖ Rio Vista: 8
- ❖ Fairfield: 46
- ❖ Dixon: 25
- ❖ Benicia: 21
- ❖ Suisun City: 19

Healthy Stores Campaign Next Steps FY 13-14

- Analyze local data by jurisdiction
- Regional press conference early March
- Local meeting to discuss preliminary findings
- Public opinion poll
- Key opinion leader survey
- Local forum to identify retail focus and activities

Tobacco Prevention Priorities FY 2014-17

- Community Assessment Process revealed three priorities:
 - ❖ Tobacco retail density
 - ❖ Storefront advertising
 - ❖ Training and skill-building related to second-hand smoke—outdoor and in multi-unit housing

Retail Density

- Proximity (1,000 ft) of tobacco retail outlets to schools, parks, other youth-sensitive areas
- Proximity to each other (1,000 ft)
- Social equity issue – impact on youth access and low-income/minority areas

Storefront Advertising

- Limit amount of advertising on storefront windows in a selected jurisdiction
- Lee Law compliance
- Experience in Vallejo
- Cross-cutting issues – nutrition, alcohol, crime, beautification
- Social equity issue – youth and low-income/minority neighborhoods

Storefront Advertising

- Are more than a third of the windows covered by advertising?
- How much advertising would you want to see?
- Contributes to crime, as well as how the community looks and feels.



How YOU Can Get Involved

- Talk to people in your community about the retail environment
- Host a community presentation
- Conduct opinion polls
- Participate in local events
- Recruit youth and adults to participate in all of the above
- Work in your community on establishing a healthy retail environment

Questions?



Contact Information

Annette Balter, MPH
(707) 784-8900
adbalter@solanocounty.com

Tobacco Prevention and Education Program
Health Promotion & Community Wellness Bureau
tobaccofreesolano.org

