

CITY COUNCIL  
Lori Wilson, Mayor  
Wanda Williams, Mayor Pro-Tem  
Anthony Adams  
Jane Day  
Michael A. Segala



CITY COUNCIL MEETING

First and Third Tuesday  
Every Month

## A G E N D A

### 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, OCTOBER 6, 2020**

**6:30 P.M.**

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

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#### **NOTICE**

*Pursuant to Government Code Section 54953, Subdivision (b), and Executive Order released on March 12, 2020, the following Council/Successor Agency/Housing Authority meeting includes teleconference participation by: Council/Board Members Anthony Adams, Jane Day, Michael A. Segala, and Mayor Pro Tem Wanda Williams. Teleconference locations are on file at City Hall, 701 Civic Center Blvd., Suisun City, CA 94585.*

*PER CITY POLICY, MEMBERS OF THE PUBLIC ARE REQUIRED TO WEAR FACE MASKS WHILE IN CITY FACILITIES. IF YOU DO NOT HAVE A FACE MASK, ONE WILL BE PROVIDED FOR YOU.*

*DUE TO CORONAVIRUS COVID-19 RESIDENTS ARE ENCOURAGED TO ATTEND THE CITY COUNCIL MEETING VIA THE APPLICATION, ZOOM.*

*ZOOM MEETING INFORMATION:*

*WEBSITE: <https://zoom.us/join>*

*MEETING ID: 880 3965 4025*

*CALL IN PHONE NUMBER: (707) 438-1720*

*TO VIEW TONIGHT'S MEETING ON SUISUN WEBSITE, LIVESTREAM  
(URL: <https://www.suisun.com/government/meeting-video/>)*

*REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE CITY COUNCIL MEETING  
BY EMAILING [CLERK@SUISUN.COM](mailto:CLERK@SUISUN.COM) (PRIOR TO 6pm) OR  
VIA WEBSITE OR PHONE APPLICATION, ZOOM*

*(If attending the meeting via phone press \*9 to raise your hand and \*6 to unmute/mute for public comment.)*

(Next Ord. No. – 775)

(Next City Council Res. No. 2020 – 124)

Next Suisun City Council Acting as Successor Agency Res. No. SA2020 - 02)

(Next Housing Authority Res. No. HA2020 – 01)

DEPARTMENTS: AREA CODE (707)

ADMINISTRATION 421-7300 ■ PLANNING 421-7335 ■ BUILDING 421-7310 ■ FINANCE 421-7320

FIRE 425-9133 ■ RECREATION & COMMUNITY SERVICES 421-7200 ■ POLICE 421-7373 ■ PUBLIC WORKS 421-7340

SUCCESSOR AGENCY 421-7309 FAX 421-7366

**ROLL CALL**

Council / Board Members

Pledge of Allegiance

Invocation

**PUBLIC COMMENT**

*(Request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3. Comments are limited to no more than 3 minutes unless allowable by the Mayor/Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the City Clerk. By law, no prolonged discussion or action may be taken on any item raised during the public comment period, although informational answers to questions may be given and matters may be referred for placement on a future agenda.)*

**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.)*

**REPORTS: (Informational items only.)**

1. COVID-19 Update – (Folsom: [gfolson@suisun.com](mailto:gfolson@suisun.com)).

**PRESENTATIONS/APPOINTMENTS**

*(Presentations, Awards, Proclamations, Appointments).*

2. Mayoral Appointments:

Appointment to Recreation, Parks, Marina and Arts Commission (One appointment to term expiring January 2021, one appointment to term expiring January 2023) – (Wilson: [lwilson@suisun.com](mailto:lwilson@suisun.com)).

**CONSENT CALENDAR**

*Consent calendar items requiring little or no discussion may be acted upon with one motion.*

**City Council**

3. Council Adoption of Resolution No. 2020 - \_\_\_\_: Amending the Council Norms and Procedures to Address the Handling of Emailed Comments – (Anthony Taylor, City Attorney).
4. Council Adoption of Resolution No. 2020 - \_\_\_\_: Approving the Parcel Map for Parcel 4 (APN: 0173-830-040), Accepting Offers of Dedication and Authorizing the Public Works Director and City Clerk to Sign the Parcel Map – (Medill: [mmedill@suisun.com](mailto:mmedill@suisun.com)).

**Housing Authority**

5. Housing Authority Adoption of Resolution No. HA 2020-\_\_\_\_: Authorizing the Executive Director to Execute a Due Diligence and Exclusive Negotiation Agreement Regarding Approximately the Property known as Almond Gardens Located at 709 Almond Street - (Folsom: [gfolson@suisun.com](mailto:gfolson@suisun.com)).

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

6. 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 September 15, 2020 – (Hobson: [clerk@suisun.com](mailto:clerk@suisun.com)).

**PUBLIC HEARINGS****GENERAL BUSINESS****City Council**

7. A. Consideration of the Following for the Historic Waterfront Business Improvement District: (Folsom: [gfolson@suisun.com](mailto:gfolson@suisun.com)).
  - a. Council Adoption of Resolution No. 2020-\_\_: Accepting the 2020 Annual Report, and Approving the Proposed Calendar Year 2021 Operating Budget for the Suisun City Historic Waterfront Business Improvement District.
  - b. Council Adoption of Resolutions No. 2020-\_\_: Declaring its Intention to Levy and Collect Assessments within the Suisun City Historic Waterfront Business Improvement District for Calendar/Fiscal Years 2020 and 2021 and Announcing That the Associated Public Hearing Will Be Held on October 20, 2020
- B. Consideration of the Following for the Historic Waterfront Business Improvement District: (Folsom: [gfolson@suisun.com](mailto:gfolson@suisun.com)).
  - a. Council Adoption of Resolutions No. 2020-\_\_: Declaring its Intention to Levy and Collect Assessments within the Suisun City Historic Waterfront Business Improvement District for Calendar/Fiscal Year 2021 and Announcing That the Associated Public Hearing Will Be Held on December 15, 2020.
8. Council Discussion and Direction: FY 2020-21 Budget Update: Presentation of the Financial Position of the City through FY 2020-21 Budget Update - (Deol: [ldeol@suisun.com](mailto:ldeol@suisun.com)).

**REPORTS: (Informational items only.)**

9. a. Council/Boardmembers  
b. Mayor/Chair
10. City Manager/Executive Director/Staff

**PUBLIC COMMENT**

*(Additional time for request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda limited to no more than 3 minutes.)*

**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 10:00 P.M. Ordinarily, no new items will be taken up after the 10:00 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:
  - Suisun City Fire Station, 621 Pintail Drive, Suisun City, CA;
  - Suisun City Senior Center, 318 Merganser Drive, Suisun City, CA;
  - Joe Nelson Center, 611 Village Drive, Suisun City, CA;
  - Harbor Master Office, 800 Kellogg Street, Suisun City, CA.

I, Donna Pock, Deputy City Clerk for the City of Suisun City, declare under penalty of perjury that the above agenda for the meeting of October 6, 2020 was posted and available for review, in compliance with the Brown Act.

## AGENDA TRANSMITTAL

**MEETING DATE:** October 6, 2020

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**CITY AGENDA ITEM:** Council Adoption of Resolution No. 2020-\_\_: Amending the Council Norms and Procedures to Address the Handling of Emailed Comments.

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**FISCAL IMPACT:** There is no fiscal impact.

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**STRATEGIC PLAN IMPACT:** Provide Good Governance

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**BACKGROUND:** The City Council established the Council Norms and Procedures on July 30, 2019, amending them on February 18, 2020, to promote communication, understanding, fairness, and trust among the members of the City Council and staff concerning their roles, responsibilities, and expectations for management of the business of the City of Suisun City as well as to establish the procedures for the conduct of public meetings.

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**STAFF REPORT:** In order to streamline City Council meetings, it is suggested that public comments emailed to the City Clerk be received and filed, but not read by the City Clerk during public comment. Any member of the public may read from a written statement during their public comment period and within the time limit of that public comment period. The proposed changes would amend the existing Council Norms and Procedures. This process is one that my firm has recommended in other cities we represent, such as the City of Cypress.

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**STAFF RECOMMENDATION:** It is recommended that the City Council adopt:

Resolution No. 2020-\_\_: Amending the Council Norms and Procedures to Address the Handling of Emailed Comments.

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**ATTACHMENTS:**

1. Resolution No. 2020-\_\_: Amending the Council Norms and Procedures to Address the Handling of Emailed Comments.
2. Suisun City Council Norms and Procedures

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**PREPARED BY:**  
**REVIEWED BY/APPROVED BY:**

Anthony Taylor, City Attorney  
Greg Folsom, City Manager

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**RESOLUTION NO. 2020-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
AMENDING THE COUNCIL NORMS AND PROCEDURES TO ADDRESS THE  
HANDLING OF EMAILED COMMENTS**

**WHEREAS**, the City Council of the City of Suisun City established the Council Norms and Procedures on July 30, 2019, amending them on February 18, 2020, to promote communication, understanding, fairness, and trust among the members of the City Council and staff concerning their roles, responsibilities, and expectations for management of the business of the City of Suisun City as well as to establish the procedures for the conduct of public meetings; and

**WHEREAS**, the City Council desires to amend the Council Norms and Procedures to provide that public email comments will be received by the City Clerk and filed, in lieu of being read out loud.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Suisun City hereby amend the Council Norms and Procedures as follows:

**Section 1.** Subsection (c) of section 9.1 Role of the Mayor, will read as follows:

- (c) Communication with members of the public addressing the Council on agenda items:
  - 1. The Mayor shall open the floor for public comment as appropriate.
  - 2. Council Members may question a person addressing the Council at the conclusion of the person’s comments or upon expiration of the person’s time to speak in order to gain additional information. At no point should Council Members engage in additional back and forth with members of the public.
  - 3. Any staff member with an item on the agenda will be available to the City Council to answer questions arising during discussions between Council Members and among Council Members and members of the public.
  - 4. Members of the public shall direct their questions and comments to the Council.
  - 5. ***The City Clerk shall receive and file all email comments. Email comments shall not be read aloud at the meeting by the City Clerk, but they will be added to and made a part of the item’s record. However, any member of the public may read from a written statement during their public comment period and within the time limit of that public comment period.***

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**Section 2.** Subsection (g) is added to Section 9.6 (Public Comment) as follows:

*(g) Public comments received by email shall not be read aloud at the meeting by the City Clerk, but shall be received and filed as part of the consent calendar. However, any member of the public may read from a written statement during their public comment period and within the time limit of that public comment period.*

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Suisun City held on October 6, 2020 by the following vote:

|                 |                 |       |
|-----------------|-----------------|-------|
| <b>AYES:</b>    | Councilmembers: | _____ |
| <b>NOES:</b>    | Councilmembers: | _____ |
| <b>ABSENT:</b>  | Councilmembers: | _____ |
| <b>ABSTAIN:</b> | Councilmembers: | _____ |

**WITNESS** my hand and the seal of said City this 6<sup>th</sup> day of October 2020.

\_\_\_\_\_  
Donna Pock, CMC  
Deputy City Clerk





## COUNCIL

### Norms & Procedures

**SUISUN CITY COUNCIL:**

Mayor Lori Wilson  
Mayor Pro Tem Michael Segala  
Councilmember Jane Day  
Councilmember Wanda Williams  
Councilmember Anthony Adams

**ORIGINAL ADOPTION:**

July 30, 2019

**AMENDED:**

**FEBRUARY 18, 2020**

# SUISUN CITY COUNCIL NORMS & PROCEDURES

## Table of Contents

- Section 1. GENERAL..... 4
  - 1.1 Purpose..... 4
  - 1.2 Code of Conduct..... 4
  - 1.3 Decorum..... 4
  - 1.4 Overview of Council responsibilities..... 4
  - 1.5 Overview of City Manager responsibilities..... 5
  - 1.6 Annual Review. .... 6
  - 1.7 Ralph M. Brown Act. .... 6
- SECTION 2. COUNCIL REORGANIZATION ..... 6
  - 2.1 Mayor Pro Tem Selection Process. .... 6
  - 2.2 Duties of the Mayor Pro Tem/Vice Mayor..... 6
  - 2.3 Appointment of a Council Vacancy..... 7
- SECTION 3. ADMINISTRATIVE MATTERS ..... 7
  - 3.1 Attendance..... 7
  - 3.2 Correspondence..... 7
  - 3.3 Regional Boards, Committees and Ad Hoc..... 8
  - 3.4 Distribution of Information..... 8
  - 3.5 Reimbursement..... 8
  - 3.6 Ethics and Sexual Harassment Prevention & Education Training..... 9
  - 3.7 City Seal..... 9
  - 3.8 Use of City Email and Social Media..... 9
  - 3.9 Compensation..... 10
- SECTION 4. COUNCIL RELATIONSHIP WITH STAFF ..... 11
  - 4.1 City Manager..... 11
  - 4.2 Agenda Item Questions..... 11
  - 4.3 Interaction of City Council with Staff..... 11
  - 4.4 Individual Council Member’s Requests..... 11
- SECTION 5. PROCEDURES FOR APPOINTMENTS TO BOARDS/COMMISSIONS/COMMITTEES ..... 12
  - 5.1 Definitions..... 12
  - 5.2 Recruitment Process..... 12
  - 5.3 Requirement for Appointment..... 13

5.4 Council Notification..... 13

5.5 Incumbents. .... 13

5.6 Application. .... 14

5.7 Attendance..... 14

5.8 Norms and Procedures and Conflicts of Interest..... 14

5.9 Conflicts with Federal, State or Local Law. .... 14

SECTION 6. MEETINGS ..... 14

6.1 Open to Public..... 14

6.2 Broadcasting of City Council Meetings. .... 15

6.3 Regular Meetings..... 15

6.4 Cancelling Meetings..... 15

6.5 Special Meetings..... 15

6.6 Closed Sessions. .... 15

6.7 Quorum..... 16

6.8 Minutes. .... 16

6.9 Adjourned Meetings. .... 16

SECTION 7. POSTING NOTICE AND AGENDA..... 16

7.1 Posting of Notice and Agenda..... 16

7.2 Location of Posting..... 16

SECTION 8. AGENDA CONTENTS ..... 17

8.1 Mayor’s Responsibility..... 17

8.2 Description of Matters..... 17

8.3 Availability to the Public. .... 17

8.4 Limitation to Act Only on Items on the Agenda..... 17

8.5 "Timing" of Agenda..... 17

8.6 Order of Agenda – Regular Meeting..... 17

8.7 Order of Agenda – Closed Session. .... 18

8.8 Change in Order of Business..... 18

8.9 Agenda Request Policy..... 18

8.10 Presentations. .... 18

8.11 Proclamations. .... 18

8.12 Redress..... 18

SECTION 9. PROCEDURES FOR THE CONDUCT OF PUBLIC MEETINGS..... 19

9.1 Role of Mayor..... 19

9.2 Rules of Order ..... 19

9.3 Appeal Procedures..... 20

9.4 Applicants..... 20

9.5 Staff and Consultant Reports ..... 20

9.6 Public Comment..... 20

9.7 Motions..... 21

9.8 Reconsideration..... 21

9.9 Discussion..... 22

9.10 Council Member Respect..... 24

9.11 Council and Staff Reports and Directions on Future Agenda Items. .... 24

SECTION 10. CLOSED SESSIONS ..... 24

10.1 Purpose..... 24

10.2 Rule of Confidentiality..... 24

10.3 Breach of Rule of Confidentiality..... 25

10.4 Agenda..... 25

10.5 Permissible Topics..... 25

10.6 Rules of Decorum..... 25

10.7 Conduct of Meeting..... 25

10.8 Public Disclosure After Final Action..... 26

SECTION 11. DECORUM ..... 26

11.1 Council Members..... 26

11.2 City Employees..... 26

11.3 Public..... 27

11.4 Noise in the Chambers..... 27

11.5 Removal..... 27

11.6 Dangerous Instruments..... 27

11.7 Prosecution..... 27

SECTION 12. ENFORCEMENT OF DECORUM..... 27

SECTION 13. PUBLIC RELATIONS ..... 28

13.1 City Spokesperson..... 28

13.2 Press Release..... 28

SECTION 14. MAYOR’S OFFICE ..... 28

SECTION 15. VIOLATIONS OF PROCEDURES ..... 28

# SUISUN CITY COUNCIL NORMS & PROCEDURES

## Section 1. GENERAL

### **1.1 Purpose.**

The purpose of these Norms and Procedures is to promote communication, understanding, fairness, and trust among the members of the City Council and staff concerning their roles, responsibilities, and expectations for management of the business of the City of Suisun City.

In the interest of promoting best practices in our local government as Municipal Legislators, this document will include operational procedures, policies, and practices.

### **1.2 Code of Conduct.**

The residents and businesses of Suisun City are entitled to have a fair, ethical and accountable local government, which has earned the public's full confidence for integrity. The effective function of our democratic government requires that:

- Our public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Our public officials be independent, impartial and fair in their judgment and actions;
- Public office be used for the public good, and not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

### **1.3 Decorum.**

All Council Members shall practice a high degree of decorum and courtesy. Respect for each Council Member's interpersonal style will be the standard of operation. Courtesy and respect for individual points of view will be practiced at all times.

All Council Members shall respect each other's right to disagree. Council Members shall commit to avoiding personal attacks, using language that is demeaning, or using words or phrases that tend to "shut others down."

When addressing the public in any way, all Council Members shall make certain their opinions are expressed solely as their own, and do not in any way necessarily reflect the opinions of any other Council Member or the City.

This subject is expanded in Section 11.

### **1.4 Overview of Council responsibilities.**

Suisun City is a California General Law city with a council/manager form of government. The City Council, which is elected directly by city voters, is assisted by a number of appointed and

separately elected officials to provide services for City residents. The City Council has the following duties and responsibilities:

**(a) Appointment of the City Manager and City Attorney.** The City Council shall appoint the City Manager and the City Attorney. The City Manager shall implement City Council policy and run day-to-day operations of Suisun City. The City Attorney shall provide legal advice and act as counsel to elected officials and city staff in adherence to all federal, state and local laws pertaining to city operations and public policy. There should be an annual review for the City Manager and the City Attorney.

The City Manager's annual review shall follow closely the format included in the City Manager's contract and include goals for the next period. Less formal evaluations may take place quarterly or every six months at the pleasure of the Council. A separate procedure will be established for this evaluation.

The City Attorney's annual review shall be at a format proposed by the Mayor and agreed upon by the Council informally.

The Mayor at his/her discretion may annually create an ad hoc to oversee annual review process and prepare a summary evaluation.

**(b) Establishment of boards and appointment of members.** With the consent of the Council, the Mayor may establish Boards, Commissions, and Committees, and make appointments of members of all Boards, Commissions, and Committees. The Mayor may, from time to time, cede this authority by resolution of the Council.

**(c) Legislative decisions.** The Council is the legislative body; its members are the community's decision makers. Power is centralized in the elected City Council collectively and not in individual members of the Council. The City Council approves the budget and determines the public services. It focuses on the community's goals, major projects and such long term considerations as community growth, financing and strategic planning. The City Council hires a professional City Manager to carry out administrative responsibilities and they collectively supervise the City Manager's performance.

### **1.5 Overview of City Manager responsibilities.**

The City Manager is hired to serve the City Council and the community and to bring the benefits of education, training and experience in administering the City's projects, programs, and public services on behalf of the City Council. The City Manager follows the direction of the entire City Council and not individual members of the Council or the public, and serves at the sole discretion of the Council.

As the City's Chief Executive Officer, the City Manager oversees:

- Department heads and department operations
- Budget development and fiscal management

- Policy implementation
- Personnel administration and human resources
- Labor relations
- Intergovernmental relations
- Service delivery
- Elected official support
- A variety of special projects and assignments

The City Manager appoints, removes, promotes, and demotes any and all officers and employees of the city except the City Clerk, City Attorney, and City Treasurer. Appointment, removal, promotion, or demotion of department heads shall require prior approval of the City Council. (Ord § 2.08.110)

Among the chief duties, the City Manager will implement the Council's policies, projects, programs, and public services in an effective and efficient manner, providing professional advice on policy matters, intergovernmental affairs, economic development, and environmental issues.

### **1.6 Annual Review.**

The City Council shall conduct a review of this document annually within three months prior to the start of a new fiscal year, or whenever Council deems necessary, to assist Council Members in being more productive in management of the business of the City.

### **1.7 Ralph M. Brown Act.**

All conduct of the City Council, Commissions, Committees and Subcommittees shall be in full compliance with the Ralph M. Brown Act.

## **SECTION 2. COUNCIL REORGANIZATION**

### **2.1 Mayor Pro Tem Selection Process.**

In December of each year, the Mayor shall select and appoint a Mayor Pro Tem, with consent of the City Council, from among the members of the Council. Selection and appointment shall be at the first meeting of a new term following each General Municipal Election or at the first meeting in December during non-election years. For all intents and purposes, the title Mayor Pro Tem and Vice Mayor are used interchangeably. The term of the appointment shall be for a 12-month period commencing on January 1<sup>st</sup> of each year, unless otherwise provided for by majority vote of the Council.

### **2.2 Duties of the Mayor Pro Tem/Vice Mayor**

The Vice Mayor remains as one member of the City Council and has no rights or authority different from any other member of the Council. The Vice Mayor is the designated individual to represent the Mayor and perform any duties as required when the Mayor is unavailable. If the Mayor will be unavailable for an extended period of time, the Mayor shall provide notification to the Vice Mayor, City Manager, and City Clerk, in addition to outlining any additional duties.

### **2.3 Appointment of a Council Vacancy.**

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

## **SECTION 3. ADMINISTRATIVE MATTERS**

### **3.1 Attendance.**

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

Per Gov Code §36513, “if a city councilmember is absent without permission from all regular city council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy.”

### **3.2 Correspondence.**

With some exceptions, proposed correspondence (including electronic) from individual Council Members/Mayor on City stationery shall be reviewed by the Council in draft form prior to release.

On occasion, there are urgent requests from the League of California Cities for correspondence concerning legislation directly affecting municipalities. Assuming there is agreement between the Mayor and City Manager that the League’s position corresponds with that of the Council, the Mayor may send a letter without first obtaining Council review.

City letterhead will be made available for routine, discretionary correspondence (e.g., thank you notes, etc.), or such correspondence will be prepared by staff for signature, without prior consent of the Council.

The City will provide stationary designated as “The Office of” for each member of the Council to use for correspondence as it relates to your elected position (e.g., thank you notes, letters of recommendation, direct communication to residents or businesses, etc). This letterhead will have the same information as provided on your business card. Any views expressed in this correspondence (including electronic) are solely your own and do not represent the views of the City or the Council.

E-mails from Council Members should be respectful and professional. This form of correspondence is a public record subject to disclosure under the California Public Records Act.



### **3.3 Regional Boards, Committees and Ad Hoc**

The role of the Council on regional boards will vary depending on the nature of the appointment. Representing the interests of Suisun City is appropriate on some boards; this is generally the case when other local governments have their own representation. The positions taken by the appointed representatives are to be in alignment with the positions that the Council has taken on issues that directly impact Suisun City. If an issue should arise that is specific to Suisun City and the Council has not taken a position, the issue should be discussed by the Council prior to taking a formal position at a regional board meeting, to assure that it is in alignment with a majority of the Council's position.

Council representatives to such various boards shall keep the Council informed of ongoing business through brief oral or written reports to the Council during properly posted Council meetings.

Council Members shall make a good faith effort to attend all regional meetings to which they are assigned. Attendance should not be less than 75% of all annual scheduled meetings and all absences should be reported to the Mayor. If a Council Member is unable to attend, the Council Member shall notify his/her alternate as far in advance of the meeting as possible so as to allow the alternate to attend.

A list of these assignments are maintained by the Deputy City Clerk and will be distributed to the Council when updated.

### **3.4 Distribution of Information.**

It is essential that every member of the City Council have the same information from which to form decisions and actions. Any information distributed to one Council Member shall also be distributed to all Council Members.

The Mayor, by virtue of the position, may receive information in advance of other members of the Council in order for the City Manager to effectively proceed with the day-to-day operation of the City. The City Manager will make every effort to disseminate this information to the remaining members of the Council in a timely manner, whether through the City Manager Report or Council Member/Manager 1:1.

### **3.5 Reimbursement.**

Every effort shall be made to limit the need to reimburse Council Members for expenses. City Council Members may be reimbursed for personal expenses for travel to and lodging at conferences or meetings related to their role as a Council Member. The reimbursement of expenses is limited in the following manner: Members shall be reimbursed subject to the Administrative Directive related to travel expense (AD1.) Any additional expenses that fall outside the scope of this policy may be reimbursed only if approved by the City Council, at a public meeting, before the expenses are incurred. Any request for reimbursement of expenses shall be accompanied by an expense form and receipts to document the expenditure. These documents are public records subject to disclosure under the California Public Records Act.

Brief reports must be given on any outside meeting attended at the expense of the City at the next regular Council meeting.

### **3.6 Ethics and Sexual Harassment Prevention & Education Training.**

Any member of the City Council and commissions, or advisory committees formed by the City Council, shall receive at least two hours of ethics training in general ethics principles and ethics laws relevant to his/her public service every two years, as mandated by AB 1234, and at least two hours of sexual harassment prevention training, as mandated by AB 1661. New members must receive this training within their first year of service for ethics and six months for sexual harassment prevention training and education, and file a certificate of completion with the City Clerk. Members shall attend training sessions that are offered through the League of California Cities or locally in the immediate vicinity of Solano County, or by completing online a state-approved public service ethics education program.

An individual who serves on multiple legislative bodies need only receive two hours of each training every two years to satisfy this requirement for all applicable public service positions. If the City offers either course, the City will use a course that has been reviewed and approved by the Fair Political Practices Commission and the California Secretary of State.

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

### **3.7 City Seal.**

The City Seal is an important symbol of Suisun City. No change to the City Seal shall be made without Council approval. Individual Council Members shall be careful in use of the City Seal so as not to create an appearance that the Council Member is acting on behalf of or with official endorsement of Suisun City.

### **3.8 Use of City Email and Social Media.**

Except for emergencies, public officials who are not City employees (“public officials”) conducting City business should not create any “public record” (as that term is defined in California Government Code § 6253(e)) by using any email account that is not a City email account, or by using any non-City-controlled social media account. Instead, public officials should use a City email or City-controlled social media account.

In an emergency, a public official may send an email on a non-City email account, but only if a copy of any public record that is created as a result is contemporaneously copied to the City email account of that same public official, or a hard copy is provided to the City for retention in City records.

Practically speaking, this means that public officials should rarely, if ever, use a personal email account to conduct City business, and should never use personal social media accounts to conduct City business. Nothing in this policy is intended to limit a public official’s use of private email and social media accounts for non-City business such as personal communications and

campaign related activities. Nor is this policy intended to require public officials to provide privileged communications or documents to the City, or to waive any applicable privileges which may apply to documents purely because they have been turned over to the City in compliance with this policy.

For purposes of this policy “City-controlled social media account” is an account on a social media platform (e.g. Facebook, Instagram, Twitter) that is created and used by the City (e.g. the City’s official Facebook page, if any).

**Use of City Electronic Devices.** In general, when creating or modifying public records in the conduct of City business on an electronic device that can create and modify public records (e.g. computers, mobile phones, tablets), public officials should only use City-issued devices. There are two exceptions:

**Exception: Using City Accounts.** Public officials may use non-City electronic devices when accessing an official City account (e.g. City email address, City-controlled social media account).

**Exception: Contemporaneous Copying.** If, in a given situation, using a City electronic device is clearly impractical or if a public official has not been issued or does not have in the public official’s possession a City electronic device, a public official may use a non-City device, but only if a copy of each affected public record is contemporaneously copied to a City account of that same public official, or to the related City-controlled social media account, or a hard copy is provided to the City for retention in City records.

**Texting Only on City Devices.** Except for emergencies or when communicating with the City Attorney’s Office, public officials conducting City business shall not send or receive texts on any device other than a City owned device. In an emergency, a public official may use a non-City device to text, but only if a copy of any public record that is created as a result is contemporaneously copied to a City account of that same public official, or a hard copy is provided to the City for retention in City records. Practically speaking, this means that public officials should rarely, if ever, use a non-City owned device to text in the conduct of City business.

**Provide Copies to City.** If a public official has possession of a public record that is not in the possession of the City, the public official shall promptly provide a copy of the record to the City, and take reasonable precautions to prevent this from occurring again. For example, if a public official receives an email regarding City business on a non-City email account, and the email was not sent to or from a City email account (i.e. the City doesn’t already have a copy), the public official shall promptly forward a copy of the email to the public official’s City email account, or provide a hard copy to the City for retention in City records, and should request that the sender send future correspondence to a City controlled email account.

### **3.9 Compensation.**

Council members are compensated in accordance with California Government Code Sections 36516 and 36516.5. The amount is memorialized in the City’s Municipal Code.

## SECTION 4. COUNCIL RELATIONSHIP WITH STAFF

*Note: The foundation of a healthy and productive relationship between City Council and all City Staff is based on staying within the chain of command.*

### **4.1 City Manager.**

City Council Members are always free to go to the City Manager to discuss City business. Issues concerning the performance of a Department or any employee must be directed to the City Manager. Direction to City employees, other than the City Manager or City Attorney, is the prerogative of the City Manager. In passing along critical information, the City Manager will be responsible for contacting all Council Members. The City Manager may delegate this responsibility to Department Heads.

### **4.2 Agenda Item Questions.**

If a Council Member has a question on an agenda item, the Council Member should contact the City Manager, if at all possible, prior to any meeting at which the item may be discussed. This does not restrict Council Members from asking questions during a Council meeting.

### **4.3 Interaction of City Council with Staff.**

The Council shall treat staff with respect and shall not abuse staff, nor embarrass staff in public. The City Council Members are welcome to have contact with any city employee. However, the Council are to work through the City Manager or City Attorney on all issues, concerns and questions. This is to allow the senior professional staff, with the proper education, training, experience and knowledge of issues, laws and City Council's policies to coordinate a full and complete response and reduce error or misunderstanding by staff members not necessarily knowledgeable on all issues. This can provide a better overall response, allow any new issues to properly be considered and avoid unintended redirection of staff efforts.

Council Members are free to speak to Department Heads and may ask for information related to their department or agenda items. However, at no point is it acceptable to provide direction. All direction should be given to the City Manager, and the City Manager should be informed of contacts made with Department Heads. This informal system of direct communication is not to be abused.

City Council Members shall not meet with groups of management employees for the purpose of discussing terms of employment or establishing employee policy.

### **4.4 Individual Council Member's Requests.**

Council Members shall make their requests for information to the City Manager and not directly to individual members of staff. The use of City staff, including the City Manager, to respond to an individual Council Member's request for any purpose that exceeds more than one hour of total staff time must be approved by the majority vote of the full Council. The individual City Council Member may make his/her request orally or in writing to the City Manager. The City Manager shall provide an estimate of the cost and how the request affects the Council's Goals and Objectives. This request will then be considered by the City Council at the next possible City

Council meeting. Irrespective of the amount of staff time required to respond to each Council Member's request, individual Council Member's requests should be limited to no more than three to five requests per week.

## SECTION 5. PROCEDURES FOR APPOINTMENTS TO BOARDS/COMMISSIONS/COMMITTEES

### 5.1 Definitions.

- (a) **Task Force:** A temporary grouping of individuals and resources for the accomplishment of a specific objective.
- (b) **Committee:** A group of people officially delegated to perform a function, such as investigating, considering reporting, or acting on a matter.
- (c) **Ad Hoc:** Committees established for a specific purpose. Formed for or concerned with one specific purpose (e.g. ad hoc compensation committee); for the particular end or case at hand without consideration of wider application; formed or used for specific or immediate problems or needs; often improvised or impromptu; contrived purely for the purpose in hand rather than carefully planned in advance.
- (d) **Commission:** A group of people officially authorized to perform certain duties or functions with certain powers or authority granted; the act of granting certain powers or the authority to carry out a particular task or duty; the rank and powers so conferred.
- (e) **Board:** A group of persons having managerial, supervisory, or advisory powers. In parliamentary law, a board is a form of deliberative assembly and is distinct from a committee, which is usually subordinate to a board or other deliberative assembly – in having greater autonomy and authority.

### 5.2 Recruitment Process.

- (a) On or before December 31<sup>st</sup> of each year, the City Clerk shall prepare and post a list of all Council-appointed board, commission and committee terms that expire during the next calendar year in compliance with the Maddy Act (Government Code Section 54972).
- (b) The City Clerk shall annually advertise in a newspaper and on the City's website for applicants wishing to be considered for appointment to boards, commissions and committees.
- (c) Although there may be multiple applicants, the Mayor is not required to choose from the pool of applicants and may nominate his/her own appointee, provided the appointee qualifies. This applies to individual Council Members where the Mayor has ceded his/her authority.

- (d) All persons seeking appointment to a City board, commission or committee shall complete and submit an application form to the City Clerk as set forth in Section 5.6. Applications shall be kept on file for two years in the City Clerk's office and vacancies may be considered from applications on file, as well as new applications.
- (e) If an unscheduled board or commission vacancy occurs during the year, the following steps should be taken to publicize vacancies on boards, commissions and committees:
  - 1. Public announcement of the vacancy at a Council meeting.
  - 2. A newspaper advertisement announcing the vacancy.
  - 3. A recruitment period of at least ten (10) days.
  - 4. A vacancy notice posted at City Hall, the Nelson Center, and on the City's website for at least 20 days.
  - 5. Announcements in the local media, such as press releases, online news outlets and free weekly sales papers.
  - 6. Distribution to appropriate professional and community organizations and all groups that have requested notification.

### **5.3 Requirement for Appointment.**

- (a) All persons appointed to City boards, commissions and committees shall be residents of the City of Suisun City at the time of their appointment and shall remain so throughout their term of appointment. Should any person so appointed move from the City during their term of office, such office shall be forfeited. The Mayor with the consent of the Council shall, upon forfeiture, make a new appointment to fill the unexpired term.
- (b) All persons appointed to City boards, commissions and committees shall complete and submit an application form to the City Clerk as set forth in Section 5.6.
- (c) Except as provided by state or local statute, the appointee shall not be a current City employee or currently appointed to another City board, committee or commission.

### **5.4 Council Notification.**

By October 1 of each year, the City Clerk will notify the Mayor of expiring terms for members of those City boards, commissions, and committees.

### **5.5 Incumbents.**

- (a) At the end of the first term, the incumbent board, commission or committee member may, at the discretion of the Mayor, be reappointed for an additional term without the need to apply or interview for re-appointment. In lieu of an application, the board, commission or committee member shall submit to the City Clerk a letter of interest in re-appointment 60 days prior to the expiration of the member's first term.
- (b) Any incumbent interested in re-appointment who has served two or more terms must apply for re-appointment as set forth in Section 5.6.

### **5.6 Application.**

Except as set forth in Section 5.5, all persons considered for appointment or re-appointment shall complete an application form. This application form must be received by the City Clerk by the required deadline.

### **5.7 Attendance.**

- (a) Board, commission and committee members are expected to regularly attend and participate on their respective boards, committees and commissions.
- (b) All absences should be reported to the Mayor in advance of missing the meeting.
- (c) A board, commission or committee member whose attendance is less than seventy-five percent (75%) of the required meetings over a period of a year may be subject to removal at the discretion of the Mayor. Council will be notified by the City Manager prior to any actions taken.
- (d) The Council may grant an approved leave of absence for a board, commission or committee member for such reasons as the Mayor determines appropriate. Council will be notified of any actions taken

### **5.8 Norms and Procedures and Conflicts of Interest.**

- (a) Board, committee and commission members shall be expected to adhere to the Council Norms and Procedures.
- (b) Board, committee and commission members shall comply with all state and local laws with respect to ethics and conflicts of interests to the extent that such laws apply to their position, including state and local requirements to timely file Statements of Economic Disclosure if the member is designated as a filer by state law or by the City's Conflict of Interest Code.
- (c) Members of City boards, commissions or committees may not use their board, commission or committee position title for political endorsements.

### **5.9 Conflicts with Federal, State or Local Law.**

In case of a conflict between this section of the Norms and Procedure policy with federal, state or local law, such federal, state or local law shall be the controlling factor.

## **SECTION 6. MEETINGS**

### **6.1 Open to Public.**

All meetings of the City Council whether regular, special, or study sessions, shall be open to the public, unless a closed session is held as authorized by law. All meetings shall be noticed as required to allow action to be taken by the Council.



## **6.2 Broadcasting of City Council Meetings.**

All regular Council meetings shall be scheduled in the Council Chambers to allow for web streaming, unless the number of participants exceeds room capacity. The final decision shall be the responsibility of the Mayor.

## **6.3 Regular Meetings.**

At the first regular meeting in January, the City Council will approve the schedule of meetings for the calendar year, which in addition to the regular meeting schedule, may include the cancellation of regular meetings and the addition of special meetings and study sessions. This practice does not, however, preclude the Mayor from calling additional meetings pursuant to Section 6.5, if necessary.

The City Council shall convene its regular City Council meetings at 6:30 p.m. on the first and third Tuesday of each month.

The City Council hopes to conclude its public business at Regular Meetings by 10:00 p.m. Ordinarily, at the discretion of the Mayor, no new items will be taken up after the 10:00 p.m. cutoff and any items remaining will be agendized for the next meeting.

## **6.4 Cancelling Meetings.**

Pursuant to Government Code Section 36805, City Council shall hold a Regular Meeting at least once each month. Outside of this provision, the Mayor may cancel no more than four (4) Regular Meetings at his/her discretion no less than 7 days before the planned meeting. The Mayor may cancel a meeting at any time in the case of an emergency or when a majority of members have confirmed their unavailability to attend a meeting.

## **6.5 Special Meetings.**

A special meeting may be called at any time by the Mayor or by a majority of the City Council in accordance with the Brown Act. Written notice of any such meeting must specify the purpose of the meeting. Notice of the meeting must be given in accordance with law. Public comments at special meetings shall be limited to only those items described on the special meeting notice/agenda.

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

## **6.6 Closed Sessions.**

The City Council may hold closed sessions at any time authorized by law (and in consultation with the City Attorney), to consider or hear any matter, which is authorized by law. The Mayor or any three Council Members may call closed session meetings at any time.



### **6.7 Quorum.**

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

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

### **6.8 Minutes.**

The City Clerk shall prepare minutes of all public meetings of the City Council. Electronic copies will be distributed to the Council for review one (1) week following the meeting. Council Members will have one (1) week to provide feedback to the City Clerk for corrections or clarifications. The City Clerk will provide the corrected minutes to the City Manager one (1) week before the meeting to ensure inclusion in the Agenda Packet.

### **6.9 Adjourned Meetings.**

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

## **SECTION 7. POSTING NOTICE AND AGENDA**

### **7.1 Posting of Notice and Agenda.**

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

### **7.2 Location of Posting.**

The notice and agenda shall be posted at City Hall in a place to which the public has unrestricted access and where the notice and agenda are not likely to be removed or obscured by other posted material, and to the City website.

Although not required, additional posting places have been identified to increase civic engagement:

- Joseph Nelson Center
- Senior Center
- Harbor Master Building
- City Controlled Social Media
- Non-City Partnership Buildings

## SECTION 8. AGENDA CONTENTS

### **8.1 Mayor's Responsibility.**

The Mayor is responsible for running a timely and orderly meeting. If the Mayor is unavailable to run a Council meeting, the Vice Mayor shall run the meeting. The Mayor, in consultation with the City Manager or his/her designee, shall organize the agenda and agenda forecast. The agenda forecast will be distributed with the City Manager's report.

### **8.2 Description of Matters.**

All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description should set forth the proposed action to be considered so that members of the public will know the nature of the action under review and consideration.

As stated in Section 4.2, if a Council Member has a question on a subject, the Council Member should contact the City Manager prior to any meeting at which the subject may be discussed.

### **8.3 Availability to the Public.**

The agenda for any regular, special, or study session meeting, shall be made available to the general public as required by law.

### **8.4 Limitation to Act Only on Items on the Agenda.**

No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:

(a) Upon a majority determination that an "emergency situation" (as defined by State Law) exists; or

(b) Upon determination by a 4/5 vote of the full City Council, or a unanimous vote if less than a full Council, that there is a need to take immediate action and that the need to take the action came to the attention of the City Council subsequent to posting of the agenda.

### **8.5 "Timing" of Agenda.**

The Mayor may "time" the agenda as a way for the Council to maintain a sense of how much time can be committed to any one item without going past an established ending time for the meeting.

### **8.6 Order of Agenda – Regular Meeting.**

The prescribed order of the agenda for Regular Meetings of the Council will be as follows: Roll Call, Pledge of Allegiance, Invocation, Public Comments on Items not on the Agenda, Conflict of Interest Notification, Informational Reports Consent Calendar, Presentations/Appointments, Public Hearings, General Business Items, City Council Reports, Mayor Report, City Manager/Executive Staff Reports, Public Comments, and Adjournment.

### **8.7 Order of Agenda – Closed Session.**

The prescribed order of the agenda for a Special Meeting – Closed Session of the Council will be as follows: Roll Call, Conflict of Interest Notification, Closed Session, Closed Session Announcement, and Adjournment.

### **8.8 Change in Order of Business.**

The Mayor may decide to take matters listed on the agenda out of the prescribed order. Council Members shall be given the opportunity to ask questions about Consent Items for clarification without having them removed.

### **8.9 Agenda Request Policy.**

Requests for placement of items on the agenda can be submitted to the Mayor or City Manager at any time. The Mayor and City Manager will review the request and determine appropriate timing to bring the item forth.

Also, any member of the Council may request that an item be placed on a future agenda by indicating their desire to do so under the Council Member Report portion of the City Council agenda. The request will require the consensus of the Council to have the item brought back at a certain time versus at the pleasure of the Mayor or City Manager.

### **8.10 Presentations.**

Presentations are put on the agenda with concurrence of the Mayor or City Manager. The Mayor or City Manager will use their best judgment on scheduling presentations and recognitions. Time limits shall normally be 5 minutes. Presentations may be extended by special circumstances as needed. Exceptions can be made at the Mayor's discretion.

To promote a proactive policy concerning state, regional and federal legislative issues, presentations shall include a periodic legislative update by the City Manager (or City Manager designee), to include information on important legislative issues and/or those matters that the City has a stated a position on during the Legislative Session

### **8.11 Proclamations.**

Requests for proclamations can be submitted to the Mayor at any time. Proclamations or Special Recognition are created at the Mayor's full discretion.

The agenda will include Proclamations presented during the council meetings and a list provided of those for information purposes or presented outside of the meeting.

### **8.12 Redress.**

Agenda items for redress or reconsideration are expanded in Section 9.8.

## SECTION 9. PROCEDURES FOR THE CONDUCT OF PUBLIC MEETINGS

### 9.1 Role of Mayor.

(a) The Mayor shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Mayor to ensure that the rules of operation and decorum contained herein are observed. The Mayor shall maintain control of communication between Council Members and among Council, staff and public. The Mayor shall intervene when a Council Member, staff or other meeting participant is being verbally or otherwise attacked by a member of the public.

(b) Communication with Council Members:

1. Council Members shall request the floor from the Mayor before speaking.
2. When one member of the Council has the floor and is speaking, other Council Members shall not interrupt or otherwise disturb the speaker.

(c) Communication with members of the public addressing the Council on agenda items:

1. The Mayor shall open the floor for public comment as appropriate.
2. Council Members may question a person addressing the Council at the conclusion of the person's comments or upon expiration of the person's time to speak in order to gain additional information. At no point should Council Members engage in additional back and forth with members of the public.
3. Any staff member with an item on the agenda will be available to the City Council to answer questions arising during discussions between Council Members and among Council Members and members of the public.
4. Members of the public shall direct their questions and comments to the Council.

### 9.2 Rules of Order.

The City Council shall follow the "spirit" of *Rosenberg's Rules of Order* as a guide for the conduct of meetings, with the following modifications:

(a) A motion is not required prior to a general discussion on an agenda item. A pre-motion discussion allows the members to share their thoughts on the agenda item so that a motion can more easily be made that takes into account what appears to be the majority position.

(b) All motions require a second.

(c) A motion may be amended at the request of the maker and the consent of the person who seconded the motion. Such a procedure is often used to accommodate concerns expressed by other members.

- (d) A motion to amend may still be used.

The Mayor has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting.

### **9.3 Appeal Procedures.**

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

### **9.4 Applicants.**

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

### **9.5 Staff and Consultant Reports.**

In general, staff and consultant reports should be clear, brief and concise. Staff is to assume that the Council has read all materials submitted. Council shall be given an opportunity to ask questions of staff prior to hearing public comments.

### **9.6 Public Comment.**

- (a) Persons present at meetings of the City Council may comment on individual items on the agenda at the time the items are scheduled to be heard. During Regular City Council meetings, comments may be offered on items not on the agenda under that portion of the agenda identified for Public Comment.
- (b) The limit for speakers will be up to 3 minutes, depending on the number of speakers. Speakers are not allowed to delegate their time to another speaker. The Mayor may limit the time to be spent on an item and may continue the item, with the approval of the majority of the Council, to a future meeting at his/her discretion.
- (c) Upon addressing the Council, each speaker is requested, but not required, to first state his/her name, whom they represent and/or city of residence.
- (d) After the speaker has completed their remarks, the Mayor may direct the City Manager or City Attorney to briefly address the issues brought forth by the speaker. Council Members shall be respectful of the speakers and shall not enter into a debate with any member of the public nor discuss amongst themselves.
- (e) All Council Members shall listen to all public discussion as part of the Council's community responsibility. Individual Council Members should remain open-minded to informational comments made by the public.

- (f) The Mayor has the right to ask a member of the public to step down if over the allotted time or if the speaker's comments are not within the city's jurisdiction.

### 9.7 Motions.

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

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

Tie Votes: Tie votes shall be lost motions. When all Council Members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Council takes other action to further consider the matter. If a tie vote results at a time when fewer than all members of the Council, who may legally participate in the matter are present, the matter shall be automatically continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by the Council.

### 9.8 Reconsideration.

(a) Request for reconsideration.

1. Request by a member of the public. Notwithstanding *Rosenberg's Rules of Order*, a request for reconsideration may be made by a member of the public to the City Council at the next regular meeting of the City Council or at any intervening special meeting of the City Council.
2. Request by a member of the City Council. Only a member of the City Council who voted on the prevailing side may request reconsideration. The request may be made at the same meeting or at the next regular meeting of the City Council or at any intervening special meeting of the City Council.
3. The member of the public or City Council Member making the request should state orally or in writing the reason for the request, without dwelling on the specific details or setting forth various arguments.

(b) Motion to reconsider any Council action.

1. Reconsideration at the same meeting. A motion to reconsider an action taken by the City Council may be made at the same meeting at which the action was taken (including an adjourned or continued meeting). A motion to reconsider an action taken by the City Council may be made only by a Council Member who voted on the

prevailing side, but may be seconded by any Council Member and is debatable. The motion must be approved by a majority of the entire City Council.

2. Reconsideration at a subsequent meeting. If an intent to request a motion for reconsideration is communicated to the City Council prior to the deadline for posting the City Council meeting agenda, then the request for reconsideration may be agendaized if support for said action exists in accordance with the *Council Norms* Section 10.8. Otherwise, no City Council discussion or action on a possible reconsideration may occur unless the item is appropriately added to the agenda pursuant to Government Code section 54954.2(b), which addresses adding items that are not listed on a posted agenda (urgency agenda item). At the time such motion for reconsideration is heard, testimony shall be limited to the facts giving rise to the motion.

**(c) Effect of approval of motion.**

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

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

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

**9.9 Discussion.**

**(a)** The discussion and deliberations at meetings of the City Council are to secure the mature judgment of Council Members on proposals submitted for decision. This purpose is best served by the exchange of thought through discussion and debate.

To the extent possible, Council Members should disclose any ex parte communication prior to discussion on an item. Ex parte communications are those made in private between an interested party and an official in a decision making process.

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

**(b) Obtaining the floor for discussion.**

After the Council has commented on an issue, and a motion has been stated to the Council and seconded, any member of the Council has a right to discuss it after obtaining the floor. The member obtains the floor by seeking recognition from the Mayor. A member who has been recognized should make their comments clear, brief and concise.

**(c) Speaking more than once.**

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

**(d) Relevancy of discussion.**

All discussion must be relevant to the issue before the City Council. A Council Member is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. Council Members shall avoid repetition and strive to move the discussion along.

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

Arguments, for or against a measure, should be stated as concisely as possible. It is the responsibility of each Council Member to maintain an open mind on all issues during discussion and deliberation.

It is not necessary for all City Council Members to speak or give their viewpoints if another Council Member has already addressed their concerns. Although issues with potential to be litigated or otherwise appealed should have comments by each Council Member on the record.

**(e) Mayor's duties during discussion.**

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

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



**9.10 Council Member Respect.**

At all times, Council Members in the minority on an issue shall respect the decision and authority of the majority.

**9.11 Council and Staff Reports and Directions on Future Agenda Items.**

Council and staff reports at the end of Council meetings shall be limited to announcing Mayor-appointed Regional Board activities on which Council Members serve, City and City-sponsored activities and items which directly affect the City. Community groups may announce their activities during Public Comments at the beginning of Council meetings. Council Members should refrain from making personal comments, stating personal activities, or items that do not impact their role as a Council Member.

## SECTION 10. CLOSED SESSIONS

**10.1 Purpose.**

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

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

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

**10.2 Rule of Confidentiality.**

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

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

### **10.3 Breach of Rule of Confidentiality.**

No person who attends a closed session may disclose any statements, discussions, or documents used in a closed session except where specifically authorized by State law. Any authorized disclosure shall be in strict compliance with these rules and the Ralph M. Brown Act. Violation of this rule shall be considered a breach of this rule of confidentiality.

### **10.4 Agenda.**

The City Council agenda will contain a brief general description of the items to be discussed at the closed session, as required by law.

### **10.5 Permissible Topics.**

All closed sessions will be held in strict compliance with the Ralph M. Brown Act. The City Attorney, or his/her designee, will advise in advance on topics that may be discussed in a closed session.

### **10.6 Rules of Decorum.**

- (a)** The same high standard of respect and decorum as apply to public meetings shall apply to closed sessions. There shall be courtesy, respect and tolerance for all viewpoints and for the right of Council Members to disagree. Council Members shall strive to make each other feel comfortable and safe to express their points of view. All Council Members have the right to insist upon strict adherence to this rule.
- (b)** Prior to a vote, the Mayor shall ensure that the motion is clearly stated and clearly understood by all Council Members.
- (c)** The Mayor shall keep the discussion moving forward so that debate and a vote can occur in the time allotted for the closed session. The Mayor will determine the order of debate in a fair manner.

### **10.7 Conduct of Meeting.**

- (a)** The Mayor will call the closed session to order promptly at its scheduled time.
- (b)** The Mayor will keep discussion focused on the permissible topics.
- (c)** The use of handouts and visual aids such as charts is encouraged to focus debate and promote understanding of the topic. All such materials are strictly confidential.
- (d)** If the City Council in closed session has provided direction to City staff on proposed terms and conditions for any type of negotiations, whether it be related to property acquisitions or disposal, a proposed or pending claim or litigation, or employee negotiations, all contact with the other party will be through the designated City person(s) representing the City in the handling of the matter. A Council Member, not so designated by the Council, will not under any circumstances have any contact or discussion with the other

party or its representative concerning the matter which was discussed in the closed session, and will not communicate any discussions conducted in closed session to such party.

#### **10.8 Public Disclosure After Final Action.**

**(a)** The Ralph M. Brown Act requires that, as a body, the City Council make certain public disclosure of closed session decisions when those actions have become final. Accordingly, the City Council shall publicly report any final action taken in closed session, and the vote, including abstentions, at a publicly noticed meeting as follows:

1. Real Estate negotiations: After the agreement is final and accepted by the other party;
2. Litigation: After approval to defend or appeal a lawsuit or to initiate a lawsuit;
3. Settlement: After final settlement of litigation or claims;
4. Employees: Action taken to appoint or dismiss a Council-appointed employee;
5. Labor relations: After the Memorandum of Understanding is final and has been accepted by both parties.

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

## SECTION 11. DECORUM

### **11.1 Council Members.**

Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Council Members shall accord the utmost courtesy to each other, City employees, and the public appearing before the City Council. The City Manager or his/her designee shall act as the sergeant-at-arms.

### **11.2 City Employees.**

Members of the City staff shall observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business and professional manner towards Council Members and members of the public.

**11.3 Public.**

Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council. These Norms and Procedures shall apply to all City Council Meetings.

**11.4 Noise in the Chambers.**

Noise emanating from the audience, whether expressing opposition or support within the Council Chambers or lobby area, which disrupts City Council meetings, shall not be permitted. All cell phones and other electronic devices shall be muted while in the chambers. Refusal is grounds for removal.

**11.5 Removal.**

Any member of the public making personal, impertinent, and/or slanderous or profane remarks, or who becomes boisterous or belligerent while addressing the City Council, staff or general public, or while attending the City Council meeting and refuses to come to order at the direction of the Mayor/Presiding Officer, shall be removed from the Council Chambers by the Police Chief, or his/her designee, and may be barred from further attendance before the Council during that meeting.

Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Mayor/Presiding Officer. The Mayor/Presiding Officer may direct the Police Chief, or his/her designee, to remove such offenders from the room.

**11.6 Dangerous Instruments.**

No person may enter the chambers of a legislative body as defined in Section 54852 of the Government Code of the State of California or any place where such legislative body is in session, with any firearm, weapon, or explosive device of any nature. The provisions of this section shall not apply to authorized peace officers or to those persons authorized by the Penal Code of the State to carry such weapons.

**11.7 Prosecution.**

Aggravated cases shall be prosecuted on appropriate complaint signed by the Mayor/Presiding Officer.

## SECTION 12. ENFORCEMENT OF DECORUM

In extreme cases, such as when a meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals as provided for in this Policy, the Mayor/Presiding Officer may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session.

Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this Section. Nothing in this Section shall prohibit the City Council from establishing a procedure for readmitting an

individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

## SECTION 13. PUBLIC RELATIONS

### **13.1 City Spokesperson.**

The Mayor will serve as the general spokesperson for the City. When Council has not taken a position on an issue, neither the Mayor nor any Council Member will speak on behalf of the Council. In these situations, the Mayor or Council Member will use a phrase such as, "Council has not taken an official position, personally I think..."

### **13.2 Press Release.**

Any proposed Press Release may only use the City Seal and picture of the Council Member issuing such release if the subject matter pertains to official government business of Suisun City.

The group picture of the Council may only be used on a Press Release if the release is being issued on behalf of the entire Council.

## SECTION 14. MAYOR'S OFFICE

The opportunity to meet with a member of the public is an honor. It also creates an opportunity for our citizens to know that their elected officials are willing to listen and willing to act. There is a place for meeting over coffee or food, as some discussions are best had when "breaking bread." However, some discussions should happen in a professional environment, free from distractions allowing for private discussion.

To help facilitate meetings with members of the public as a Council Member, the Mayor's office is listed as a Resource Room in Outlook for advance scheduling.

Reach out to the Deputy City Clerk if you have questions regarding scheduling.

## SECTION 15. VIOLATIONS OF PROCEDURES

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

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

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## AGENDA TRANSMITTAL

**MEETING DATE:** October 6, 2020

**CITY AGENDA ITEM:** Council Adoption of Resolution No. 2020-\_\_\_: Approving the Parcel Map for Parcel 4 (APN: 0173-830-040), Accepting Offers of Dedication and Authorizing the Public Works Director and City Clerk to Sign the Parcel Map.

**FISCAL IMPACT:** Approval of the Parcel Map for Parcel 4 has no fiscal impact on the General Fund.

**STRATEGIC PLAN IMPACT:** Provide Good Governance, Ensure Public Safety, and Enhance the Environment.

**BACKGROUND:** In late 2019, City staff received an application for a commercial development at the northeast corner of Highway 12 and Walters Road (APN: 0173-830-040), within the Commercial Retail (CR) Zoning District and across from (east of) the existing Walmart store. This parcel is also known as Parcel 4, filed in Book 50 of Parcel Maps, Page 41. The proposed project includes a 7-Eleven convenience market (3,060 square feet) with a fuel station consisting of 12 dispensers, and two pad buildings (5,500 and 3,000 square feet). The application also includes subdividing the property into four parcels.

On December 10, 2019, the Planning Commission approved the application for the development of the 7-Eleven convenience market with a fuel station, two pad buildings, and the subdivision of the subject property into four parcels.

**STAFF REPORT:** The Property Owner’s Engineer has prepared a parcel map, entitled “20-01 Parcel Map”, which subdivides the subject property into four parcels, one of which is an environmentally sensitive area that is not to be disturbed. The parcel map has been reviewed by the City Engineer as well as the County Surveyor for conformance with the requirements of the Subdivision Map Act and applicable sections of the City Code.

In addition to the four (4) parcels created, the parcel map includes a reciprocal easement between and for the benefit of the four parcels for access and maintenance purposes. A document entitled “Reciprocal Easements and Maintenance Agreement” shall be recorded by the Property Owner concurrently with the parcel map. Said document has been reviewed and approved by the County Surveyor.

The parcel map also dedicates right of way to the City at the north end of Parcel A. See attached location map. The dedication is in fee and is required for the construction and public use of a bus turnout. The bus turnout will be constructed as part of the 7-Eleven development, and will include a bus shelter that is in compliance with Fairfield and Suisun Transit’s standard specifications and detail.

**PREPARED BY:**

Nick Lozano, Associate Engineer

**REVIEWED BY:**

Matthew Medill, Public Works Director | City Engineer

**APPROVED BY:**

Greg Folsom, City Manager

The parcel map also dedicates a 10-foot wide public utility easement (PUE) along the Walters Road frontage of the subject property.

To date, the parcel map has been signed by the Property Owner, the Property Owner's Engineer, and the County Surveyor. Upon City Council approval of the recommended action, the City Engineer and City Clerk will sign the parcel map, and upon its filing, the parcel map will be signed by County Tax Collector and County Record. Failure of Property Owner to file the parcel map (and the agreement described on the previous page) within twenty-four months of the date of such certification shall terminate the approval thereof and a new map shall be filed.

The building plans for the 7-Eleven have been completed, while the civil plans are close to being completed. Approval of the parcel map will facilitate the construction of the 7-Eleven convenience market, fuel station, and the associated on-site and off-site improvements.

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**STAFF RECOMMENDATION:** It is recommended that the City Council adopt resolution No. 2020-\_\_\_: Approving the Parcel Map for Parcel 4 (APN: 0173-830-40), Accepting Offers of Dedication and Authorizing the Public Works Director and City Clerk to Sign the Parcel Map.

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**ATTACHMENTS:**

1. Resolution No. 2020-\_\_\_: Council Adoption of Resolution No. 2020-\_\_\_: Approving the Parcel Map for Parcel 4 (APN: 0173-830-40), Accepting Offers of Dedication and Authorizing the Public Works Director and City Clerk to Sign the Parcel Map.
2. Project Location Map.



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**RESOLUTION NO. 2020 - \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
APPROVING THE PARCEL MAP FOR PARCEL 4 (APN: 0173-830-040),  
ACCEPTING OFFERS OF DEDICATION AND AUTHORIZING THE PUBLIC  
WORKS DIRECTOR AND CITY CLERK TO SIGN THE PARCEL MAP**

**WHEREAS**, in late 2019, City staff received an application for a commercial development at the northeast corner of Highway 12 and Walters Road (APN: 0173-830-040), within the Commercial Retail (CR) Zoning District and across from (east of) the existing Walmart store; and

**WHEREAS**, the application includes a proposal for a 7-Eleven convenience market (3,060 square feet) with a fuel station consisting of 12 dispensers, two pad buildings (5,500 and 3,000 square feet), and subdividing the property into four parcels; and

**WHEREAS**, on December 10, 2019, the Planning Commission approved the application for the proposed development; and

**WHEREAS**, the parcel map, entitled “20-01 Parcel Map”, which subdivides the property into four parcels was prepared by the Property Owner’s Engineer; and

**WHEREAS**, the parcel map dedicates right of way to the City at the north end of Parcel A, as well as dedicates a 10-foot wide public utility easement (PUE) along the Walters Road frontage of the property; and

**WHEREAS**, the parcel map has been reviewed by the City Engineer as well as the County Surveyor for conformance with the requirements of the Subdivision Map Act and applicable sections of the City Code; and

**WHEREAS**, the approval of the parcel will facilitate the construction of the 7-Eleven convenience market, fuel station, and the associated on-site and off-site improvements.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Suisun City does hereby approve the parcel map entitled “20-01 Parcel Map” and prepared for the property at the northeast corner of Highway 12 and Walters Road (APN: 0173-830-040), accept the offers of dedication, authorize the City Engineer and City Clerk to sign the parcel map, and authorize the City Manager to take other actions as necessary and appropriate to implement this resolution.

**PASSED AND ADOPTED** at a Regular Meeting of the City Council of the City of Suisun City duly held on Tuesday, the 6<sup>th</sup> day of October 2020, 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 6<sup>th</sup> day of October 2020.

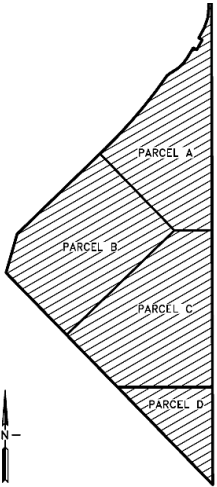
\_\_\_\_\_  
Donna Pock, CMC, Deputy City Clerk

**LOCATION MAP**

Northeast Corner of Highway 12 and Walters Road (APN: 0173-830-040)



PROJECT LOCATION



**PROPOSED SUBDIVISION OF PARCEL**

## AGENDA TRANSMITTAL

**MEETING DATE:** October 6, 2020

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**HOUSING AUTHORITY AGENDA ITEM:** Housing Authority Adoption of Resolution No. HA 2020-\_\_\_: Authorizing the Executive Director to Execute a Due Diligence and Exclusive Negotiation Agreement Regarding Certain Improved Real Property Consisting of Two (2) Parcels Commonly Known as Almond Gardens Located At 709 Almond Street, Suisun City, CA, 94585 (APNs 0032-102-160 And 0032-101 420).

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**FISCAL IMPACT:** None at this time.

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**BACKGROUND:** The Housing Authority owns and operates a 52-unit affordable housing development at 709 Almond Street known as Almond Gardens. The property was constructed in 1962 and was acquired by the former Suisun City Redevelopment Agency in 1991. Ultimately, with the dissolution of redevelopment, the property was transferred to the Suisun City Housing Authority in 2012. It underwent some rehabilitation in 2008, but not to the extent needed. The property has several structural and other issues that are creating uninhabitable conditions in some of the units. In 2008 the City commissioned a study through Bridge Housing that identified over three-million dollars of repairs needed. Additionally, in 2018 another study was completed by Erica Sklar that identified options for improving the property, including the sale of the property for redevelopment.

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**STAFF REPORT:** Staff recommends entering into a Due Diligence and Exclusive Negotiation Agreement with Harbor Park, LLC (Developer), which would provide approximately six months to perform necessary due diligence activities, and a further six months to negotiate the sale of the property. The Housing Authority will be responsible for getting an appraisal and a preliminary title report on the property.

Developer has a long history in Suisun City and is very familiar with the project. Within Suisun City, the Developer has built single family residential, multi-family residential, and various commercial projects, including the new Holiday Inn Express located on Civic Center Blvd. Developer is interested in potentially redeveloping the property to include the same number of existing affordable housing units, as well as potentially adding some additional market rate units.

Essentially, the proposed Due Diligence and Exclusive Negotiation Agreement would provide Developer with the ability to conduct due diligence on the site to determine if the project is economically feasible. This action requires a good faith negotiation from both sides but does not compel the Housing Authority to sell the property. Any further action, including entering into an agreement to sell the property would require further consideration by the Housing Authority.

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**RECOMMENDATION:** It is recommended that the Housing Authority Adopt Resolution No. HA 2020-\_\_\_: Authorizing the Executive Director to Execute a Due Diligence and Exclusive Negotiation Agreement Regarding Certain Improved Real Property Consisting of Two (2) Parcels Commonly Known as Almond Gardens Located At 709 Almond Street, Suisun City, CA, 94585 (APNs 0032-102-160 And 0032-101 420).

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**PREPARED BY:**  
**APPROVED BY:**

Greg Folsom, Executive Director  
Greg Folsom, Executive Director

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**ATTACHMENTS:**

1. Adoption of Resolution No. HA 2020-\_\_\_: Authorizing the Executive Director to Execute a Due Diligence and Exclusive Negotiation Agreement Regarding Certain Improved Real Property Consisting of Two (2) Parcels Commonly Known as Almond Gardens Located At 709 Almond Street, Suisun City, CA, 94585 (APNs 0032-102-160 And 0032-101 420).
  - A. Due Diligence and Exclusive Negotiation Agreement

**RESOLUTION NO. 2020-\_\_**

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**A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF SUISUN CITY AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A DUE DILIGENCE AND EXCLUSIVE NEGOTIATION AGREEMENT REGARDING CERTAIN IMPROVED REAL PROPERTY CONSISTING OF TWO (2) PARCELS COMMONLY KNOWN AS ALMOND GARDENS LOCATED AT 709 ALMOND STREET, SUISUN CITY, CA 94585 (APNS 0032-101-160 AND 420)**

**WHEREAS** the Housing Authority owns the property located at 709 Almond Street, Suisun City, Assessor’s Parcel Nos. 0032-101-160 and 0032-1010-420 (collectively, the “**Property**”); and

**WHEREAS**, The Housing Authority owns and operates a 52-unit affordable housing development located on the Property known as “**Almond Gardens**”; and

**WHEREAS**, Almond Gardens has significant structural, cosmetic, and deferred maintenance issues that are beyond the Housing Authority’s financial ability to repair; and

**WHEREAS**, Harbor Park, LLC (“**Developer**”) has expressed an interest in redeveloping the Property with a like number of affordable housing units; and

**WHEREAS**, Developer is uniquely positioned to cause the Property to be developed due to familiarity with Suisun City’s development opportunities and experience developing residential and commercial projects within Suisun City and operating commercial/retail business ventures; and

**WHEREAS**, a Due Diligence and Exclusive Negotiation Agreement (the “**Agreement**”) with Developer that provides six months to perform necessary due diligence activities to determine what may be feasible, and a further six months to negotiate the terms of an agreement to potentially purchase the property for future consideration of the Housing Authority Board; and

**WHEREAS**, pursuant to Section 54224 of the Government Code, the Housing Authority has determined that Section 54222 of the Government Code does not apply to the Agreement.

**WHEREAS**, entering the Agreement is not a project under the California Environmental Quality Act (“**CEQA**”). Nothing herein shall be deemed as a commitment for the development of any particular project. No project will be committed to or built until after all necessary environmental studies, public hearings and notice requirements are met.

**NOW, THEREFORE, BE IT RESOLVED BY THE HOUSING AUTHORITY OF THE CITY OF SUISUN CITY, AS FOLLOWS:**

Section 1. The above recitals are true and correct.

Section 2. The Agreement in substantially the form attached hereto is hereby

1 approved. The Executive Director (or designee) is hereby authorized on behalf of the Authority  
2 to execute the Agreement, and to make revisions to said Agreement which do not materially or  
3 substantially increase the Authority's obligations thereunder, to sign all documents, to make all  
4 approvals and take all actions necessary or appropriate to carry out and implement the  
5 Agreement and to administer the Authority's obligations, responsibilities and duties to be  
6 performed under the Agreement.

7 **PASSED AND ADOPTED** at a regular meeting of the Suisun City Housing Authority  
8 on the 6<sup>th</sup> day of October, 2020 by the following vote:

9  
10 **AYES:** Commissioners: \_\_\_\_\_  
11 **NOES:** Commissioners: \_\_\_\_\_  
12 **ABSENT:** Commissioners: \_\_\_\_\_  
13 **ABSTAIN:** Commissioners: \_\_\_\_\_

14 **WITNESS** my hand and the seal of said Authority this 6<sup>th</sup> day of October, 2020.

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Linda Hobson, CMC  
Clerk of the Board

## **DUE DILIGENCE AND EXCLUSIVE NEGOTIATION AGREEMENT**

**THIS DUE DILIGENCE AND EXCLUSIVE NEGOTIATION AGREEMENT (“Agreement”)** is entered into on \_\_\_\_\_, 2020 (“**Effective Date**”) by and between the CITY OF SUISUN CITY HOUSING AUTHORITY, a public agency (“**Housing Authority**”) and HARBOR PARK, LLC, a California limited liability company (“**Developer**”).

### **RECITALS**

- A.** Housing Authority owns certain improved real property consisting of two (2) parcels commonly known as 709 Almond Street, Suisun City, CA 94585 (APNs 0032-101-160 and 420), as legally described on attached Exhibit A (the "**Property**").
- B.** The Housing Authority owns and operates a 52-unit affordable housing development located on the Property known as "**Almond Gardens**." The apartments were constructed in 1962 and underwent some rehabilitation in 2008. Currently, Almond Gardens has a number of issues including structural, cosmetic, and deferred maintenance matters.
- C.** In April of 2018, the Housing Authority issued a Request for Qualifications for Consulting Services for Almond Gardens Affordable Housing Development Assessment and hired consultant Erica Roetman Sklar to assess the redevelopment potential for the Property, to include replacement affordable housing.
- D.** In accordance with the terms of this Agreement, the Housing Authority and Developer desire to enter into a period to permit Developer to conduct due diligence and exclusive negotiations for the sale of the Property to Developer, for the purposes of determining the feasibility of constructing a new apartment building with 72 affordable housing units, and relocating the current tenants into the new units.

**NOW, THEREFORE**, Housing Authority and Developer agree as follows:

#### **1. DUE DILIGENCE PERIOD.**

##### **1.1. Developer’s Obligations.**

- a. Due Diligence.** During the period commencing on Effective Date through the date that is 180 (one hundred eighty) days thereafter (“**Due Diligence Period**”), Developer shall conduct reasonable due diligence with respect to the Property at its own cost and expense. Developer shall perform and perform all studies and other research required to determine the feasibility of development of the Property including, but not limited to, soil examination, marketing investigations, financial analysis, and comprehensive information to determine the appropriate land use for the Property. During the Due Diligence Period, Developer shall have the right to enter the Property in accordance with Section 3 below. Prior to expiration of the Due Diligence Period, Developer may exercise the option to enter into the Exclusive Negotiation Period in accordance with Section 2 below. Within 5 (five) business days of the Effective Date, Housing Authority shall provide Developer with appropriate information and documents in its possession relevant to the Property.

- b. **Project Team.** Within 45 (forty-five) days of the Effective Date, Developer shall propose a project team that should include an architect, an engineer and a marketing agent (“**Project Team**”). Developer shall provide a summary of each person’s background and experience to the Housing Authority.
- c. **Concept Plan.** Within 65 (sixty-five) days of the Effective Date, Developer shall provide a refined concept plan to the Housing Authority (“**Concept Plan**”) for review and discussion.
- d. **Financing Plan.** Within 120 (one hundred twenty) days of the Effective Date, Developer shall provide a detailed financing plan, including cost estimates and proposed financing plan for the project.
- e. **Project Feasibility.** Within 150 (one hundred fifty) days of the Effective Date, Developer shall provide a written project feasibility outline including a proposed timeline.
- f. **Project Updates.** During the Due Diligence Period, Developer shall meet with an ad hoc committee of the Housing Authority Board from time to time upon request by the Housing Authority to provide updates with respect to the Due Diligence and other requirements under this Section 1.

## 1.2. Housing Authority’s Obligations.

- a. **Appraisal.** Immediately following the Effective Date, the Housing Authority shall seek and pay for an appraisal by Garland & Associates (“**Appraisal**”) of the Property. The purchase price for the Property shall be not less than the appraised value set forth in the Appraisal (“**Appraised Value**”). Developer may present information to the Housing Authority regarding the Appraised Value which Housing Authority may submit to the appraiser for reconsideration.
- b. **Title Report.** Within 15 (fifteen) days of the Effective Date, Housing Authority shall obtain a preliminary title report for the Property from Placer Title Company with hyperlinks to all referenced documents and a plotting of the easements (“**PTR**”). The PTR shall be promptly delivered to the Developer for review.

## 2. EXCLUSIVE NEGOTIATION PERIOD.

- 2.1. **Exercise of Exclusive Negotiation Option.** Developer has the option to enter the Exclusive Negotiation Period (as defined in Section 2.2), which Developer may exercise (a) provided Developer is not in default under this Agreement; and (b) prior to expiration of the Due Diligence Period, Developer delivers written notice of exercise to Housing Authority together with (i) the sum equal to five thousand dollars (\$5,000.00) in good funds<sup>1</sup> (“**Deposit**”) to be held and disbursed pursuant to this Agreement, (ii) a proposed development plan together with supporting information, (iii) copies of all Reports (as defined in Section 3), (iv) enhanced conceptual drawings showing a refined preliminary property plan and conceptual architecture with respect to the project proposed for the development, (v) copies of all findings, determinations, studies, reports and other work conducted during the Due Diligence Period related to the feasibility of the development, and (vi) a development budget, financing plans, schedule of performance and a pro forma operating

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<sup>1</sup>“Good funds” is defined to mean a wire transfer of funds, cashier’s or certified check drawn on or issued by the offices of a financial institution located in the State of California.  
01107.0013/668196.1



statement. If Developer fails to exercise the Exclusive Negotiation Option in the time and manner specified, this Agreement, including the Exclusive Negotiation Option, shall automatically terminate and, except as otherwise specifically provided in this Agreement, the parties shall have no further obligations under this Agreement. Except for the Reports, all other Developer submissions shall remain the property of Developer.

**2.2. Exclusive Negotiation Period.** If Developer exercises the Exclusive Negotiation Option as specified in Section 2.1, then for a period of 180 (one hundred eighty) days following the exercise of the Option ("**Exclusive Negotiation Period**"), the parties agree to negotiate diligently and in good faith to negotiate terms and conditions of a sale transaction to be reflected in a purchase and sale agreement ("**PSA**") for a high quality affordable housing residential development in accordance with a development plan that will complement the existing surrounding uses and maximize the Property's characteristics. The PSA shall provide that the purchase price shall be the Appraised Value (subject to Section 1.2.a.) and shall contain controls for the post-closing covenants of Developer with respect to the construction and opening of the project. If, upon expiration of the Negotiation Period, Developer and Housing Authority staff have not negotiated a mutually satisfactory PSA, to the point where Housing Authority staff is prepared to submit same for Authority Board consideration, then this Agreement shall terminate at the end of the Exclusive Negotiation Period unless mutually extended in writing, executed by Developer and Housing Authority. The Executive Director on behalf of the Authority shall have discretion to extend the Negotiation Period. If a mutually satisfactory PSA has been successfully negotiated by Developer and Housing Authority staff within the Negotiation Period to the point where Housing Authority staff is prepared to submit same for the Authority Board consideration, this Agreement shall terminate upon either (1) execution of the PSA by Developer and the approval and execution of the PSA by the Housing Authority, or (2) disapproval of the submitted PSA by the Housing Authority in its policy discretion as more fully provided for in Section 2.3 below.

**2.3. Limitations.** Developer understands that Housing Authority's execution of this Agreement does not commit it (i) to sell or transfer the Property to Developer, or (ii) to take any other acts or activities requiring the independent exercise of discretion by Housing Authority, the City, or any department therefor. Any PSA resulting from the negotiations under this Agreement shall be effective only after the PSA has been considered and approved by the Housing Authority Board, in their policy discretion, at a public hearing called for such purpose in accordance with applicable law. This Agreement does not constitute a disposition of property or exercise of control over the Property by the Housing Authority and does not require a public hearing. Execution of this Agreement by the Housing Authority is merely an agreement to enter into a period to negotiate according to the terms hereof, reserving final discretion and approval by the Housing Authority Board as to any PSA in accordance with applicable law and all proceedings and decisions in connections therewith. Mere failure by the parties to agree to the economic terms of the PSA shall not constitute negotiating in bad faith by either party hereunder.

**3. RIGHT TO ENTER THE PROPERTY.** During the Due Diligence Period, Housing Authority grants Developer, including its agents and employees, a limited license to enter upon the Property for the purpose of conducting engineering surveys, soil tests, investigations or other studies reasonably necessary to evaluate the condition of the Property, which studies, surveys, reports, investigations and tests shall be done at Developer's sole cost and expense.

Prior to entry onto the Property, Developer shall (i) notify Housing Authority staff of the date and purpose of each intended entry together with the names and affiliations of the persons entering the

Property; (ii) notify the residents no later than 3 days prior to entering the property, by posting in one or more conspicuous places, and/or by U.S. Mail, which notice shall include the date and time of entry and the purpose of entry, and the names and affiliations of the persons entering the Property; (iii) if applicable, any entry into residences shall be conducted only upon agreement of the specific resident and by making arrangements directly with such resident; (iv) conduct all studies in a diligent, expeditious and safe manner and not allow any dangerous or hazardous conditions to occur on the Property during or after such investigation; (v) comply with all applicable laws and governmental regulations; (vi) allow an employee of the Housing Authority to be present at Housing Authority's election; (vii) keep the Property free and clear of all materialmen's liens, lis pendens and other liens arising out of the entry and work performed under this provision; (viii) maintain or assure maintenance of workers' compensation insurance (or state approved self-insurance) on all persons entering the Property in the amounts required by the State of California; (ix) prior to initial entry, provide the Housing Authority with a certificate of insurance evidencing that Developer has procured and paid premiums for an all-risk public liability insurance policy written on a per occurrence and not claims made basis in a combined single limit of not less than \$2,000,000 (two million dollars), which insurance names the Housing Authority as additional insured; (x) return the Property to substantially its original condition following Developer's entry; (xi) provide the Housing Authority copies of all studies, surveys, reports, investigations and other tests derived from any inspection ("**Reports**") but with the right of Housing Authority to use the report without further consent from the issuer; and (xii) if the parties enter into a PSA, to take the Property at closing subject to any title exceptions caused by Developer exercising this right to enter.

Developer agrees to indemnify, and hold Housing Authority free and harmless from and against any and all losses, damages (whether general, punitive or otherwise), liabilities, claims, causes of action (whether legal, equitable or administrative), judgments, court costs and legal or other expenses (including reasonable attorneys' fees) which Housing Authority may suffer or incur as a consequence of Developer's exercise of the license granted pursuant to this Section or any act or omission by Developer, any contractor, subcontractor or material supplier, engineer, architect or other person or entity acting by or under Developer (except Housing Authority and its agents) with respect to the Property, excepting any and all losses, damages (whether general, punitive or otherwise), liabilities, claims, causes of action (whether legal, equitable or administrative), judgments, court costs and legal or other expenses (including reasonable attorneys' fees) arising from the mere discovery by Developer of any hazardous materials or conditions and excepting to the extent such claims arise out of the negligence or misconduct of Housing Authority. Developer's obligations under this Section 3 shall survive termination of this Agreement for any reason.

**4. DEPOSIT.** The Deposit shall be delivered to the Housing Authority to ensure that (i) Developer will proceed diligently and in good faith to negotiate, and (ii) perform all of Developer's obligations under this Agreement. If the parties execute a PSA for the Property, the Deposit shall be applied against the purchase price as set forth in the PSA. If the parties do not execute a PSA and Developer has not received a Termination Notice (as defined in Section 5.2), the Deposit shall be returned to Developer. If the Developer has received a Termination Notice, the Deposit shall be retained by Housing Authority pursuant to Section 5.2.

## **5. TERMINATION; INDEMNIFICATION.**

**5.1. Termination.** Developer may terminate this Agreement for cause upon 10 (ten) days written notice to Housing Authority ("**Developer Termination**"). Upon Developer Termination, the obligations of the parties under this agreement will cease, except as otherwise noted herein, and Housing Authority will immediately return the Deposit to Developer less Costs as provided in Section 4.

**5.2. Default.** If a party fails to comply with its obligations ("**Defaulting Party**"), the other party ("**Non-Defaulting Party**") may terminate this Agreement if the Defaulting Party fails to cure such default within 15 (fifteen) days after receipt of notice of default from the Non-Defaulting Party ("**Cure Period**"). If the Defaulting Party fails to cure during the Cure Period, the Non-Defaulting Party may terminate this Agreement by providing written notice to the Defaulting Party ("**Termination Notice**"). Notwithstanding the foregoing, in no event shall any Cure Period extend the Term. Developer's sole remedy for a Housing Authority default shall be to terminate this Agreement by written notice and the return of the entire Deposit. Housing Authority's sole remedy for a Developer default shall be to terminate this Agreement by written notice and to retain the Deposit. If this Agreement terminates due to expiration of the Term, Developer shall be entitled to the return of the Deposit together with an accounting summary from Housing Authority. Upon termination of this Agreement, (i) neither party shall have any right, remedy or obligation under this Agreement except that the indemnification provisions shall survive such termination; and (ii) each party specifically waives and releases any such rights or claims it may otherwise have at law or in equity and expressly waives any rights to consequential damages or specific performance from the other party.

**5.3. Indemnification.** Developer agrees to indemnify, defend, and hold Housing Authority and its respective representatives, members, elected or appointed officers, staff, volunteers, and agents (collectively, "**Housing Authority Indemnitees**") harmless from any and all claims, actions, suits and other liability asserted against Housing Authority resulting from Developer's breach of this Agreement including Signage or under the Access Agreement. This indemnity shall survive the expiration or termination of this Agreement for a period of one (1) year. In the event that any claim should be filed against any Housing Authority Indemnitees as a result of a Developer breach of this Agreement, Housing Authority shall immediately notify Developer of such claim to permit Developer the opportunity to provide adequate representation to Housing Authority Indemnitees with respect to any such claim. Nothing in this Section shall be construed to mean that Developer shall hold Housing Authority Indemnitees harmless and/or defend them to the extent of any claims arising from the gross negligence, willful misconduct or illegal acts of any of Housing Authority Indemnitees.

**6. FULL DISCLOSURE AND APPROVAL.** Developer shall make full disclosure to the Housing Authority of its principals, offices, stockholders, partners, joint venturers, employees, other associates and all other pertinent information concerning Developer and its associates. Developer's negotiators, development manager, consultants, professionals and directly-involved employees in the proposed project are subject to the reasonable approval of Housing Authority.

**7. NO COLLUSION.** No official, officer, or employee of the Housing Authority has any financial interest, direct or indirect, in this Agreement, nor shall any official, officer, or employee of the Housing Authority participate in any decision relating to this Agreement which may affect his/her financial interest or the financial interest of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any interest of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any State or municipal statute or regulation. The determination of "financial interest" shall be consistent with State law and shall not include interest found to be "remote" or "non-interest" pursuant to California Government Code Sections 1091 and 1091.5. Developer warrants and represents that it has not paid or given, and will not pay or give, to any third party including, but not limited to, the Housing Authority or any of its officials, officers, or employees, any money, consideration, or other thing of value as a result or consequence of obtaining this Agreement. Developer further warrants and represents that it has not engaged in any act(s), omission(s), or other conduct or collusion that would result in the payment of any money, consideration, or other thing of value to any third party including, but not limited to,

any official, officer, or employee of the Housing Authority, as a result or consequence of obtaining this Agreement. Developer is aware of and understands that any such act(s), omission(s) or other conduct resulting in the payment of money, consideration, or other thing of value will render this Agreement void and of no force or effect.

**8. NO COMMISSIONS.** The Housing Authority has not engaged a broker, agent or finder in connection with this transaction, and Developer agrees to hold Housing Authority harmless from any claim form commission by any broker, agent, or finder retained by Developer.

**9. MISCELLANEOUS.**

**9.1 Assignment.** Neither party may assign this Agreement or any of its rights or obligations hereunder (including, without limitation, its rights and duties of performance) to any third party or entity without the prior written consent of the other party which shall not be unreasonably withheld, conditioned or delayed. Agreement will be binding upon and inure to the benefit of each of the parties hereto and, except as otherwise provided herein, their respective legal successors and permitted assigns.

**9.2 Notices.** Any notices, demands or communications under this Agreement between the parties shall be in writing, and may be given either by (i) personal service, (ii) overnight delivery, or (iii) mailing via United States mail, certified mail, postage prepaid, return receipt requested ("**US Mail**"), addressed to each party as set forth below or such other address as may be furnished in writing by a party, and such notice or communication shall, if properly addressed, be deemed to have been given as of the date so delivered, or three (3) business days after deposit into the U.S. Mail.

**To Developer:** Harbor Park, LLC  
9700 Village Center Drive, Suite 120  
Granite Bay, CA 94534  
Attn: Camran Nojoomi, CEO

**With copy to** Downy Brand LLP  
621 Capital Mall, 18<sup>th</sup> Floor  
Sacramento, CA 95814  
Attn: Matt Ellis

**To Housing Authority** Suisun Housing Authority  
701 Civic Center Blvd.  
Suisun City, CA 94585  
Attention: Executive Director

**With copy to:** Aleshire & Wynder, LLP  
18881 Von Karman Ave.  
Suite 1700  
Irvine, CA 92612  
Attention: Anthony Taylor/Anne Lanphar

**9.3 Severability.** If any term of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, then this Agreement, including all of the remaining terms, will remain in full force and effect as if such invalid or unenforceable term had never been included.

**9.4 Governing Law.** This Agreement shall be construed and enforced in accordance with

the laws of the State of California. If any legal action is necessary to enforce the terms and conditions of this Agreement, the parties agree that a court of competent jurisdiction in Solano County shall be the sole venue and jurisdiction for the bringing of such action.

- 9.5 Legal Fees and Costs.** In the event of any litigation or other legal proceeding including, but not limited to, arbitration or mediation between the parties arising from this Agreement, the prevailing party will be entitled to recover, in addition to any other relief awarded or granted, its reasonable costs and expenses (including attorney fees) incurred in the proceeding.
- 9.6 Final Agreement.** This Agreement supersedes all prior agreements and understandings between the parties with respect to such subject matter.
- 9.7 Construction.** In determining the meaning of, or resolving any ambiguity with respect to, any word, phrase or provision of this Agreement, no uncertainty or ambiguity shall be construed or resolved against a party under any rule of construction, including the party primarily responsible for the drafting and preparation of this Agreement. Headings used in this Agreement are provided for convenience only and shall not be used to construe meaning or intent. As used in this Agreement, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates.
- 9.8 Qualification; Housing Authority.** Each individual executing this Agreement on behalf of Developer represents, warrants and covenants to the Housing Authority that (a) such person is duly authorized to execute and deliver this Agreement on behalf of Developer in accordance with Housing Authority granted under the organizational documents of such entity, and (b) Developer is bound under the terms of this Agreement.
- 9.9 Modifications in Writing.** Any modification or amendment of any provision of this Agreement must be in writing and executed by both parties.
- 9.10 Arbitration of Disputes.** Any controversy or claim arising out of or relating to this Agreement or any breach or default hereof (including, without limitation, any claims relating to the arbitration, retention, or return of the Deposit pursuant to this Agreement) shall be settled by arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator may be entered in any Court having jurisdiction thereof. An arbitration may be initiated by either party providing a written demand for arbitration in accordance with the above referenced Rules, which demand and ensuing arbitration shall take place precedence over any other pending court action or proceeding. The arbitration shall be conducted in Solano County, California. Any action, which is brought to enforce the arbitration provisions hereof or to enforce an arbitration award, may be brought in the Superior Court of Solano County and each party hereto agrees to submit to the jurisdiction of such court and expressly waives any claim of forum non-conviens. The arbitration will take place before an arbitrator who is licensed to practice law with experience in public agency and real property law. The arbitrator shall determine the rights and obligations of the parties according to the substantive law of the State of California. The arbitrator shall award to the prevailing party that party's reasonable attorney's fees and other legal costs as set forth in Section 9.5.
- 9.11 No Waiver.** The failure of either party to enforce any term, covenant, or condition of this Agreement on the date it is to be performed shall not be construed as a waiver of that party's right to enforce this, or any other, term, covenant, or condition of this Agreement at any later date or as a waiver of any term, covenant, or condition of this Agreement.
- 9.12 No Third-Party Beneficiaries.** This Agreement is only between the parties and is not intended to be nor shall it be construed as being for the benefit of any third party.

- 9.13 Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original but all of which shall be deemed but one and the same instrument, and a facsimile copy of such execution shall be deemed an original.
- 9.14 Recitals.** The recitals above are incorporated into this Agreement and made a part hereof.
- 9.15 Exhibit.** Exhibit A attached hereto is incorporated herein by reference.

**[SIGNATURES ON FOLLOWING PAGE]**

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date set forth above.

**DEVELOPER:**

**HARBOR PARK LLC**  
a California corporation

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

Its: \_\_\_\_\_

**HOUSING AUTHORITY:**

**HOUSING AUTHORITY OF SUISUN CITY,**  
a public body, corporate and politic

By: \_\_\_\_\_  
\_\_\_\_\_, Executive Director

ATTEST:

By: \_\_\_\_\_  
Linda Hobson, Authority Secretary

APPROVED AS TO FORM:

ALESHIRE & WYNDER

By: \_\_\_\_\_  
Anthony Taylor, Authority Counsel

**EXHIBIT A  
LEGAL DESCRIPTION OF PROPERTY**

That certain real property in the City of Suisun City, County of Solano, State of California legally described as follows:

**AGENCY PROPERTY:**



# MINUTES

**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, SEPTEMBER 15, 2020  
5:15 P.M.**

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

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**NOTICE**

*Pursuant to Government Code Section 54953, Subdivision (b), and Executive Order released on March 12, 2020, the following Council/Successor Agency meeting includes teleconference participation by: Council/Board Members Anthony Adams, Jane Day, Michael A. Segala, and Mayor Pro Tem Wanda Williams. Teleconference locations are on file at City Hall, 701 Civic Center Blvd., Suisun City, CA 94585.*

*PER GOVERNOR NEWSOM'S EXECUTIVE ORDER PUBLIC ACCESS TO THE CITY COUNCIL MEETING  
WILL BE VIA THE APPLICATION, ZOOM  
ZOOM MEETING INFORMATION:*

*WEBSITE: <https://zoom.us/join>  
MEETING ID: 876 5981 8838  
CALL IN PHONE NUMBER: (707) 438-1720*

*TO VIEW TONIGHT'S MEETING ON SUISUN WEBSITE, LIVESTREAM  
(URL: <https://www.suisun.com/government/meeting-video/>)*

*REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE CITY COUNCIL MEETING  
BY EMAILING [CLERK@SUISUN.COM](mailto:CLERK@SUISUN.COM) (PRIOR TO 4:30pm) OR  
VIA WEBSITE OR PHONE APPLICATION, ZOOM*

**ROLL CALL**

Mayor Wilson called the meeting to order at 5:15 PM with the following Council / Board Members present: Adams, Williams, Wilson. Council Member Segala was absent. Council Member Day joined the meeting in Closed Session at 5:22 pm

**PUBLIC COMMENT - None**

*(Request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3. Comments are limited to no more than 3 minutes unless allowable by the Mayor/Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the City Clerk. By law, no prolonged discussion or action may be taken on any item raised during the public comment period, although informational answers to questions may be given and matters may be referred for placement on a future agenda.)*

**CONFLICT OF INTEREST NOTIFICATION - None**

*identified at this time.)*

**CLOSED SESSION**

Pursuant to California Government Code Section 54950 the Suisun City Council will hold a Closed Session for the purpose of:

City Council

1. Conference with Legal Counsel - Significant Exposure to Litigation (1 potential case)  
Pursuant to Government Code Section 54956.9(d)(2)

Successor Agency

2. Conference with Legal Counsel - Significant Exposure to Litigation (1 potential case)  
Pursuant to Government Code Section 54956.9(d)(2)

Housing Authority

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Pursuant to California Government Code Section 54956.8., the Suisun City Council will hold a Closed Session for the purpose of Conference with Real Property Negotiator.  
Property Under Negotiation: Assessor's Parcel Numbers 0032-101-420 and 0032-102-160.  
Negotiating Party: City Manager  
Parties Negotiating With: Harbor Park, LLC  
Under Negotiations: Terms and payment

City Council / Successor Agency

4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Pursuant to California Government Code Section 54956.8., the Suisun City Council will hold a Closed Session for the purpose of Conference with Real Property Negotiator.  
Property Under Negotiation: Assessor's Parcel Numbers 0032-180-140, 0032-180-420, and 0032-180-610.  
Negotiating Party: City Manager  
Parties Negotiating With: Harbor Park, LLC  
Under Negotiations: Terms and payment

**5:18 PM – Mayor Wilson recessed the meeting to Closed Session.**

**CONVENE OPEN SESSION**

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

**6:24 PM – Mayor Wilson reconvened the meeting and stated no action was taken in Closed Session.**

**ADJOURNMENT**

There being no further business, Mayor Wilson adjourned the meeting at 6:24 PM.

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Linda Hobson, CMC  
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, SEPTEMBER 15, 2020**

**6:30 P.M.**

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

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### **NOTICE**

*Pursuant to Government Code Section 54953, Subdivision (b), and Executive Order released on March 12, 2020, the following Council/Successor Agency/Housing Authority meeting includes teleconference participation by: Council/Board Members Anthony Adams, Jane Day, Michael A. Segala, and Mayor Pro Tem Wanda Williams. Teleconference locations are on file at City Hall, 701 Civic Center Blvd., Suisun City, CA 94585.*

*PER CITY POLICY, MEMBERS OF THE PUBLIC ARE REQUIRED TO WEAR FACE MASKS WHILE IN CITY FACILITIES. IF YOU DO NOT HAVE A FACE MASK, ONE WILL BE PROVIDED FOR YOU.*

*DUE TO CORONAVIRUS COVID-19 RESIDENTS ARE ENCOURAGED TO ATTEND THE CITY COUNCIL MEETING VIA THE APPLICATION, ZOOM.*

*ZOOM MEETING INFORMATION:*

*WEBSITE: <https://zoom.us/join>*

*MEETING ID: 857 8957 3354*

*CALL IN PHONE NUMBER: (707) 438-1720*

*TO VIEW TONIGHT'S MEETING ON SUISUN WEBSITE, LIVESTREAM  
(URL: <https://www.suisun.com/government/meeting-video/>)*

*REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE CITY COUNCIL MEETING  
BY EMAILING [CLERK@SUISUN.COM](mailto:CLERK@SUISUN.COM) (PRIOR TO 6pm) OR  
VIA WEBSITE OR PHONE APPLICATION, ZOOM*

*(If attending the meeting via phone press \*9 to raise your hand and \*6 to unmute/mute for public comment.)*

### **ROLL CALL**

Mayor Wilson called the meeting to order at 6:34 PM with the following Council / Board Members present: Adams, Day, Williams, Wilson. Council Member Segala was absent  
Pledge of Allegiance was led by Council Member Williams.  
Invocation was given by City Manager Folsom.

### **PUBLIC COMMENT**

*(Request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3. Comments are limited to no more than 3 minutes unless allowable by the Mayor/Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the City Clerk. By law, no prolonged discussion or action may be taken on any item raised during the public comment period, although informational answers to questions may be given and matters may be referred for placement on a future agenda.)*

Steve Olry asked why there were foot-foot weeds on Highway 12 and Lotz Way during this fire season? He discussed politics and campaigning specifically back stabbing, bullying, and a new generation. He stated the mayor was not new, she's been on the council for almost a decade. His main concern was the budget; our bankruptcy started a year and a half ago with the mayor's recommendation and two yes votes and cutting the police force was not the answer.

George Guynn discussed covid-19 lasting seven months and mutating into something else, it's being over played and costing people a lot of income and has had a negative impact on the economy. He also expressed concern about cutting police positions.

Mike Hudson discussed \$5 million deficit, backfilling with Measure S, and priority should be protecting seniors and youth.

Tom Alder expressed concern about Mayor Wilson and Council Member Williams bullying, being sensitive to all citizens and stated the City had a balanced budget until the council hired a fire department.

Michael Zeiss advised there would be a Candidate Forum held on September 29, 10-12 sponsored by Suisun City Library and Youth Association.

Alma Hernandez stated she advocates for everyone, discussed budget and suggested people should look at the last ten years rather than the last one or two years.

### **REPORTS: (Informational items only.)**

1. COVID-19 Update – (Folsom: [gfolson@suisun.com](mailto:gfolson@suisun.com)).

### **PRESENTATIONS/APPOINTMENTS**

*(Presentations, Awards, Proclamations, Appointments).*

2. Presentation of Proclamation to Super Fur-iends, a Suisun City Non-Profit Specializing in Pet Rescue, Proclaiming September 14-21, 2020 as Adopt-a-Less-Adoptable-Pet Week - (Wilson: [lwilson@suisun.com](mailto:lwilson@suisun.com)).
3. Presentation by Elena Karoulina, Executive Director, Sustainable Solano: Suisun City: Adapting to Rising Tides – (Adams: [aadams@suisun.com](mailto:aadams@suisun.com)).

Alma Hernandez stated the City should always be looking for ways to mitigate flooding issues.

4. Distance Learning Support Update – (Lofthus: [klofthus@suisun.com](mailto:klofthus@suisun.com)).

### **CONSENT CALENDAR**

*Consent calendar items requiring little or no discussion may be acted upon with one motion.*

#### City Council

5. Council Adoption of Resolution No. 2020 - 117: A Resolution of Intention to Annex Territory to Community Facilities District and to Authorize the Levy of Special Taxes Therein – (Medill: [mmedill@suisun.com](mailto:mmedill@suisun.com)).
6. Council Adoption of Resolution No. 2020 - 118: Authorizing the City Manager to Execute a Contract Services Agreement with RotoRooter and Ratifying Purchase Order #9520 for Sewer Cleaning and Related Services – (Medill: [mmedill@suisun.com](mailto:mmedill@suisun.com)).

7. Council Adoption of Resolution No. 2020 - 119: Authorizing the Second Amendment of the Lease Agreement Between the City of Suisun City and Suisun American Little League.– (Lofthus- [klofthus@suisun.com](mailto:klofthus@suisun.com)).
8. Council Adoption of Resolution No. 2020 - 120: Authorizing the Application for Parks and Water Bond Act of 2018 (Proposition 68) Per Capita Funding – (Lofthus- [klofthus@suisun.com](mailto:klofthus@suisun.com)).
9. Council Adoption of Resolution No. 2020 - 121: Authorizing the Application for Funding and the Execution of a Grant Agreement and any Amendments Thereto From the 2020 Community Development Block Grant Program – Coronavirus Response Round 1 (CDBG-CV1) NOFA Dated June 5, 2020; Acceptance of Funds should the City be successful; and Authorize the City Manager to Sign Memorandum of Understanding with Shelter Solano, Inc – (Roth / Lofthus: [aroth@suisun.com](mailto:aroth@suisun.com) / [klofthus@suisun.com](mailto:klofthus@suisun.com)).

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

10. Council/Agency/Authority Accept the Investment Report for the Quarter Ending June 30, 2020 – (Lakhwinder: [Ldeol@suisun.com](mailto:Ldeol@suisun.com)).
11. 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 August 13, 2020 and September 1, 2020 – (Hobson: [Clerk@suisun.com](mailto:Clerk@suisun.com)).

Joint City Council / Suisun City Council Acting as Successor Agency

12. Council/Agency Approval of August 2020 Payroll Warrants in the Amount of \$447,143.13; and Council/Agency Approval of the August 2020 Accounts Payable Warrants in the Amount of \$1,420,247.54 – (Finance).

**Council Member Adams pulled Items 8 and Council Member Williams pulled Item 9.**

**Item 5**

Mike Hudson discussed Holiday Inn Express, CFD, and 2005-06 auto inflator.

Steve Olry stated Measure S was going to be used on salaries and asked who would be overseeing this to protect citizens.

**Item 6**

George Guynn expressed concern about \$212,000 required out of maintenance and suggest council try to keep costs down.

**Item 7**

Mike Hudson asked if the City was lending the money and extending out for one year.

**Motioned by Council Member Williams and seconded by Council Member Adams to approve Consent Calendar Items 5, 6, 7, 10, 11 and 12. Motion carried by the following roll call vote:**

**AYES:** Council Members: Adams, Day Williams, Wilson  
**ABSENT:** Council Member Segala

**Item 8**

**Motioned by Council Member Adams and seconded by Council Member Williams to adopt Resolution No. 2020-120. Motion carried by the following roll call vote:**

**AYES: Council Members: Adams, Day, Williams, Wilson**

**ABSENT: Council Members Segala**

**8:07 PM - Council Member Day had to leave meeting.**

**Item 9**

Mike Hudson stated this was the expensive way to do this and the City should shop around for cheaper shelters.

**Hearing no further comments, Mayor Wilson closed the public hearing.**

**Motioned by Council Member Williams and seconded by Council Member Adams to adopt Resolution 121. Motion carried by the following roll call vote:**

**AYES: Council Members: Adams, Williams, Wilson**

**ABSENT: Council Members Day, Segala**

**8:09 PM – Council Member Williams left the meeting.**

**8:10 PM – Mayor Wilson recessed the meeting.**

**8:14 PM – Council Member Williams returned.**

**8:17 PM – Mayor Wilson reconvened the meeting.**

**PUBLIC HEARINGS****City Council**

13. Council Adoption of Resolution No. 2020 - 122: Accept the Deliverable Public Safety Annual Work Plan 2020 from the Public Safety and Emergency Management Citizen Advisory Committee – (Roth: [aroth@suisun.com](mailto:aroth@suisun.com)).

**Mayor Wilson opened the public hearing.**

Michael Zeiss stated this was a complicated issue, in future years vehicle miles travelled will be a very important issue since Suisun City is a commuting town, vehicle emissions is a problem, suggested the council ask the consultants questions, and google climate mayors.

Mike Hudson stated CEQA was in bad need of an overhaul, 66% of people travel outside the county to work, this is a very important issue.

George Guynn expressed concern about the density of the forest and stated it wasn't the emissions causing the problem, less government is always better.

**Hearing no further comments, Mayor Wilson closed the public hearing.**

**Motioned by Council Member Williams and seconded by Council Member Adams to adopt Resolution No. 2020-122. Motion carried by the following roll call vote:**

**AYES: Council Members: Adams, Williams, Wilson**

**ABSENT: Council Members Day, Segala**

**GENERAL BUSINESS**

14. Council Adoption of Resolution No. 2020 - 123: Accept the Deliverable Public Safety Annual Work Plan 2020 from the Public Safety and Emergency Management Citizen Advisory Committee – (Roth: [aroth@suisun.com](mailto:aroth@suisun.com)).

Tom Alder commended the committee for their work.

Michael Zeiss discussed reporting complaints filed against a police officer when an officer goes to another police department.

**Motioned by Council Member Adams seconded by Council Member Williams to adopt Resolution No. 2020-123. Motion carried by the following roll call vote:**

**AYES: Council Members: Adams, Williams, Wilson**

**BSENT: Council Members: Day, Segala**

15. Council Discussion and Direction: Suisun Climate Environment Committee – (Adams: [aadams@suisun.com](mailto:aadams@suisun.com)).

Council Members Adams reported the two people scheduled to make presentations could not come tonight and stated this item would come back in October.

**REPORTS: (Informational items only.)**

16. a. Council/Boardmembers

Council Member Adams reported no one on the dais has talked about cutting the Senior Center or Pre School, however they are closed because of Covid; as for the budget, some things had not been taken care of in the past and this has helped cause the deficit this year; and this has been the worst fire season and we have had 25 straight days of hazardous air, therefore, we should not be thinking about cutting the fire department.

Council Member Williams stated she supported Council Member Adams regarding the budget and thanked Tim Mattison from Harbor Coffee Shop has offered to allow our students to take advantage of the Wi-Fi hotspot, reported today the immunization clinic was held at Grange Elementary for any student to receive the Tdap, on September 19, 10:00 AM, at Bethel Community Church, 600 E. Tabor Avenue, there will be a Census Pop-Up in conjunction with APAPA and Tri City NAACP and they will be handing out PPE masks, sanitizer and food boxes for those struggling.

- b. Mayor/Chair

Mayor Wilson reported a house cleaning item noting that when we have changes to the agenda it should be emailed to the Agenda Committee (City Manager Folsom and Mayor Wilson); will be reviewing our public comment policy at our next meeting; encourage council candidates to focus on ways to move Suisun City forward; there will be a candidate's Q & A with department heads towards the end of this month; and we have a new Suisunian from our Women's and Girls Commission representative, Stephanie Thomas gave birth to Micah Andreas Thomas.

**17. City Manager/Executive Director/Staff**

City Manager Folsom reported there would be another Business Improvement District meeting this Thursday and hopes to be coming to Council very shortly.

**PUBLIC COMMENT**

*(Additional time for request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda limited to no more than 3 minutes.)*

Tom Alder discussed Measure S meeting and wanted to know why it wasn't presented this evening and wanted to know more about the City budget, expressed concern about possibly losing seven police positions and about having the highest paid Fire Chief and wanted to know why we are contacting our EMTS to Med Ambulance?

Mike Hudson stated he wanted to make sure our seniors and youth are protected; we reported a structural budget deficit and when talking to the City Manager Folsom he said Measure S funds were going to be used for deficit and Measure S funds were intended to elevate the City and now were using it to pay paychecks. He stated at the end of 2018 we had a balanced budget and in June of this year the budget you adopted but there is a hole in the budget and some things are going to have to be cut and I want to ensure that youth and senior programs remain.

**ADJOURNMENT**

There being no further business, Mayor Wilson adjourned the meeting at 9:43 PM.

---

Linda Hobson, CMC  
City Clerk



## AGENDA TRANSMITTAL

**MEETING DATE:** October 6, 2020

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**CITY AGENDA ITEM:** Accept the 2020 Annual Report from the Suisun City Historic Waterfront Business Improvement District and Initiate and Provide Intent to Consider Reauthorizing the Suisun City Historic Waterfront Business Improvement District and the Assessment Levy for the District for Calendar/Fiscal Year 2020 and 2021 and Setting a Public Hearing to Consider these Matters:

- a. Council Adoption of Resolution No. 2020-\_\_: Accepting the 2020 Annual Report, and Approving the Proposed Calendar Year 2021 Operating Budget for the Suisun City Historic Waterfront Business Improvement District.
- b. Council Adoption of Resolutions No. 2020-\_\_: Declaring its Intention to Levy and Collect Assessments within the Suisun City Historic Waterfront Business Improvement District for Calendar/Fiscal Years 2020 and 2021 and Announcing That the Associated Public Hearing Will Be Held on October 20, 2020.

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**FISCAL IMPACT:** Reauthorization of the BID assessments has no fiscal impact on the City as these assessments are paid by businesses within the District.

---

**STRATEGIC PLAN IMPACT:** Provide Good Governance; Ensure Fiscal Solvency

---

**BACKGROUND:** Per City Ordinance No. 667, enacted April 18, 2003, the Main Street Waterfront Business Improvement District, commonly known as the Suisun City Historic Waterfront Business Improvement District (the “District”), was established. The District is a 501(c)(3) non-profit organization created at the request of downtown merchants to promote improved business conditions and marketing of downtown Suisun City. Under procedures described in the California Streets and Highways Code, the City, on behalf of the BID, levies assessments on those businesses within the District area (see attached map) for use in various marketing and improvement activities, as determined beneficial by the District board. Each year since 2003, the Council has reauthorized the continued operation of the District.

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**STAFF REPORT:** Last year, there were many District businesses that were not happy with the direction of the District and there was a push for disestablishment. The Council reauthorized the continued operation of the District for 2020, but did not approve the levy of fees in order to give the District time to reorganize and prove its worth. Recruiting new Directors and updating the bylaws were significant accomplishments of this last year that appear to have put the District on a better path with the member businesses.

In an effort to stay on track and continue moving the District forward, on September 28, 2020, the District board submitted its annual report and proposed budget for the 2021 calendar year for City Council review, and requested consideration of continuation of the District and its related assessment into 2021.

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**PREPARED BY:**  
**APPROVED BY:**

Greg Folsom, City Manager  
Greg Folsom, City Manager

**Major District activities throughout 2020 include:**

The District experienced a very unusual year because of two factors - the COVID19 pandemic and the suspension of the 2020 BID fee assessment. In recent months, the District has made progress in getting the District back on track by doing the following:

- Holding elections for board members as per the District bylaws
- Electing a new slate of officers for the board of directors
- Contracting with Solano Diversified Services for litter pickup in the district three times a week beginning on September 21.
- Amendment of bylaws for language cleanup and to reduce the number of board members from nine to seven
- Installment of three “We’re Open for Business” billboards
- Monthly Meetings – With the assistance of the City Manager’s office, meeting notifications to all BID members are being sent; the city has hosted these meetings and recorded on Zoom. When there are pressing issues, the board has scheduled an additional meeting. The board meeting is frequently attended by department heads, and other city staff.

More detailed information regarding District activities can be found in the 2020 Annual Report (please see **Attachment No. 2**).

**Consider Continuing the District**

The City Council annually considers adoption of a resolution renewing the establishment of the District, as described in Ordinance No. 667. The resolution describes the boundaries of the District, the general purposes for which assessments may be used, and three benefit zones with associated assessment rates according to business type. Continuation of the District is necessary to begin the process so the assessment can be collected as part of the annual Business License billing cycle, which begins in mid-December.

At its September 3, 2020 meeting, the District Board unanimously approved the following:

- To ask the City Council to waive the 2020 BID fee
- To ask the City Council to eliminate Zones A, B and C for the BID fees and only have one fee schedule as follows:

| <b>Type of Business</b>                                  | <b>Assessment Amount</b> |
|--|--------------------------|
| Retailers and Restaurants                                | \$200                    |
| Service and Professional Businesses                      | \$100                    |
| Lodging  | \$10 per room            |
| Financial Institutions                                   | \$500                    |
| Beauty, nail salons, massage businesses and barber shops | \$25 per license         |
| Cannabis Businesses                                      | \$1,000                  |

- To ask the City Council to add and expand the following categories:
  - **New categories:**
    - **Cannabis Businesses:** Even though we do not have a cannabis business currently in the downtown district, we feel that this type of business would be willing to pay the fee. Cannabis businesses in other communities have been generous to their BIDs and PBID and often sponsor events and contribute to the association.
  - **Change in a category:**
    - **Beauty, nail salons, massage businesses and barber shops:** Currently only the owner of the “shop” is paying BID fees even though independent contractors within the shops hold a business license. We propose that all license holders pay an annual fee of \$25. There are an additional 32 business licenses that would be added for this.

### **Review and Approve the Proposed District Budget**

The Suisun City Code Section 3.40.110 directs the District “board to present an annual budget for City Council review and approval prior to the beginning of each fiscal year.” It further provides that the “City shall not adopt, modify or otherwise amend any fiscal year budget of the District that is inconsistent in any way with said fiscal year’s budget as agreed to and presented by the BID board except in the case of a written majority protest ...”

The District financial information distributed to the City Council as part of this staff report were:

- The District’s 2020 Annual Report and Proposed 2021 Budget.

The City Council is empowered to approve or disapprove the District budget in its entirety. In the event the City Council wishes to recommend changes in the budget, such direction should be delineated and consideration of the budget resolution continued to allow the District board an opportunity to consider amending its budget accordingly. Though the District may not spend additional resources without an approved budget, renewal of the assessment would allow the Finance Department to collect the assessments with the business license renewals, and hold the proceeds until such time as a District budget is approved.

### **Set the Public Hearing**

In order to consider a continuation of the annual assessment for the District, a properly noticed Public Hearing is required. If Council wishes to consider either keeping the assessments at the same level, or potentially reducing the assessment, a public hearing can be held on October 20, 2020. Since the District is proposing some new categories of businesses with new assessments, a separate public hearing will be required for those assessments.

Staff is recommending separate hearings in order to keep the regular billing for the majority of the District on track. The increased assessment discussion requires a minimum 45-day notice period and will be a separate staff report on tonight’s agenda.

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**STAFF RECOMMENDATION:** It is recommended that the City Council adopt:

- a. Council Adoption of Resolution No. 2020-\_\_: Accepting the 2020 Annual Report, and Approving the Proposed Calendar Year 2021 Operating Budget for the Suisun City Historic Waterfront Business Improvement District.

- b. Council Adoption of Resolutions No. 2020-\_\_\_: Declaring its Intention to Levy and Collect Assessments within the Suisun City Historic Waterfront Business Improvement District for Calendar Year 2021 and Announcing That the Associated Public Hearing Will Be Held on October 20, 2020.

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**ATTACHMENTS:**

1. Council Adoption of Resolution No. 2020-\_\_: Accepting the 2020 Annual Report, and Approving the Proposed Calendar Year 2021 Operating Budget for the Suisun City Historic Waterfront Business Improvement District.
2. Council Adoption of Resolutions No. 2020-\_\_\_: Declaring its Intention to Levy and Collect Assessments within the Suisun City Historic Waterfront Business Improvement District for Calendar Year 2021 and Announcing That the Associated Public Hearing Will Be Held on October 20, 2020.

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**RESOLUTION NO. 2020-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
ACCEPTING THE 2020 ANNUAL REPORT, AND APPROVING THE  
PROPOSED CALENDAR YEAR 2021 OPERATING BUDGET FOR THE  
SUISUN CITY HISTORIC WATERFRONT BUSINESS IMPROVEMENT  
DISTRICT**

**WHEREAS**, the City Council has passed Ordinance No. 667 establishing the Main Street-Waterfront Business Improvement District, commonly known as the Suisun City Historic Waterfront Business Improvement District (District); and

**WHEREAS**, said Ordinance requires the District to present an annual report and annual budget to the City of Suisun City for review and approval; and

**WHEREAS**, the City Council of the City of Suisun City has reviewed the proposed District budget; and

**WHEREAS**, the City Council desires to promote and assist the District to insure the success of the projects and programs of the District.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Suisun City does hereby accept the 2020 Annual Report, and approve the calendar year 2021 operating budget for the District.

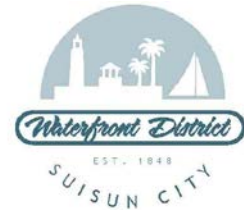
**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Suisun City held on October 6, 2020 by the following vote:

|                 |                 |       |
|-----------------|-----------------|-------|
| <b>AYES:</b>    | Councilmembers: | _____ |
| <b>NOES:</b>    | Councilmembers: | _____ |
| <b>ABSENT:</b>  | Councilmembers: | _____ |
| <b>ABSTAIN:</b> | Councilmembers: | _____ |

**WITNESS** my hand and the seal of said City this 6<sup>th</sup> day of October 2020.

\_\_\_\_\_  
Donna Pock, CMC  
Deputy City Clerk

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**SUISUN CITY HISTORIC WATERFRONT BUSINESS IMPROVEMENT DISTRICT  
2020 ANNUAL REPORT TO THE CITY COUNCIL**

(Submitted to City of Suisun City staff on September 28, 2020)

Dear Mayor Wilson, Suisun City Council Members and City Staff:

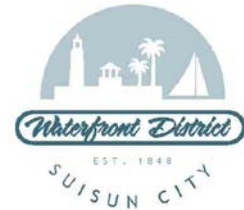
The Suisun City Historic Waterfront Business Improvement District (SCHWBID) is pleased to submit the attached annual report to the City Council. The report includes the following:

- **SCHWBID End of Year Report 2020** – Recaps our activities for 2020 and requests City Council to waive the 2020 BID fee, to eliminate Zones A, B and C for the BID fees and only have one fee schedule, and asks for the addition of one category.
- **SCHWBID Proposed Program of Work for 2021 – Future plans for 2021**
- **2020 Profit and Loss Statement (Income and Expenditures) vs. 2020 Budget**
- **Proposed 2021 SCHWBID Budget**

**SCHWBID End of the Year Report 2020**

SCHWBID experienced a very unusual year because of two factors - the COVID19 pandemic and the suspension of the 2020 BID fee assessment. In recent months, the SCHWBID has made progress in getting the district back on track by doing the following:

- Holding elections for board members as per the SCHWBID bylaws
- Electing a new slate of officers for the board of directors
- Contracting with Solano Diversified Services for litter pickup in the district three times a week beginning on September 21.
- Amendment of bylaws for language cleanup and to reduce the number of board members from nine to seven
- Installment of three “We’re Open for Business” billboards
- Monthly Meetings – With the assistance of the City Manager’s office, meeting notifications to all BID members are being sent; the city has hosted these meetings and recorded on Zoom. When there are pressing issues, the board has scheduled an additional meeting. The board meeting is frequently attended by department heads, and other city staff.



### Summary and Highlights of 2020 Activities

#### Overview Status of 2020 Budget

No BID fees or other income was received for 2020 as of August 31, 2020. The balance in all checking and savings accounts as of August 31, 2020 is \$43,719.86.

#### **PROPOSED SUISUN CITY HISTORIC WATERFRONT BID FEE AMENDMENT FOR 2020 AND 2021**

At its September 3, 2020 meeting, the board of directors unanimously approved the following:

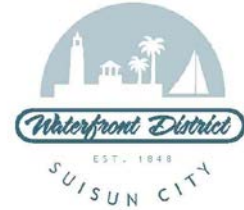
- To ask the City Council to waive the 2020 BID fee
- To ask the City Council to eliminate Zones A, B and C for the BID fees and only have one fee schedule as follows:

| <b>Type of Business</b>                                  | <b>Assessment Amount</b> |
|--|--------------------------|
| Retailers and Restaurants                                | \$200                    |
| Service and Professional Businesses                      | \$100                    |
| Lodging  | \$10 per room            |
| Financial Institutions                                   | \$500                    |
| Beauty, nail salons, massage businesses and barber shops | \$25 per license         |
| Cannabis Businesses                                      | \$1,000                  |

- To ask the City Council to add and expand the following categories
- **New categories:**  
**Cannabis Businesses:** Even though we do not have a cannabis business currently in the downtown district, we feel that this type of business would be willing to pay the fee. Cannabis businesses in other communities have been generous to their BIDs and PBID and often sponsor events and contribute to the association.
- **Change in a category:**  
**Beauty, nail salons, massage businesses and barber shops:** Currently only the owner of the “shop” is paying BID fees even though independent contractors within the shops hold a business license. We propose that all license holders pay an annual fee of \$25. There are an additional 32 business licenses that would be added for this.

**Estimated income:** With the reduced fees, addition of a new hotel, and the additional of 32 beauty operator licenses, we estimate the total amount of BID fees for 2021 would be \$11,875.





## 2020 Accomplishments

### Special Events

Our most visible activities are our special events. Unfortunately, COVID-19 forced us to cancel the majority of events including Mother's Day Artisan Fair, Art, Wine and Music Festival, Business Halloween Trick-or-Treat Promotion and Christmas at the Waterfront. We were however, able to hold Restaurant Week in January and some impromptu music events.

### 2021 Proposed Budget

Because of COVID19, we are uncertain at this time if/when we will be able to hold events in 2021. The budget addresses this and the Board of Directors approved the budget at its September 4, 2020 meeting. Reserve funds have been used for this budget. If events are not possible in 2021, the budget will be adjusted to delete the income generated from special events, as well as the expenses. Please note that we have budgeted for a year for the Beautification/Cleanup of downtown. Adjustment of the budget through our reserve funds may be modified should we not be able to hold events.

## 2021 Proposed Program of Work

With a new Board of Directors, we will be looking at several items for the program of work for the upcoming year:

- **Media and Marketing Plan** – A committee was appointed at the September 17, 2020 meeting to write a Media and Marketing Plan for 2021. This may include the following items:
  - Waterfront District Dining and Business Directory Brochure
  - Miscellaneous Opportunity Marketing in local channels
  - Website Updating and Promotion
  - E-Newsletters – To the public and the membership
  - Social Media
  - Brochure display at Harbormaster Office and other places
- **New Business Orientation Program/Welcome Package**
- **Reinstatement of Business Watch**

The Board of Directors wants the Waterfront District and its businesses to succeed, increase the economic vitality of the area, be a clean and safe place for residents and visitors, and have a vibrant downtown area with empty buildings occupied and empty lots with new buildings and businesses. We realize that because of current economic conditions that this vision will be delayed. We look forward to working with the City of Suisun City again in the coming year, and provide input for future projects in the district, The Waterfront District in Suisun City is a special place in the Suisun City community and hopes to remain economically viable in years to come. SCHWBID looks forward to continuing its efforts to enhance it to the benefit of all involved.

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| <b>Suisun Historic Waterfront BID</b> |  |                                       |                  |                          |  |
|---------------------------------------|--|---------------------------------------|------------------|--------------------------|--|
| <b>2021 Budget</b>                    |  |                                       |                  |                          |  |
|                                       |  |                                       |                  | <b>Draft 2021 Budget</b> |  |
| Ordinary Income/Expense               |  |                                       |                  |                          |  |
| Income                                |  |                                       |                  |                          |  |
| REVENUE                               |  |                                       |                  |                          |  |
|                                       |  | Mothers Day Income                    | 10,000.00        | **                       |  |
|                                       |  | Business Assessments                  | <b>11,875.00</b> |                          |  |
|                                       |  | Art Wine Income                       | 10,000.00        | **                       |  |
|                                       |  | Total REVENUE                         | 31,875.00        |                          |  |
|                                       |  | Transfer from reserve                 | 12,000.00        |                          |  |
|                                       |  | Total Income                          | 43,875.00        |                          |  |
| Expense                               |  |                                       |                  |                          |  |
| Advertising Expense                   |  |                                       |                  |                          |  |
|                                       |  | Electronic Media                      | 650.00           |                          |  |
|                                       |  | Print Media                           | 1,500.00         |                          |  |
|                                       |  | Social Media Campaigns                | 600.00           |                          |  |
|                                       |  | Marketing Program                     | 11,250.00        |                          |  |
|                                       |  | Total Advertising Expense             | 14,000.00        |                          |  |
| <b>Event Expenses</b>                 |  |                                       |                  |                          |  |
|                                       |  | Art, Wine & Chocolate Festival        | 2,500.00         |                          |  |
|                                       |  | Mothers Day Craft Faire               | 2,500.00         |                          |  |
|                                       |  | Restaurant Week                       | 2,000.00         |                          |  |
|                                       |  | BID Mixer                             | 600.00           |                          |  |
|                                       |  | Total Event Expenses                  | 7,600.00         |                          |  |
| <b>Operating Expenses</b>             |  |                                       |                  |                          |  |
|                                       |  | Accounting Fees                       | 1,200.00         |                          |  |
|                                       |  | Bank Charges                          | 35.00            |                          |  |
|                                       |  | Contract Labor                        | 3,000.00         |                          |  |
|                                       |  | Insurance                             | 2,000.00         |                          |  |
|                                       |  | Miscellaneous Expenses (banners, etc) | 700.00           |                          |  |
|                                       |  | Office Supplies                       | 450.00           |                          |  |
|                                       |  | Postage, shipping, delivery           | 400.00           |                          |  |
|                                       |  | Tax Preparation                       | 550.00           |                          |  |
|                                       |  | Taxes                                 | 200.00           |                          |  |
|                                       |  | Web Hosting & Upgrades                | 495.00           |                          |  |
|                                       |  | <b>Total Operating Expenses</b>       | 9,030.00         |                          |  |
|                                       |  | <b>Beautification - Cleanup</b>       | 14,400.00        |                          |  |
|                                       |  | Total Expense                         | 45,030.00        |                          |  |
|                                       |  | Net Ordinary Income                   | -1,155.00        |                          |  |
|                                       |  | Net Income                            | -1,155.00        |                          |  |
|                                       |  | ** Provided that we can hold events   |                  |                          |  |

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**RESOLUTION NO. 2020-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
DECLARING ITS INTENT TO CONSIDER RE-AUTHORIZING THE SUISUN  
CITY HISTORIC WATERFRONT BUSINESS IMPROVEMENT DISTRICT AND  
THE ASSESSMENT LEVY FOR THE DISTRICT FOR CALENDAR/FISCAL  
YEARS 2020 AND 2021, AND SETTING A PUBLIC HEARING TO CONSIDER  
THESE MATTERS FOR OCTOBER 20, 2020**

**WHEREAS**, the California Streets and Highways Code Section 36500 et seq. authorizes cities to establish parking and business improvement areas for the purpose of promoting economic revitalization and physical maintenance of business districts in order to create jobs, attract new business and prevent erosion of the business district; and

**WHEREAS**, the Main Street-Waterfront Business Improvement District, commonly known as the Suisun City Historic Waterfront Business Improvement District, was formed at the request of the Main Street-Waterfront Business Improvement District Formation Committee (“the Committee”) by City Council adoption of City Ordinance #667 on April 18, 2003; and

**WHEREAS**, at the request of the Committee, Ordinance #667 established an annual special assessment on all businesses within the Main Street-Waterfront Business Improvement District, commonly known as the Suisun City Historic Waterfront Business Improvement District, (the “District”), which said assessment must be renewed annually by City Council; and

**WHEREAS**, the Main Street-Waterfront Business Improvement District Board of Directors (“the Board”) has requested that the Suisun City Council renew the special assessment on all business within the BID with amendments; and

**WHEREAS**, renewal of the special assessment may occur only after City Council conducts a noticed public hearing pursuant to the Parking and Business Improvement District Area Law of 1989, Part 6 (commencing with Section 36500) of Division 18 of the California Streets and Highways Code.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Suisun City does hereby determine that:

1. The recitals set forth herein are true and correct.
2. The City Council does, at the request of the Board, and pursuant to the California Streets and Highways Code, declare its intent to consider reauthorizing and renewing the “Main Street-Waterfront Business Improvement District” (the “District”).

- 1 3. The boundaries of the entire area to be included in the District, and the boundaries  
2 of each separate benefit zone within the District, are set forth in the Map, EXHIBIT  
3 A, incorporated herein by reference. A true and correct copy of the map is on file  
4 with the City Clerk of the City of Suisun City.
- 5 4. The types of improvements and activities proposed to be funded by the levy of  
6 assessments on business in the District are in EXHIBIT B hereto and incorporated  
7 by reference.
- 8 5. The City Council intends to consider reauthorizing the District and renewing the  
9 levy of an annual benefit fee on businesses in the District to pay for selected  
10 improvements and activities of the District.
- 11 6. All funds of the District shall be expended on improvements and activities within  
12 the District.
- 13 7. The method and the basis for levying the benefit fee on all the businesses within  
14 the District are set forth in the EXHIBIT C hereto, incorporated herein by reference.
- 15 8. The Annual Benefit fees shall be incorporated into the City Business License fee  
16 for those businesses within the District and shall be due and payable as part of  
17 obtaining the required City Business License pursuant to City Code Title 5.
- 18 9. A public hearing to consider re-authorization of the District is hereby set for  
19 **October 20, 2020** at 6:30 p.m. before the City Council of the City of Suisun City,  
20 at the City Council Chambers at 701 Civic Center Blvd., Suisun City, CA 94585.
- 21 10. At the public hearing, the testimony of all interested persons, for or against the  
22 establishment of the District, interested in matters concerning the boundaries of the  
23 District, the areas of benefit within the District and the assessments to be levied,  
24 will be heard.
- 25 11. A protest against the District, or any aspect of it may be made orally or in writing.  
26 An oral protest shall be made at the said public hearing. To count in the majority  
27 protest against the District, a protest must be in writing. A written protest may be  
28 withdrawn from record at any time before the conclusion of the public hearing.  
Each written protest shall contain a written description of the business in which the  
person signing the protest is interested, sufficient to identify the business, and its  
address. If the person signing the protest is not shown on the official records of the  
City of Suisun City as the owner of the business, then the protest shall contain or  
be accompanied by written evidence that the person is the owner of the business.  
Any written protest as to the regularity or sufficiency of the proceedings shall be in  
writing and clearly state the irregularity or defect to which objection is made.
12. If, at the conclusion of the public hearing, there are of record, written protest by the  
owners of the businesses within the District that will pay fifty percent (50%) or  
more of the total assessments of the entire District, no further proceedings to create  
the District shall occur. New proceedings to reauthorize and renew the District and  
levy the benefit assessment fee shall not be undertaken again for a period of at least  
one (1) year from the date of the finding of the majority written protest by the City  
Council. If the majority written protest is only as to an improvement or activity

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proposed, then that type of improvement or activity shall not be included in the District.

13. Further information regarding the proposed Main Street-Waterfront Business Improvement District may be obtained from the City Clerk of the City of Suisun City, at Suisun City Hall, 701 Civic Center Blvd., Suisun City, CA. and or by calling (707) 421-7309.

14. The City Clerk is instructed to provide notice of the public hearing as follows:

- a. Publish this Resolution of Intention in a newspaper of general circulation in the City of Suisun City once, at least ten (10) days before the hearing.
- b. Mail a complete copy of this Resolution of Intention to each and every business owner in the District within seven (7) days of the adoption of this Resolution by the City Council.

15. This Resolution is effective on its adoption.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Suisun City held on October 6, 2020 by the following vote:

|                 |                 |       |
|-----------------|-----------------|-------|
| <b>AYES:</b>    | Councilmembers: | _____ |
| <b>NOES:</b>    | Councilmembers: | _____ |
| <b>ABSENT:</b>  | Councilmembers: | _____ |
| <b>ABSTAIN:</b> | Councilmembers: | _____ |

**WITNESS** my hand and the seal of said City this 6<sup>th</sup> day of October 2020.

\_\_\_\_\_  
 Donna Pock, CMC  
 Deputy City Clerk



EXHIBIT A (3)

**PROPOSED SUISUN CITY DOWNTOWN - WATERFRONT  
BUSINESS IMPROVEMENT DISTRICT (BID)  
BOUNDARY MAP**





**EXHIBIT “B”**

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Purpose and Use of Benefit Assessments.

The types of improvements and activities proposed to be funded by the levy of assessments on businesses in the District are as follows:

a. The acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following improvements:

- (1) Benches;
- (2) Trash receptacles;
- (3) Decorations;
- (4) Signage;
- (5) Facade improvements;
- (6) Permanent landscaping.

b. Activities including but not limited to the following:

- (1) Promotion of public events which benefit businesses in the area and which take place on or in public places within the area;
- (2) Furnishing of music in any public place in the area;
- (3) Activities which benefit businesses located and operating in the area, including but not limited to commercial shopping and promotional programs.
- (4) Trash clean up.

**EXHIBIT “C”**

DISTRICT ASSESSMENT FORMULA

Proposed 2020 Benefit Fee Formula Matrix:

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|                              | ZONE A       | ZONE B       | ZONE C       |
|------------------------------|--------------|--------------|--------------|
| Retailers and<br>Restaurants | \$0          | \$0          | \$0          |
| Service<br>Businesses        | \$0          | \$0          | \$0          |
| Lodging                      | \$0 per room | \$0 per room | \$0 per room |
| Professional<br>Businesses   | \$0          | \$0          | \$0          |
| Financial<br>Institutions    | \$0          | \$0          | \$0          |

DISTRICT ASSESSMENT FORMULA

Proposed 2021 Benefit Fee Formula Matrix:

| Type of Business                    | Assessment Amount |
|-------------------------------------|-------------------|
| Retailers and Restaurants           | \$200             |
| Service and Professional Businesses | \$100             |
| Lodging                             | \$10 per room     |
| Financial Institutions              | \$500             |

Business Type Definitions:

Retail and Restaurant: Businesses that buy and resell goods, examples are clothing stores, shoe stores, office supplies as well as businesses that sell prepared foods and drinks.

Service Businesses: Businesses that sell services. Examples are beauty and barber shops, repair shops, most automotive-oriented businesses, entertainment businesses such as theaters, etc.

Professional Businesses: Includes Architects, Engineers, Attorneys, Dentists, Doctors, Accountants, Optometrists, Realtors, Insurance Offices, Mortgage Brokers and most other businesses that require advanced and/or specialized licenses and/or advanced academic degrees.

Lodging: Includes renting rooms by the day or week to community visitors.

Financial Institutions: Includes banking and savings and loan institutions as well as credit unions, etc.

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## AGENDA TRANSMITTAL

**MEETING DATE:** October 6, 2020

---

**CITY AGENDA ITEM:** Initiate and Provide Intent to Consider the Assessment Levy for the District for Calendar/Fiscal Year 2021 and Setting a Public Hearing to Consider these Matters:

Council Adoption of Resolutions No. 2020-\_\_\_: Declaring its Intention to Levy and Collect Assessments within the Suisun City Historic Waterfront Business Improvement District for Calendar/Fiscal Year 2021 and Announcing That the Associated Public Hearing Will Be Held on December 15, 2020.

---

**FISCAL IMPACT:** There is no impact to the General Fund.

---

**STRATEGIC PLAN IMPACT:** Provide Good Governance; Ensure Fiscal Solvency

---

**STAFF REPORT:** In the previous staff report, Council was asked to consider reauthorizing the District and setting a public hearing for October 6<sup>th</sup>, 2020. That public hearing will consider authorizing the existing levels or reducing the existing levels for the assessments. However, in order to consider adding new categories to include new payees into the District, a separate public hearing with a longer noticing time is required.

The District has asked that Council consider adding the following assessments:

| <b>Type of Business</b>                                  | <b>Assessment Amount</b> |
|--|--------------------------|
| Beauty, nail salons, massage businesses and barber shops | \$25 per license         |
| Cannabis Businesses                                      | \$1,000                  |

The District has stated the following:

**“Cannabis Businesses:** Even though we do not have a cannabis business currently in the downtown district, we feel that this type of business would be willing to pay the fee. Cannabis businesses in other communities have been generous to their BIDs and PBID and often sponsor events and contribute to the association.

**Beauty, nail salons, massage businesses and barber shops:** Currently only the owner of the “shop” is paying BID fees even though independent contractors within the shops hold a business license. We propose that all license holders pay an annual fee of \$25. There are an additional 32 business licenses that would be added for this.”

### **Set the Public Hearing**

In order to consider a continuation of the annual assessment for the District, a properly noticed Public Hearing is required. Since the District is proposing some new categories of businesses with new assessments, a separate public hearing will be required for those assessments.

---

**PREPARED BY:**  
**APPROVED BY:**

Greg Folsom, City Manager  
Greg Folsom, City Manager

Staff is recommending separate hearings in order to keep the regular billing for the majority of the District on track. The increased assessment discussion requires a minimum 45-day notice period.

---

**STAFF RECOMMENDATION:** It is recommended that the City Council adopt:

Council Adoption of Resolutions No. 2020-\_\_\_: Declaring its Intention to Levy and Collect Assessments within the Suisun City Historic Waterfront Business Improvement District for Calendar/Fiscal Year 2021 and Announcing That the Associated Public Hearing Will Be Held on December 15, 2020.

---

**ATTACHMENTS:**

Council Adoption of Resolutions No. 2020-\_\_\_: Declaring its Intention to Levy and Collect Assessments within the Suisun City Historic Waterfront Business Improvement District for Calendar/Fiscal Year 2021 and Announcing That the Associated Public Hearing Will Be Held on December 15, 2020.

**RESOLUTION NO. 2020-\_\_**

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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
DECLARING ITS INTENT TO CONSIDER THE ASSESSMENT LEVY FOR  
THE DISTRICT FOR CALENDAR/FISCAL YEAR 2021, AND SETTING A  
PUBLIC HEARING TO CONSIDER THESE MATTERS FOR  
DECEMBER 15, 2020**

**WHEREAS**, the California Streets and Highways Code Section 36500 et seq. authorizes cities to establish parking and business improvement areas for the purpose of promoting economic revitalization and physical maintenance of business districts in order to create jobs, attract new business and prevent erosion of the business district; and

**WHEREAS**, the Main Street-Waterfront Business Improvement District, commonly known as the Suisun City Historic Waterfront Business Improvement District, was formed at the request of the Main Street-Waterfront Business Improvement District Formation Committee (“the Committee”) by City Council adoption of City Ordinance #667 on April 18, 2003; and

**WHEREAS**, at the request of the Committee, Ordinance #667 established an annual special assessment on all businesses within the Main Street-Waterfront Business Improvement District, commonly known as the Suisun City Historic Waterfront Business Improvement District, (the “District”), which said assessment must be renewed annually by City Council; and

**WHEREAS**, the Main Street-Waterfront Business Improvement District Board of Directors (“the Board”) has requested that the Suisun City Council renew the special assessment on all business within the BID with amendments; and

**WHEREAS**, renewal of the special assessment may occur only after City Council conducts a noticed public hearing pursuant to the Parking and Business Improvement District Area Law of 1989, Part 6 (commencing with Section 36500) of Division 18 of the California Streets and Highways Code.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Suisun City does hereby determine that:

1. The recitals set forth herein are true and correct.
2. The boundaries of the entire area to be included in the District, and the boundaries of each separate benefit zone within the District, are set forth in the Map, EXHIBIT A, incorporated herein by reference. A true and correct copy of the map is on file with the City Clerk of the City of Suisun City.
3. The types of improvements and activities proposed to be funded by the levy of assessments on business in the District are in EXHIBIT B hereto and incorporated by reference.

- 1 4. The City Council intends to consider creating new business classifications to the  
2 levy of an annual benefit fee on businesses in the District to pay for selected  
3 improvements and activities of the District.
- 4 5. All funds of the District shall be expended on improvements and activities within  
5 the District.
- 6 6. The method and the basis for levying the benefit fee on all the businesses within  
7 the District are set forth in the EXHIBIT C hereto, incorporated herein by reference.
- 8 7. The Annual Benefit fees shall be incorporated into the City Business License fee  
9 for those businesses within the District and shall be due and payable as part of  
10 obtaining the required City Business License pursuant to City Code Title 5.
- 11 8. A public hearing to consider levy of the assessments of the District is hereby set for  
12 **December 15, 2020** at 6:30 p.m. before the City Council of the City of Suisun City,  
13 at the City Council Chambers at 701 Civic Center Blvd., Suisun City, CA 94585.
- 14 9. At the public hearing, the testimony of all interested persons, for or against the  
15 establishment of the District, interested in matters concerning the boundaries of the  
16 District, the areas of benefit within the District and the assessments to be levied,  
17 will be heard.
- 18 10. A protest against the District, or any aspect of it may be made orally or in writing.  
19 An oral protest shall be made at the said public hearing. To count in the majority  
20 protest against the District, a protest must be in writing. A written protest may be  
21 withdrawn from record at any time before the conclusion of the public hearing.  
22 Each written protest shall contain a written description of the business in which the  
23 person signing the protest is interested, sufficient to identify the business, and its  
24 address. If the person signing the protest is not shown on the official records of the  
25 City of Suisun City as the owner of the business, then the protest shall contain or  
26 be accompanied by written evidence that the person is the owner of the business.  
27 Any written protest as to the regularity or sufficiency of the proceedings shall be in  
28 writing and clearly state the irregularity or defect to which objection is made.
11. If, at the conclusion of the public hearing, there are of record, written protest by the  
owners of the businesses within the District that will pay fifty percent (50%) or  
more of the total assessments of the entire District, no further proceedings to create  
the District shall occur. New proceedings to reauthorize and renew the District and  
levy the benefit assessment fee shall not be undertaken again for a period of at least  
one (1) year from the date of the finding of the majority written protest by the City  
Council. If the majority written protest is only as to an improvement or activity  
proposed, then that type of improvement or activity shall not be included in the  
District.
12. Further information regarding the proposed Main Street-Waterfront Business  
Improvement District may be obtained from the City Clerk of the City of Suisun  
City, at Suisun City Hall, 701 Civic Center Blvd., Suisun City, CA. and or by  
calling (707) 421-7309.
13. The City Clerk is instructed to provide notice of the public hearing as follows:



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- a. Publish this Resolution of Intention in a newspaper of general circulation in the City of Suisun City once, at least forty-five (45) days before the hearing.
- b. Mail a complete copy of this Resolution of Intention to each and every business owner in the District within seven (7) days of the adoption of this Resolution by the City Council.

14. This Resolution is effective on its adoption.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Suisun City held on October 6, 2020 by the following vote:

|                 |                 |       |
|-----------------|-----------------|-------|
| <b>AYES:</b>    | Councilmembers: | _____ |
| <b>NOES:</b>    | Councilmembers: | _____ |
| <b>ABSENT:</b>  | Councilmembers: | _____ |
| <b>ABSTAIN:</b> | Councilmembers: | _____ |

**WITNESS** my hand and the seal of said City this 6<sup>th</sup> day of October 2020.

\_\_\_\_\_  
 Donna Pock, CMC  
 Deputy City Clerk

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EXHIBIT A (3)

**PROPOSED SUISUN CITY DOWNTOWN - WATERFRONT  
BUSINESS IMPROVEMENT DISTRICT (BID)  
BOUNDARY MAP**



**EXHIBIT “B”**

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Purpose and Use of Benefit Assessments.

The types of improvements and activities proposed to be funded by the levy of assessments on businesses in the District are as follows:

a. The acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following improvements:

- (1) Benches;
- (2) Trash receptacles;
- (3) Decorations;
- (4) Signage;
- (5) Facade improvements;
- (6) Permanent landscaping.

b. Activities including but not limited to the following:

- (1) Promotion of public events which benefit businesses in the area and which take place on or in public places within the area;
- (2) Furnishing of music in any public place in the area;
- (3) Activities which benefit businesses located and operating in the area, including but not limited to commercial shopping and promotional programs.
- (4) Trash clean up.

**EXHIBIT “C”**

DISTRICT ASSESSMENT FORMULA

Proposed 2021 Benefit Fee Formula Matrix:

| Type of Business   | Assessment Amount |
|--|-------------------|
| Beauty, nail salons, massage businesses and barber shops | \$25 per license  |
| Cannabis Businesses                                      | \$1,000           |

• **New categories:**

**Cannabis Businesses:** Any business located in the District authorized by the City to operate a commercial cannabis business of any type.

• **Change in a category:**

**Beauty, nail salons, massage businesses and barber shops:** Currently only the owner of the “shop” is paying BID fees even though independent contractors within the shops hold a business license. All business license holders under this category would pay an annual fee of \$25.

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## AGENDA TRANSMITTAL

**MEETING DATE:** October 6, 2020

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**CITY AGENDA ITEM:** FY 2020-21 Budget update: Presentation of the Financial Position of the City through the FY 2020-21 Budget Update.

---

**FISCAL IMPACT:** This is an informational report regarding the financial condition of the City's General Fund and, as such, approval of recommendations will be incorporated into mid-year budget review. Incorporation of approved recommendations will result in some cost savings in the General Fund.

---

**BACKGROUND:** Each year, the City staff prepares an annual budget based upon prior historical data and best projections available at the time. Current year's adopted budget was prepared in unusual circumstances due to the COVID-19 pandemic. The budget was prepared considering all the uncertainties and with the desire to revise it later when uncertainties become more clear.

---

**STAFF REPORT:** City staff received revised information in regard to City's revenues throughout last six months of pandemic. The revenue projections were very conservative during budget preparation based on guidance provided by our sales tax consultant and general economic news available at the time.

**REVENUES:**

Sales tax revenues for the General Sales Tax and for Measure S projections came in higher than originally projected. General Sales Tax was projected at \$1,710,100 and new projections are \$1,805,000 which is approximately \$95,000 higher than original budget amount. Measure S Sales Tax was projected at \$2,184,900 and new projections are \$2,709,650 which is about \$525,000 higher than original budget. Even though the economy has not recovered yet, online sales have increased significantly. Due to online shopping, sales tax revenue projections have improved.

Also, staff realized new or one-time revenues from government sources such as FEMA and CARES Act that were not estimable at the time of budget preparation. The City is projecting to recover at least 75% of all COVID-19 related costs from the Federal Government. The estimated amount of \$150,000 is being included in the current year's budget. The City was allocated \$361,000 for COVID-19 related expenditures from the California State Department of Finance.

Due to the pandemic, most community programs were cancelled. City has realized savings of about \$266,000. There is some cost savings from the July 4<sup>th</sup> event and Christmas event, as well as unused Fireworks revenue that can be moved to the General Fund. Due to State restrictions, the City is not able to host any community events, preschool has been closed, the Senior Center has been closed, and parks and community centers are unable to host any events.

The City's Fire Department is now actively participating in all required trainings and programs, which opened doors for new revenues. The City is projecting to receive new revenue from Strike Team reimbursements of \$150,000, and participation in the Public Private Partnership program due to gaining Advanced Life Support (ALS) services pending approval from the Solano County EMS Board is expected to generate revenue of approximately \$200,000 annually.

---

**PREPARED BY:**  
**APPROVED BY:**

**EXPENDITURES:**

City staff reviewed the expenditures closely and is able to recommend some cost reductions to the General Fund expenditures. Revisions for the General Fund revenues and expenditures made the shortfall smaller.

Expenditures reductions should generate approximate savings of \$453,000. Savings categories included: Community / Parks and Recreation department programs (\$171,917); Repairs (\$139,000) for Theater re-roofing, which was included in another fund; Professional Services (\$100,000) was budgeted for outsourcing of Dispatch Services to the County for the Fire department; Travel and Training (\$42,100) was budgeted for various departments which is reduced for only essential travel and training.

Staff is recommending adding Website Upgrade expense to the budget of \$60,000 which was not included in the adopted budget. Overall, recommended savings are approximately \$393,000.

**TECHNOLOGY IMPLEMENTATION TIMELINE:**

Staff has been working with inadequate technology software/programs for many years. There is a critical need for technology upgrades especially the City's ERP system. Due to staff turnover and/or limited availability, City has to prioritize its technology projects or needs.

The City contracted with Questica (public transparency software) last year and we are currently in the process of implementing that software. It should help the City's budget preparation process tremendously.

The City has secured grant funding and is looking to acquire Building Permitting Software and implement it in next six months' time frame. Staff is recommending allocating \$60,000 towards an upgrade to the City's website. City staff is anticipating starting implementation of new ERP system next fiscal year. The cost for the new ERP system is approximately \$350,000 with an on-going service support agreement costing the City about \$60,000 annually.

Staff believes that adequate and up-to-date technology will make administrative processes and services more efficient. Many of City's administrative functions can be automated. Some of the public inquiries and inactions can be addressed virtually.

**MID-YEAR BUDGET**

Staff anticipates our normal mid-year budget process where Council will have another opportunity to review our progress. That meeting will provide additional opportunities to adjust expenses, if need be, for the current budget year. Staff is hopeful that revenues continue with the positive trajectory that we have experienced and that we can continue to keep costs down.

However, while our fiscal situation is currently projected to be much better than expected in May/June, the pandemic crisis is fluid and we are projecting as if there will not be a significant downturn. Additionally, the budget still does not include money set aside for future dredging of the harbor or for any money for road maintenance beyond SB-1.

---

**RECOMMENDATION:** It is recommended that the Council:

1. Receive the staff's presentation.
2. Accept Staff's update and recommendation for incorporation in the Mid-Year Budget Review.

**ATTACHMENTS:**

Presentation slides.



# Budget Update

City Council Meeting

October 6, 2020



# Agenda



# Overview

- The Budget for FY 2020-21 was adopted with the assumption of furloughs for non-safety personnel and corresponding benefits cost.
- Due to COVID, many of the community programs were eliminated. This elimination caused majority of temporary part-time employee layoffs. It increased the City's Unemployment Insurance expense.
- General employee turnover brought some personnel cost savings.

# Savings Due to COVID

|  |                  |
|--|------------------|
| • 4 <sup>th</sup> July event (Fund 50) | \$31,842         |
| • Christmas event (Fund 51)            | \$15,523         |
| • Other Events                         | \$61,950         |
| • Preschool                            | \$44,338         |
| • Lambrecht                            | \$33,067         |
| • Dan O Root                           | \$17,625         |
| • Crescent                             | \$14,937         |
| • <b>Total</b>                         | <b>\$219,282</b> |

# General Fund Revised Revenue

|                              | Original Budget   | Revised Budget    | Variance         |
|------------------------------|-------------------|-------------------|------------------|
| General Fund Revenue         | 11,503,236        | 12,506,494        | 1,003,258        |
| Measure S Revenue            | 2,184,900         | 2,709,650         | 524,750          |
| <b>Total Revenue</b>         | <b>13,688,136</b> | <b>15,216,144</b> | <b>1,528,008</b> |
| <b>Variance Details:</b>     |                   |                   |                  |
| Sales Tax                    | 1,710,100         | 1,804,993         | 94,893           |
| Strike Teams                 | -                 | 150,000           | 150,000          |
| Advanced Life Support (ALS)* | -                 | 200,000           | 200,000          |
| FEMA                         | -                 | 150,000           | 150,000          |
| CARES Act                    | -                 | 361,000           | 361,000          |
| 4th July (Fund 50)           | -                 | 31,842            | 31,842           |
| Christmas event (Fund 51)    | -                 | 15,523            | 15,523           |
| Measure S Sales Tax          | 2,184,900         | 2,709,651         | 524,751          |
| <b>Total</b>                 | <b>3,895,000</b>  | <b>5,423,009</b>  | <b>1,528,009</b> |

\* Based on future Solano County EMS Board approval

# General Fund Revised Expenditures (Savings)

|                                    | Original Budget   | Revised Budget    | Variance         |
|------------------------------------|-------------------|-------------------|------------------|
| Police Department                  | 7,654,600         | 7,654,600         | -                |
| Fire Department                    | 3,256,860         | 3,152,860         | (104,000)        |
| Public Works Department            | 1,638,800         | 1,499,800         | (139,000)        |
| Finance Department                 | 1,284,900         | 1,273,900         | (11,000)         |
| Parks & Recreation Department      | 1,278,506         | 1,106,589         | (171,917)        |
| Development Services Department    | 611,400           | 599,800           | (11,600)         |
| Elected Officials Department       | 405,500           | 402,000           | (3,500)          |
| City Manager Department            | 400,200           | 388,200           | (12,000)         |
| Non-Departmental (Website upgrade) | -                 | 60,000            | 60,000           |
| <b>Total</b>                       | <b>16,530,766</b> | <b>16,137,749</b> | <b>(393,017)</b> |

# Revised Savings and Additional Proposed Expenditures

|                                       |                     |
|---------------------------------------|---------------------|
| Category:                             |                     |
| • Community / Parks & Rec. department | \$ (171,917)        |
| • Repairs                             | \$ (139,000)        |
| • Professional Services               | \$ (100,000)        |
| • Travel & Training                   | <u>\$ (42,100)</u>  |
| • Total Savings                       | \$ (453,017)        |
| • Website Upgrade                     | <u>\$60,000</u>     |
| • Revised Savings                     | <u>\$ (393,017)</u> |





# General Fund Fiscal Analysis

| BUDGET ACTIVITIES                      | FY21           |                |
|--|----------------|----------------|
|  | ADOPTED        | FY 21 MODIFIED |
| GF (+5%) + Measure S Revenues          | 13,688,136     | 15,216,145     |
| Operating Expenses (+5%)               | (16,582,466)   | (16,189,449)   |
| Ending Balance                         | \$ (2,894,330) | \$ (973,304)   |
| ROPS Fund 320 Facilities Beg Balance   | 162,100        | -              |
| ROPS Fund 320 Facilities               | 500,000        | 500,000        |
| Subtotal                               | (2,232,230)    | (473,304)      |
| General Fund Reserve (Maintaining 20%) | 374,807        | 453,410        |
| Subtotal                               | (1,857,423)    | (19,894)       |
| Measure S Beg Balance                  | 1,857,423      | 19,894         |
| Subtotal                               | \$ -           | \$ -           |
| <b>BALANCING RESOURCES</b>             |                |                |
| <u>Reserve</u>                         |                |                |
| General Fund Reserve (Beg Bal)         | 3,691,300      | 3,691,300      |
| Target 20% Operating Reserve           | \$ 3,316,493   | \$ 3,237,890   |
| Change to Reserve (+/-)                | (374,807)      | (453,410)      |
| General Fund Reserve (Ending Balance)  | 3,316,493      | 3,237,890      |
| <u>Measure S Reserve</u>               |                |                |
| Measure S Beginning Balance            | 3,110,400      | 3,110,400      |
| Measure S Needed to Balance            | (1,857,423)    | (19,894)       |
| Measure S Ending Balance               | \$ 1,252,977   | \$ 3,090,506   |

# Discussion Items

ERP  
Implementation

EO Benefits/Pay

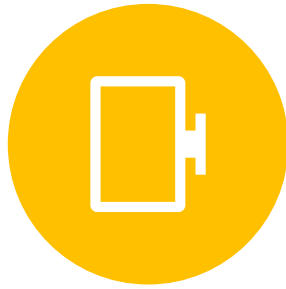
# Technology Implementation Timeline



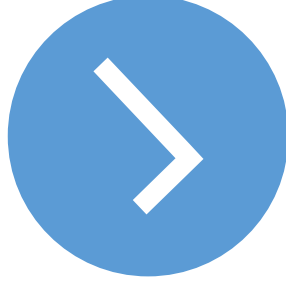
Questica (Pending)



Building Permitting  
Software



City's website upgrade



ERP Implementation

# Elected Official Pay / Benefits

*Discussion item for Mid-Year Budget  
Review*

- City Council Regular Pay  
\$7,860 /annually
- Auto Allowance  
\$4,800 / annually
- Health Benefits  
\$6,658 (in-lieu)  
\$20,000 - \$25,000 (opt-in)
- Personnel Taxes cost  
\$6,600 / annually
- **Total cost for EO Pay / Benefits  
\$170,000 / annually**

# Discussion / Action

## To accept Staff's update and Recommendation for incorporation in the Mid-Year Budget Review!

