

CITY COUNCIL
Alma Hernandez, Mayor
Princess Washington, Mayor Pro-Tem
Jenalee Dawson
Michael J. Hudson



CITY COUNCIL MEETING

First and Third Tuesday
Every Month

A G E N D A

SPECIAL MEETING OF THE SUISUN CITY COUNCIL

AND

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

TUESDAY, JANUARY 3, 2023

5:30 P.M.

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

NOTICE

The following Council/Successor Agency/Housing Authority meeting may include teleconference participation by: Council/Board Members Michael Hudson, Jenalee Dawson, Mayor Pro Tem Princess Washington, and Mayor Alma Hernandez, in accordance with subdivisions (b), (e), or (f) of Section 54953 of the Government Code, as applicable.

FACE MASKS ARE RECOMMENDED FOR MEMBERS OF THE PUBLIC WHILE IN CITY FACILITIES IF NOT FULLY VACCINATED. IF YOU DO NOT HAVE A FACE MASK, ONE WILL BE PROVIDED FOR YOU.

THE CITY COUNCIL HAS RESUMED IN-PERSON MEETINGS IN ADDITION TO ZOOM. A LIMITED NUMBER OF SEATS ARE AVAILABLE, TO RESERVE A SEAT PLEASE CONTACT THE CITY CLERK AT clerk@suisun.com OR 707 421-7302.

ZOOM MEETING INFORMATION:

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

MEETING ID: 841 5251 9562

CALL IN PHONE NUMBER: (707) 438-1720

REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE CITY COUNCIL MEETING

BY EMAILING CLERK@SUISUN.COM (PRIOR TO 4:00 p.m.) OR

VIA WEBSITE OR ZOOM CALL IN PHONE NUMBER: (707) 438-1720

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

ROLL CALL

Council/Board Members

CONFLICT OF INTEREST NOTIFICATION

(Any items on this agenda that might require recusal by a Councilmember based on a conflict of interest should be identified at this time.)

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

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.)

CLOSED SESSION

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

City Council**1. CONFERENCE WITH LABOR NEGOTIATOR**

Pursuant to Government Code Section 54957.6

Agency negotiator: City Manager

Employee organization: SCPOA (Suisun City Police Officers Association).

2. 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 0032-020-240 - Train Depot.

Negotiating Party: City Manager

Parties Negotiating: To Be Determined

Under Negotiations: Terms and payment

Suisun City Council Acting as Successor Agency**3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

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

Property Under Negotiation: Assessor's Parcel Numbers: APN: 0032-200-330, located at 1240 Kellogg Street.

Negotiating Party: City Manager

Parties Negotiating: To Be Determined

Under Negotiations: Terms and payment

CONVENE OPEN SESSION

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

ADJOURNMENT

PUBLIC ACCESS TO AGENDA DOCUMENTS

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www.suisun.com/government/city-council/city-council

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ACCOMMODATIONS

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DECORUM

All participants are expected to conduct themselves with mutual respect. Conduct that disrupts meetings will be addressed in accordance with Section 54957.95 of the Government Code.

ORDINANCES

Ordinances are city laws contained in the Suisun City Municipal Code. Enacting a new city law or changing an existing one is a two-step process. Government Code 36934 provides, except when, after reading the title, further reading is waived by regular motion adopted by majority vote all ordinances shall be read in full either at the time of introduction or passage; provided, however, that a reading of the title or ordinance shall not be required if the title is included on the published agenda and a copy of the full ordinance is made available to the public online and in print at the meeting prior to the introduction or passage.

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- 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 was posted and available for review, in compliance with the Brown Act.

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CITY COUNCIL
Alma Hernandez, Mayor
Princess Washington, Mayor Pro Tem
Michael J Hudson, Member
Jenalee Dawson, Member



CITY COUNCIL MEETING

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, JANUARY 3, 2023
6:30 PM**

Suisun City Council Chambers - 701 Civic Center Boulevard - Suisun City, California

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(Next Ord. No. – 797)

(Next City Council Res. No. 2023-01)

Next Suisun City Council Acting as Successor Agency Res. No. SA2023-01)

(Next Housing Authority Res. No. HA2023-01)

ROLL CALL

Council /Board Members
Pledge of Allegiance
Invocation

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 City Manager Update – (Folsom: gfolson@suisun.com).

PRESENTATION/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

- 2 Council Approval of the Nomination of Suisun City Representative to the Solano Transportation Authority Bicycle Advisory Committee - (Hernandez: ahernandez@suisun.com).

PUBLIC COMMENT

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COUNCIL COMMENTS

- 3 Council/Board Members Updates

CONSENT CALENDAR

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

City Council

- 4 Council Adoption of Ordinance No.796: An Ordinance of the City Council of the City of Suisun City, California, Amending Ordinance 793, Adopting Policy 706 Relating to the Police Department's Use of Military Equipment, in Accordance with Assembly Bill 481 (Introduced on December 20, 2022) - (Roth: aroth@suisun.com).
- 5 Council Adoption of Resolution No. 2023-___: Adopting the 2nd Amendment to the Annual Appropriation Resolution No. 2022-90 to Appropriate Funds for the Green Stormwater Infrastructure Project - (Vue: nvue@suisun.com).
- 6 Council Adoption of Resolution No. 2023-___: Authorizing the City Manager to Execute a Transportation Funds for Clean Air Funding Agreement with the Solano Transportation Authority for the Sidewalk Gap Closure Project along Marina Boulevard and Buena Vista Avenue - (Vue: nvue@suisun.com).

- 7 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 November 15, 2022, November 29, 2022, and December 6, 2022 – (Skinner: askinner@suisun.com).

PUBLIC HEARING

City Council

- 8 Public Hearing and Other Proceedings Related to Annexation No.13 to Community Facilities District No. 2 (Municipal Services), for the Caterpillar Clubhouse Project (Continued from December 20, 2022) - (Vue:vnue@suisun.com).
 - a. Council Adoption of Resolution No. 2023-___: Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors; and
 - b. Council Adoption of Resolution No. 2023-___: Declaring Results of Special Annexation Election, Determining Validity of Prior Proceedings, and Directing Recording of Amended Notice of Special Tax Lien; and
 - c. Council Introduction of Ordinance No. ___: An Ordinance of the City Council of the City of Suisun City Levying Special Tax Within City of Suisun City Communities Facilities District No. 2 (Municipal Services), Including Certain Annexation Territory.
- 9 Public Hearing and Other Proceedings Related to Annexation No.14 to Community Facilities District No. 2 (Municipal Services), for the Zip Thru Car Wash Project (Continued from December 20, 2022) - (Vue: nvue@suisun.com).
 - a. Council Adoption of Resolution No. 2023-___: Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors; and
 - b. Council Adoption of Resolution No. 2023-___: Declaring Results of Special Annexation Election, Determining Validity of Prior Proceedings, and Directing Recording of Amended Notice of Special Tax Lien; and
 - c. Council Introduction of Ordinance No. ___: An Ordinance of the City Council of the City of Suisun City Levying Special Tax Within City of Suisun City Communities Facilities District No. 2 (Municipal Services), Including Certain Annexation Territory.

GENERAL BUSINESS

City Council

- 10 Discussion and Direction – Citywide Beautification Community Advisory Committee - (Vue: nvue@suisun.com).

REPORTS: (Informational items only)

- 11 Non-Discussion Items

ADJOURNMENT

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Decorum

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

AGENDA TRANSMITTAL

MEETING DATE: January 3, 2023

CITY AGENDA ITEM: Council adoption of Ordinance No.796: An Ordinance of the City Council of the City of Suisun City, California, Amending Ordinance 793, Adopting Policy 706 Relating to the Police Department's Use of Military Equipment, in Accordance with Assembly Bill 481 (Introduced on December 20, 2022).

FISCAL IMPACT: There is no fiscal impact.

STRATEGIC PLAN:

- Ensure Public Safety, Section 3.6 – Develop and implement emergency preparation, response and recovery plans across the organization in collaboration with other community efforts.
 - Provide Good Governance, Section 4.7 – Improve productivity, efficiency, effectiveness, customer service and citizen satisfaction in all areas of municipal organization.
-

BACKGROUND:

On September 30, 2021, Governor Newsom signed Assembly Bill 481 to address the funding, acquisition, and use of military equipment by law enforcement agencies in California. Assembly Bill 481 has designated certain equipment as “military equipment,” regardless of whether it was procured from the military or not. Assembly Bill 481 is intended to increase transparency, accountability, and oversight surrounding the acquisition and use of military equipment by state and local law enforcement.

Effective January 1, 2022, Assembly Bill (AB) 481 requires law enforcement agencies to obtain approval from the applicable governing body (City Council), by adoption of a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. Suisun City Police Department's military equipment policy, Policy 706, was adopted by way of ordinance on April 19, 2022. Any amendment to the Military Equipment Policy must be done with approval of the City Council through a Public Hearing.

STAFF REPORT:

Assembly Bill Number 481 (AB 481), codified as Government Code sections 7070 through 7075, requires that Suisun City Police Department (SCPD) begin the process of obtaining approval from City Council of its military equipment use policy by ordinance prior to May 1, 2022. This was accomplished on April 29, 2022, when the City Council adopted Ordinance 793.

The term “military equipment,” as used in AB 481, does not necessarily indicate equipment used by the military. Items deemed to be “military equipment” include, but are not limited to, unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, pepper balls, less lethal shotguns, less lethal 40mm projectile launchers, long range acoustic devices, and light and

PREPARED BY:

REVIEWED / APPROVED BY

Aaron Roth, Police Chief
Greg Folsom, City Manager

sound diversionary devices. The list of items considered “military equipment” in AB 481 are employed by many law enforcement agencies across the country as best practices to enhance citizen and officer safety.

On December 20, 2022, the City Council voted to introduce and waive the reading of the proposed ordinance and amended SCPD Policy 706, adding a Command Vehicle to the list of Military Equipment allowed for use by SCPD. A copy of the newly amended policy is attached.

STAFF RECOMMENDATION:

1. Council adoption of Ordinance No. 796: An Ordinance of the City Council of the City of Suisun City, California, Amending Ordinance 793, Adopting Policy 706 Relating to the Police Department’s Use of Military Equipment, in Accordance with Assembly Bill 481 (Introduced on December 20, 2022).

ATTACHMENTS:

1. Ordinance No. 796: An Ordinance of the City Council of the City of Suisun City, California, Amending Ordinance 793, Adopting Policy 706 Relating to the Police Department’s Use of Military Equipment, in Accordance with Assembly Bill 481 (Introduced on December 20, 2022).
2. SCPD Policy 706

ORDINANCE NO. 796

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, AMENDING ORDINANCE 793, ADOPTING POLICY 706 RELATING TO THE POLICE DEPARTMENT'S USE OF MILITARY EQUIPMENT, IN ACCORDANCE WITH ASSEMBLY BILL 481

WHEREAS, on September 30, 2021, Governor Newsom signed Assembly Bill 481 ("AB 481") to address the funding, acquisition, and use of military equipment by law enforcement agencies in California; and

WHEREAS, AB 481, codified as Government Code Sections 7070 through 7075, required that Suisun City Police Department ("SCPD") begin the process of obtaining approval from City Council of its military equipment use policy by ordinance prior to May 1, 2022; and

WHEREAS, accordingly, on May 3, 2022, the City Council adopted Policy 706, City of Suisun City Police Department Military Equipment Use Procedure Policy ("Policy 706") attached hereto as Attachment 1 and incorporated by reference; and

WHEREAS, since the adoption of Policy 706, the State of California has granted SCPD funding for, amongst other things, the acquisition of a command vehicle by SCPD to facilitate the operational control and direction of public safety units; and

WHEREAS, pursuant to Government Code section 7070(c)(5), a command vehicle to facilitate the operational control and direction of public safety units is "military equipment," as that phrase is defined in Government Code Section 7070; and

WHEREAS, in accordance with AB 481, SCPD has drafted an amended Policy 706 (the "Amended Policy") to include the command vehicle in the list of all of its current "military equipment," as that phrase is defined in Government Code Section 7070; and

WHEREAS, the Amended Policy was made available to the public on SCPD's internet website on November 19, 2022, which was at least thirty (30) days prior to the public hearing held on December 20, 2022, concerning the amendment to Policy 706, in accordance with Government Code section 7071(b); and

WHEREAS, the Amended Policy was reviewed by the City of Suisun City legal counsel; and

WHEREAS, the City Council finds that the Amended Policy meets the requirements of AB 481.

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

1 **SECTION 1.** The above recitals are true and correct and are incorporated herein by
2 this reference.

3 **SECTION 2.** The Amended Policy, attached hereto as Attachment 2 and
4 incorporated by reference, is hereby adopted.

5 **SECTION 3.** If any section, subsection, sentence, clause, or phrase of this
6 ordinance, including the provisions of the Amended Policy, is for any reason held to be
7 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision
8 will not affect the validity of the remaining portions of this ordinance. The City Council
9 hereby declares that it would have passed this ordinance and each and every section,
10 subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard
11 to whether any portion of the ordinance would be subsequently declared invalid or
12 unconstitutional.

13 **SECTION 4.** The City Clerk is hereby authorized and directed to certify as the
14 passage of this Ordinance and to give notice thereof by causing copies of this Ordinance to be
15 posted in three public places throughout the City or published in a county newspaper that is
16 circulated in the City, within 15 days after its passage, there being no newspaper of general
17 circulation printed and published within the City.

18 **SECTION 5.** This Ordinance shall be in full force and effect on the 30th day after its
19 second reading and adoption.

20 **PASSED and ADOPTED** this __ day of _____, 2022.

21
22 _____
23 Alma Hernandez, Mayor

24 ATTEST:

25 _____
26 Anita Skinner, City Clerk

27 APPROVED AS TO FORM:

28 _____
Elena Q. Gerli, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SOLANO)
CITY OF SUISUN CITY)

I, Anita Skinner, City Clerk of the City of Suisun City, California, do hereby certify that the foregoing Ordinance No. 796 was duly passed and adopted by the City Council of the City of Suisun City at the regular meeting thereof, held on the 20th day of December, 2022, regularly passed and adopted at a regular meeting of said City Council held on Tuesday, _____, 2022, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

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

Anita Skinner, City Clerk

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Military Equipment

706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072). This policy will supersede previous SCPD Policy 210.

706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

Military Equipment

706.2 POLICY

It is the policy of the Suisun City Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

706.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Suisun City Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

706.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

Description, quantity, capabilities, and purchase cost.

Defense Technology 40mm LMT Tactical Single Shot Launcher With Expandable Stock

- Description: Tactical single shot launcher that features an expandable ROGERS Super Stock and an adjustable Integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two point sling attachment. The 40LMT will fire standard 40mm less lethal projectiles propelled by smokeless powder, up to 4.8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems. Double action S&W trigger group, barrel length of 14 inches rifled bore.
- Cost: \$985.70 (Curtis Blue Line Uniforms)

Military Equipment

- Quantity of four (4)

DEFENSE TECHNOLOGY, Model 6325 eXact iMPact 40mm sponge round.

- Description: 40 mm sponge Round delivers a point-of-aim, point-of-impact direct-fire round in the form of a plastic body and sponge nose. It is a lightweight, high-speed projectile that is spin stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. Due to the smokeless powder as the propellant, it has velocities that are extremely consistent. This round has been effectively used for crowd control, patrol, and tactical applications.
- Cost: \$28.65 per round
- Quantity of one hundred ten (110)

Farber Specialties Custom Built Mobile Command Vehicle

- One 33' diesel vehicle with emergency lighting and audio visual equipment for use as a mobile emergency operations center or incident command vehicle during investigations, critical incidents, natural disasters and other incidents such as chemical spills or a fire event. This vehicle will also be used for community events as a mobile meeting point for staff and community members during events like 4th of July Fireworks, National Night Out, Christmas on the Waterfront and other community outreach events where police and other city staff can advertise their presence and connect with the community.
- Cost is estimated at \$500,000.00 - funding provided by the State of California

REMINGTON 870 LESS LETHAL SHOTGUN,

- **Description :** The Remington 870 Less Lethal Shotgun is used to deploy the less-lethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat, which is a principle of Deescalation.
- Cost: \$800 per rifle
- Quantity: five (5)

12-GAUGE DRAG STABILIZED BEAN BAG ROUND

The Drag Stabilized™ 12-Gauge Round is a translucent 12-Gauge shell loaded with a 40-Gram tear shaped bag made from a cotton and ballistic material blend and filled with #9 shot. This design utilizes four stabilizing tails and utilizes smokeless powder as the propellant. The 12-Gauge Drag Stabilized Round has secured its place as the Law Enforcement Communities' number one choice for limiting the escalation of conflict where the deployment of lethal force is prohibited.

Cost: \$7 per round

Quantity: Fifty (50)

Military Equipment

706.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

706.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

706.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

706.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which

Military Equipment

the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

706.9 USE IN EXIGENT CIRCUMSTANCES

The Suisun City Police Department participates with the Solano County Sheriff's Special Response Unit and works closely with local, county, state, and federal partners. In exigent circumstances and with the approval of the Chief of Police or designee, military equipment may be deployed from outside entities to promote the safety and security of community members. If the Police Department acquires, borrows, or uses military equipment in exigent circumstances, it will provide written notification of the acquisition or use to the City Council within 30 days following the commencement of such exigent circumstance, unless such information is confidential or privileged under local, state or federal law.

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AGENDA TRANSMITTAL

MEETING DATE: January 3, 2023

CITY AGENDA ITEM: Council Adoption of Resolution No. 2023-____: Adopting the 2rd Amendment to the Annual Appropriation Resolution No. 2022-90 to Appropriate Funds for the Green Stormwater Infrastructure Project.

FISCAL IMPACT: No General Funds will be used. Caltrans will fully fund the design and construction of the City's Green Stormwater Infrastructure Project (Project) located along the eastern perimeter of the Park and Ride Lot. Caltrans' funding allocation will be in the amount of up to \$893,270.

STRATEGIC PLAN: Provide Good Governance and Enhance Environment.

BACKGROUND: On November 19, 2015, Municipal Regional Stormwater Permit (MRP) was issued to the City of Suisun City along with 75 other cities, towns, counties, and districts within the San Francisco Bay. This Permit outlines the State's requirement for municipal agencies to address the water quality and flow-related impacts of stormwater runoff through public education program, implementing targeted pollutant reduction strategies and projects, and a monitoring program.

The concept for the City's Project was developed as part the City's Green Stormwater Infrastructure Plan, required as part of the City's MRP. See attached Location Map, Attachment No. 2.

The goals of the Project are to reduce the amount of trash and to improve the quality of stormwater entering the Suisun Marsh and San Francisco Bay ecosystems, as well as to beautify this gateway to the City's Historic Waterfront District. These goals will be achieved by constructing a green stormwater infrastructure feature and two full trash capture devices within the project area.

The existing Park and Ride Lot and the surrounding drainage area is approximately 3.65 acres with narrow landscaped islands between the parking bays and conventional drainage infrastructure including curbs, gutters, and curb inlets that allow the runoff to flow into the storm drain system. The parking lot slopes towards a drainage ditch on the eastern perimeter of the parking lot, covered with primarily non-native grasses, bare earth, and rock. The ditch is well suited for conversion into a bioretention swale to slow and treat runoff from the parking lot and the off ramp.

The Park and Ride Lot is located within Caltrans' right-of-way and the Project will be implemented in partnership with Caltrans District 4. City staff and the Solano Stormwater Alliance (SSA) Program Manager (Emily Corwin of the Fairfield-Suisun Sewer District) have coordinated this project with District 4, and Caltrans has agreed to fully fund the design and construction of the Project in the amount up to \$893,270.

STAFF REPORT: While the City Public Works Department currently maintains the project area through a maintenance agreement with Caltrans, receiving Caltrans funding triggers a requirement

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Nick Lozano, Sr. Associate Engineer
 Nouae Vue, Public Works Director
 Greg Folsom, City Manager

for the City to enter into a Cooperative Implementation Agreement (CIA) with Caltrans. The approval of the CIA is for the benefit of the City and of Caltrans to make progress on achieving the requirements of the above-mentioned MRP. The execution of the CIA was authorized by the City Council at the May 3, 2022 City Council meeting. See Attachment No. 3, Resolution No. 2022-65. Soon after the meeting, the City entered into the agreement with Caltrans for the acceptance of the funds and the terms of the agreement. This necessitates the Amendment to the Annual Appropriations Resolution No. 2022-90 to appropriate funds to the Project.

RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2022-__: Adopting the 2rd Amendment to the Annual Appropriation Resolution No. 2022-90 to Appropriate Funds for the Green Stormwater Infrastructure Project.

ATTACHMENTS:

1. Resolution No. 2023-__: Adopting the 2rd Amendment to the Annual Appropriation Resolution No. 2022-90 to Appropriate Funds for the Green Stormwater Infrastructure Project.
2. Project Location Map.
3. Resolution No. 2022-65.

RESOLUTION NO. 2023-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY

WHEREAS, On June 21, 2022, the City Council adopted the Annual Appropriation Resolution No. 2022-90 to appropriate from each of the several funds of the City to each department of the City amounts set forth in the Annual Budget Business and Financial Plan for Fiscal Year 2022-2023.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUISUN CITY:

THAT the annual appropriation for Transportation Capital Improvement program is hereby amended as follows:

		Increase/ (Decrease)
TO:	Transportation Capital Improvement	\$ 894,000
	Total	<u>\$ 894,000</u>

THAT account titles and numbers requiring adjustment by this Resolution are as follows:

	<u>Sources</u>	<u>Uses</u>
Transportation Capital Improvement Fund		
Revenue:		
A/C No. 115-76599-9908 Transportation CIP-Caltrans- Grant	\$ 894,000	
Appropriations:		
A/C No. 115-96310-9908 Transportation CIP-Green Stormwater Infrastructure		\$ 894,000
Total Fund 115	<u>\$ 894,000</u>	<u>\$ 894,000</u>

THAT the purpose is to appropriate funds into the budget.

ADOPTED AND PASSED at a regular meeting of the City Council of the City of Suisun City duly held on the 3rd day of January, 2023 by the following vote:

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

WITNESS my hand and seal of the said City this 3rd day of January 2023.

Anita Skinner, CMC
City Clerk

LOCATION MAP

Green Stormwater Infrastructure Project along the Eastern Perimeter of the Park and Ride Lot



RESOLUTION NO. 2022-65

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
APPROVING A COOPERATIVE IMPLEMENTATION AGREEMENT WITH
CALTRANS FOR THE IMPLEMENTATION OF SUISUN CITY'S STORMWATER
INFRASTRUCTURE PROJECT ALONG THE EASTERN PERIMETER OF THE
PARK AND RIDE LOT**

WHEREAS, the City of Suisun City (City) is a permittee under the Municipal Regional Stormwater NPDES Permit (Permit) for the San Francisco Bay Region, Order No. R2-2015-0049, NPDES Permit No. CAS612008 (the "MS4 Permit"), issued by the San Francisco Regional Water Quality Control Board on November 19, 2015; and

WHEREAS, the Permit requires the City to prepare a Green Stormwater Infrastructure (GSI) Plan, which was completed in 2019; and

WHEREAS, the City's GSI Plan identified a project along the eastern perimeter of the Park and Ride Lot to clean stormwater and decrease the amount of trash entering the Suisun Marsh and the San Francisco Bay ecosystems; and

WHEREAS, at said location, the City's Green Stormwater Infrastructure Project (Project) will convert an existing ditch into a bioretention swale and install a trash capture device; and

WHEREAS, the City currently maintains the Park and Ride Lot through a maintenance agreement with Caltrans; and

WHEREAS, the Project will beautify this gateway to the City's Historic Waterfront District, and will be implemented in partnership with Caltrans, which will fully fund the design and construction of the Project in the amount up to \$893,270; and

WHEREAS, receiving Caltrans funding will trigger a requirement for the City to enter into the attached Cooperative Implementation Agreement (CIA) with Caltrans; and

WHEREAS, it is to the benefit of the City to enter into the CIA; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Suisun City supports a resolution approving a Cooperative Implementation Agreement between the City and Caltrans for the implementation of Suisun City's Green Stormwater Infrastructure Project and to secure Caltrans funding for the design and construction of this project.

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Suisun City duly held on Tuesday, the 3rd day of May 2022, by the following vote:

AYES:	Council Members:	<u>Day, Hernandez, Hudson, Williams</u>
NOES:	Council Members:	<u>None</u>
ABSENT:	Council Members:	<u>None</u>
ABSTAIN:	Council Members:	<u>None</u>

WITNESS my hand and the seal of said City this 3rd day of May 2022.



Anita Skinner
City Clerk

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AGENDA TRANSMITTAL

MEETING DATE: January 3, 2023

CITY AGENDA ITEM: Adoption of Council Resolution No. 2023-__: Authorizing the City Manager to Execute a Transportation Funds for Clean Air Funding Agreement with the Solano Transportation Authority for the Sidewalk Gap Closure Project along Marina Boulevard and Buena Vista Avenue.

FISCAL IMPACT: There would be no impact to the General Fund. The City is eligible to receive a total of \$95,000 as part of Solano County's funding allocation from the Bay Area Air Quality Management District (BAAQMD) funds for clean air projects which is distributed by the Solano Transportation Authority (STA). Suisun City was selected to receive this grant to fill in the gap in the sidewalk system around the parcel located at the southeast corner of Marina Boulevard and Buena Vista Drive, specifically along the south side of Buena Vista Avenue from a point approximately 100 feet west of Rio Verde to Marina Boulevard, as well as along the east side of Marina Boulevard from Buena Vista Avenue south to a point approximately 320 feet south of Buena Vista Avenue. There is no required local match for this project. Staff's cost estimate for the construction phase of the project is \$85,000. The plans and specifications will be completed in-house at an estimated cost of \$10,000. This action would not award any construction contract at this time.

BACKGROUND: The BAAQMD's Transportation Funds for Clean Air (TFCA) is collected from a \$4 fee on all vehicle registrations within the Air District's boundaries. 60% of these funds are applied to the TFCA Regional Program, which is administered by BAAQMD. The remaining 40% is distributed to each Bay Area county Congestion Management Agency (CMA) and is called County Program Manager Funds.

BAAQMD, in coordination with the CMA's, establishes TFCA policies for both programs annually. Eligible TFCA projects are those that reduce air pollution from motor vehicles, such as clean air vehicles and infrastructure, carpools/vanpools, shuttle bus services, bicycle projects, and alternative mode promotional/educational projects. The TFCA County Program Manager Funds available for Solano County projects in FY 2022-23 is estimated to be \$100,000 for electric vehicle infrastructure projects and \$103,812 for other clean air eligible project such as bicycle and pedestrian projects.

Southwestern portions of Solano County are eligible to apply for these funds. This area includes the cities of Benicia, Fairfield, Suisun City, and Vallejo, as well as the surrounding unincorporated areas. The Yolo-Solano Air Quality Management District provides similar funding (i.e. Clean Air Funds through a different process) for the remaining cities of Dixon, Rio Vista, Vacaville, and the surrounding unincorporated areas.

All eligible projects must meet cost effectiveness requirements related to the amount of emission reductions, and must submit monitoring reports twice a year. Past projects funded through the

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Nick Lozano, Associate Engineer
 Nouae Vue, Public Works Director
 Greg Folsom City Manager

TFCA program include Class I and II bike facilities, Solano Mobility, and Safe Routes to School projects. STA staff aims to identify projects that align well with the goals of both BAAQMD and STA.

STAFF REPORT: On July 13, 2022, the STA announced a Call for Projects for the STA Program Manager Funds, which closed on September 13, 2022. STA received a total of four (4) applications, which included the City's application for the Sidewalk Gap Closure Project around the empty parcel located at the southeast corner of Marina Boulevard and Buena Vista Avenue. This project will be coordinated with the Marina Village Apartments project, which is conditioned to construct half (5 feet) of the concrete path. The City will construct the other half (5 feet) as part of its sidewalk gap closure project.

The STA recommended to the Solano County's BAAQMD approval the four proposed projects, and the BAAQMD approved the requested funding allocations for the four recommended projects, including the City's Sidewalk Gap Closure Project. Moreover, the projects and funding recommendations were approved by the STA Board at their October 12th meeting.

The STA and BAAQMD have executed the program funding agreement. In order to move the City's sidewalk gap closure project forward, the attached project funding agreement between the STA and the City will need to be executed. The City Attorney has reviewed and approved as to form the agreement.

By entering into this funding agreement, the City agrees to the following:

1. To fill in the gap in the sidewalk system around the parcel located at the southeast corner of Marina Boulevard and Buena Vista Avenue, specifically along the south side of Buena Vista Avenue from a point approximately 100 feet west of Rio Verde to Marina Boulevard, as well as along the east side of Marina Boulevard from Buena Vista Avenue south to a point approximately 320 feet south of Buena Vista Avenue as identified in Exhibit A.
2. To be bound and abide by any and all applicable provisions of the Funding Agreement between STA and the BAAQMD for Fiscal Year 2022-23, which is attached as Exhibit B and incorporated by reference in the Agreement.
3. To cooperate with STA and do all such things, provide all such documentation, and take all such actions as shall be reasonably required by STA, to facilitate Suisun City's and STA's compliance with the Funding Agreement to complete all project work.
4. To submit invoices to STA at least on a quarterly basis.

By entering into this agreement, the STA agrees to the following:

Upon submission of an invoice by Suisun City, and upon approval of the STA's representative, pay Suisun City monthly in arrears for fees and expenses incurred the prior month, up to the maximum amount provided for in this Agreement (\$95,000).

This Agreement will remain in effect from December 1, 2022 through December 31, 2024.

RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2023-__: Authorizing the City Manager to Execute a Transportation Funds for Clean Air Funding Agreement with the Solano Transportation Authority for the Sidewalk Gap Closure Project along Marina Boulevard and Buena Vista Avenue.

ATTACHMENTS:

1. Resolution No. 2023-__: Authorizing the City Manager to Execute a Transportation Funds for Clean Air Funding Agreement with the Solano Transportation Authority for the Sidewalk Gap Closure Project along Marina Boulevard and Buena Vista Avenue.
2. Project Location Map.
3. Funding Agreement between the Solano Transportation Authority and the City of Suisun City for the Sidewalk Gap Closure Project.

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RESOLUTION NO. 2023-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
AUTHORIZING THE CITY MANAGER TO EXECUTE A TRANSPORTATION
FUNDS FOR CLEAN AIR FUNDING AGREEMENT WITH THE SOLANO
TRANSPORTATION AUTHORITY FOR THE SIDEWALK GAP CLOSURE
PROJECT ALONG MARINA BOULEARD AND BUENA VISTA AVENUE**

WHEREAS, the Bay Area Air Quality Management District (“BAAQMD”) Transportation Funds for Clean Air (“TFCA”) are administered by each Bay Area Congestion Management Agency (“CMA”); and

WHEREAS, the Solano Transportation Authority (STA), as the CMA for Solano County, administers the TFCA for the County; and

WHEREAS, Suisun City was selected to receive a total of \$95,000 as part of Solano County’s funding allocation from the Bay Area Air Quality Management District (BAAQMD) funds for clean air projects which is distributed by the Solano Transportation Authority (STA); and

WHEREAS, the grant funding allocation is provided to fill in the gap in the sidewalk system around the parcel located at the southeast corner of Marina Boulevard and Buena Vista, specifically along the south side of Buena Vista Avenue from a point approximately 100 feet west of Rio Verde to Marina Boulevard, as well as along the east side of Marina Boulevard from Buena Vista Avenue south to a point approximately 320 feet south of Buena Vista Avenue; and

WHEREAS, the City of Suisun City’s project will construct one half of the overall 10-foot wide sidewalk gap closure along the frontage of the parcel at the southeast corner of Marina Boulevard and Buena Vista Avenue, while the private development at that corner will construct the other half; and

WHEREAS, STA and BAAQMD have executed the program funding agreement; and

WHEREAS, in order to move the City’s sidewalk gap closure project forward, the attached project funding agreement between the STA and the City will need to be executed; and

WHEREAS, STA desires to fund the activities in accordance with the terms of the Funding Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Suisun City authorizes the City Manager to take all actions necessary to execute the Funding Agreement between the Solano Transportation Authority and the City of Suisun City for the Sidewalk Gap Closure Project along Marina Boulevard and Buena Vista Avenue.

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Suisun
City duly held on Tuesday, the 3rd day of January 2023, by the following vote:

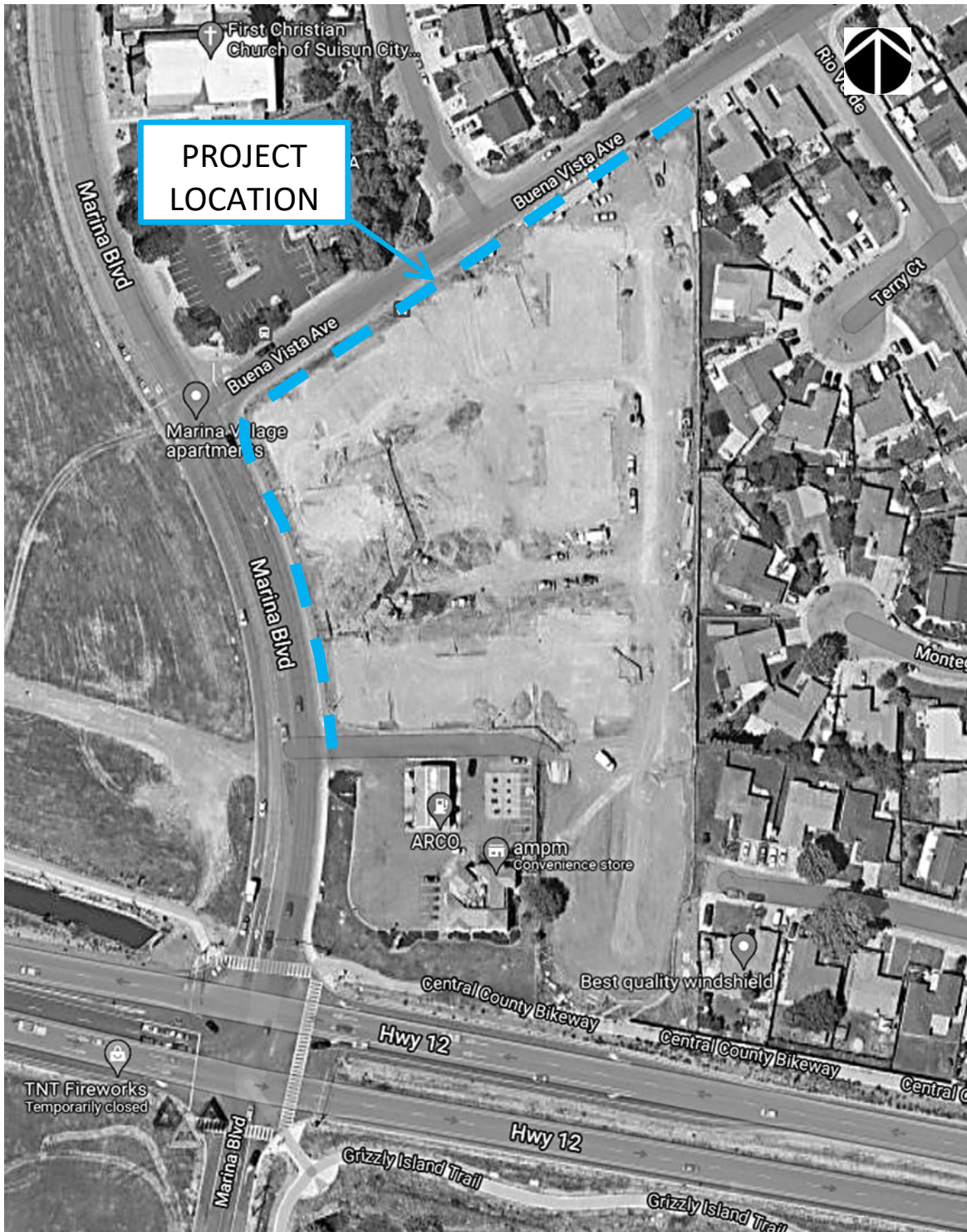
AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____

WITNESS my hand and the seal of said City this 3rd day of January 2023.

Anita Skinner
City Clerk

PROJECT LOCATION MAP

Sidewalk Gap Closure Project



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**FUNDING AGREEMENT
BETWEEN
THE SOLANO TRANSPORTATION AUTHORITY
AND
THE CITY OF SUISUN CITY
FOR
SIDEWALK GAP CLOSURE**

This Funding Agreement ("**Agreement**") is entered into on _____ between the Solano Transportation Authority, a joint powers authority organized under Government Code section 6500 et seq. consisting of the County of Solano and the Cities of Benicia, Dixon, Fairfield, Rio Vista, Suisun, Vacaville and Vallejo ("**STA**"), and the City of Suisun City, a municipal corporation ("**Suisun City**") each individually referred to as a "**Party**" and collectively as the "**Parties**".

RECITALS

WHEREAS, the Bay Area Air Quality Management District ("**BAAQMD**") Transportation Funds for Clean Air ("**TFCA**") are administered by each Bay Area Congestion Management Agency ("**CMA**"); and

WHEREAS, STA, as the CMA for Solano County, administers the TFCA for the County; and

WHEREAS, Suisun City requested funding to fill in the gap in the sidewalk system around the parcel located at the southeast corner of Marina Boulevard and Buena Vista Avenue, along the south side of Buena Vista Avenue from a point approximately 100 feet west of Rio Verde to Marina Boulevard, as well as along the east side of Marina Boulevard from Buena Vista Avenue south to a point approximately 320 feet south of Buena Vista Avenue (the "**Project**"), which is eligible for TFCA funds; and

WHEREAS, STA desires to fund the activities in accordance with the terms of this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises set forth in this Agreement, the Parties agree as follows:

A. Project and Funding Identification:

1. Suisun City shall perform those services as set forth in the STA staff report dated September 29, 2022, approved by the STA Board on **October 12, 2022**, and the Project Information Form, all of which are attached and incorporated by this reference as **Exhibit A**.
2. The maximum funding amount allocated for this Project is **\$95,000**.

B. Suisun City Agrees:

1. To fill in the gap in the sidewalk system around the parcel located at the southeast corner of Marina Boulevard and Buena Vista Avenue, specifically along the south side of Buena Vista Avenue from a point approximately 100 feet west of Rio Verde to Marina Boulevard, as well as along the east side of Marina Boulevard from Buena Vista Avenue south to a point approximately 320 feet south of Buena Vista Avenue as identified in **Exhibit A**.
2. To be bound and abide by any and all applicable provisions of the Funding Agreement between STA and the BAAQMD for Fiscal Year 2022-23, which is attached as **Exhibit B** and incorporated by reference as if fully set forth in this Agreement.
3. To cooperate with STA and do all such things, provide all such documentation, and take all such actions as shall be reasonably required by STA, to facilitate Suisun City and STA's compliance with the Funding Agreement to complete all project work.
4. To submit invoices to STA at least on a quarterly basis.

C. STA Agrees:

Upon submission of an invoice by Suisun City, and upon approval of the STA's representative, pay Suisun City in arrears for fees and expenses incurred the prior month, up to the maximum amount provided for in this Agreement.

D. Mutual Responsibilities:

1. **Term:** This Agreement shall remain in effect from **December 1, 2022 through December 31, 2024**, unless it is terminated earlier as provided below.
2. **Termination:** STA's obligation under this Agreement is subject to the availability of authorized funds. Either Party may terminate the Agreement, or any part of the work, without prejudice for lack of appropriation of funds. If expected or actual funding is withdrawn, reduced, or limited in any way prior to the expiration date set forth in this Agreement, or any subsequent Amendment, either Party may, upon written notice, terminate this Agreement in whole or in part, pursuant to this clause at least sixty (60) days prior to the effective date of termination.
3. **Indemnity:**
 - a. Suisun City shall indemnify, defend with counsel approved by STA, and hold harmless, STA and its member jurisdictions, and their respective officials, officers, directors, employees, agents, and volunteers, from and against any and all claims, suits, actions, causes of action, loss, damages, expense and costs (including, without limitation, costs and fees of litigation) of every nature arising out of or in connection with performance of work

hereunder, including, but not limited to, performance of work on the Project, or Suisun City failure to comply with any of its obligations or performance of services contained in this Agreement, except such losses or damages which are caused by the sole negligence or willful misconduct of STA.

b. STA shall indemnify, defend with counsel approved by Suisun City, and hold harmless, Suisun City and its member jurisdictions, and their respective officials, officers, directors, employees, agents, and volunteers, from and against any and all claims, suits, actions, causes of action, loss, damages, expense and costs (including, without limitation, costs and fees of litigation) of every nature arising out of or in connection with performance of work hereunder, including, but not limited to, performance of work on the Project, or STA's failure to comply with any of its obligations or performance of services contained in this Agreement, except such losses or damages which are caused by the sole negligence or willful misconduct of Suisun City.

4. Insurance:

a. Suisun City will maintain status as legally self-insured public entities for general, auto and professional liability insurance coverage with limits of no less than \$1,000,000 per occurrence and no less than five million dollars (\$5,000,000) aggregate. Suisun City agrees to include STA, its officials, employees and agents as an additional insureds and endorse its general liability policies STA, using standard ISO endorsement No. CG2010 or its equivalent to demonstrate such coverage.

b. Each Party will maintain Workers' Compensation as required by law for all its employees. Neither Party's insurance shall be called upon to satisfy any claim for workers' compensation filed by an employee of the other Party. Each Party will provide the other with a Waiver of Subrogation endorsement for Workers Compensation. Each Party also agrees to require all consultants, contractors and subcontractors engaged to work on this Project to carry the same Workers Compensation insurance limits and endorsements.

5. Notice: All notices and other communications required or permitted to be given under this Sub-Agreement shall be in writing and shall be personally served or mailed, postage prepaid and addressed to the respective parties as follows:

STA
Daryl K. Halls, Executive Director
Solano Transportation Authority
423 Main Street
Suisun City, CA 94585
Attn: Dulce Jimenez, Planning Assistant

CITY OF SUISUN CITY
Greg Folsom, City Manager
City of Suisun City
701 Civic Center Blvd
Suisun City, CA 94585
Attn: Nick Lozano, Project Manager

Notice shall be deemed effective on the date personally delivered or, if mailed, three (3) days following the date of deposit with the United States Postal Service.

6. Assignability: Neither party to this Agreement shall assign or transfer any interest in this Agreement nor the performance of any duties or obligations hereunder, without the prior written consent of the other party, and any attempt by either party to so assign or transfer this Agreement or any rights, duties or obligations arising hereunder shall be void and of no effect.
7. Governing Law: The Parties agree that the law governing this Agreement shall be that of the State of California.
8. Venue: In the event that suit shall be brought by either party, the parties agree that venue shall be exclusively vested in the state courts of the County of Solano, or where otherwise appropriate, exclusively in the United States District Court, Eastern District of California, Sacramento, California.
9. Interpretation: Each party has reviewed this Agreement and any question of doubtful interpretation shall not be resolved by any rule or interpretation providing for interpretation against the drafting party. This Agreement shall be construed as if both parties drafted it. The captions and headings contained herein are for convenience only and shall not affect the meaning or interpretation of this Agreement.
10. Force Majeure: Neither the STA nor Suisun City shall be liable or deemed to be in default for any delay or failure in performance under this Agreement or for any interruption of services, directly or indirectly, from acts of god, civil or military authority, acts of public enemy, war, strikes, labor disputes, shortages of suitable parts, materials, labor or transportation, or any similar cause beyond the reasonable control of the STA or Suisun City.
11. Controlling Provisions: In the event of a conflict between the provisions of this Agreement and those of the BAAQMD Agreement, the terms and conditions of this Agreement shall be controlling as to the parties to this Agreement.
12. Access to Records and Retention: All Parties, acting through their duly authorized representative, as well as any federal or state grantor agency providing all or part of the funding associated with this Agreement, the State Controller, the Comptroller General of the United States, and the duly authorized representatives of any of the Parties, shall have access to any books, documents, papers and records of any Party which are directly pertinent to the subject matter of this Agreement for the purpose of making audit, examination, excerpts and transcriptions. Except where longer retention is required by any federal or state law, the Parties shall maintain all required records for three years after final

payment for any work associated with this Agreement, or after all pending matters are closed, whichever is later.

13. Prior Agreements and Amendments: This Agreement, including attachments and exhibits, represent the entire agreement of the parties with respect to the subject matter described in this Agreement, and no representation, warranties, inducements or oral agreements have been made by any of the parties except as expressly set forth in this Agreement. This Agreement may only be modified by a written amendment duly executed by the parties.

The parties have executed this Agreement on the day and year first written above.

“STA”

SOLANO TRANSPORTATION AUTHORITY

By: _____
Daryl K. Halls, Executive Director

APPROVED AS TO FORM:

By: _____
Bernadette Curry, STA Legal Counsel

“Suisun City”

CITY OF SUISUN CITY

By: _____
Greg Folsom, City Manager

APPROVED AS TO FORM:

By: _____
Suisun City Attorney

Exhibit A

Project Information Form

- A. Project Number: 23SOL07
- B. Project Title: Sidewalk Gap Closure Project
- C. Project Category (project will be evaluated under this category): Trip Reduction: Bikeways
- D. TFCA County Program Manager Funds Allocated: \$ 95,000
- E. TFCA Regional Funds Awarded (if applicable): \$ N/A
- F. Total TFCA Funds Allocated (sum of C and D): \$ 95,000
- G. Total Project Cost: \$ 95,000
- H. Project Description:
This project will fill in the gap in the sidewalk system around the parcel located at the southeast corner of Marina Boulevard and Buena Vista Avenue, specifically along the south side of Buena Vista Avenue from a point approximately 100 feet west of Rio Verde to Marina Boulevard, as well as along the east side of Marina Boulevard from Buena Vista Avenue south to a point approximately 320 feet south of Buena Vista Avenue.
The proposed project is a Safe Routes to School Project (SR2S), for Crystal middle school (619 students), Suisun Elementary School (511 students), Armijo Highschool (2,032 students), and Safe Routes to Transit (SR2T). The project is also located parallel to an affordable housing unit that is currently being constructed. Suisun City has conditioned the affordable housing project to construct half of the Class I bike path along the projected frontages, with the other half being constructed by the City. The goal is to connect the Class I bike lane to the nearby Central County Bikeway and Grizzly Island Trail.
- I. Final Report Content: Final Report form and final Cost Effectiveness Worksheet: Trip Reduction Final Report will be submitted.
- J. Attach a completed Cost-Effectiveness Worksheet and any other information used to evaluate the proposed project. **Attachment C**
- K. Has or will this project receive any other TFCA funds, such as Regional Funds? -The project has not received any other TFCA funds.
- L. Comments (if any):
- M. Please indicate if the project is located in a SB535 Disadvantaged Community and/or AB1550 Low-income Community (Please use the map to find your project's location: <https://ww3.arb.ca.gov/cc/capandtrade/auctionproceeds/communityinvestments.htm>). The project is near low-income households within ½ mile of a disadvantaged community.

Section 2. Project Category-Specific Questions

N. If a **bikeway** project, answer the following questions:

- a. What plan is the project referenced in? In Solano Transportation Authority Active Transportation Plan
- b. Will the project be publicly accessible and available for use by all members of the public?
 - i. Yes, it will be accessible to the public.
- c. If applicable, will the project be consistent with design standards published in the California Highway Design Manual or conform to the provisions of the Protected Bikeway Act of 2014?
 - i. Yes, the project will be consistent with the standards.
- d. Has the project completed all applicable environmental reviews and either been deemed exempt by the lead agency or have been issued the applicable negative declaration or environmental impact report or statement?
 - i. Yes, the project is shovel-ready and it's ready to do out for bid.

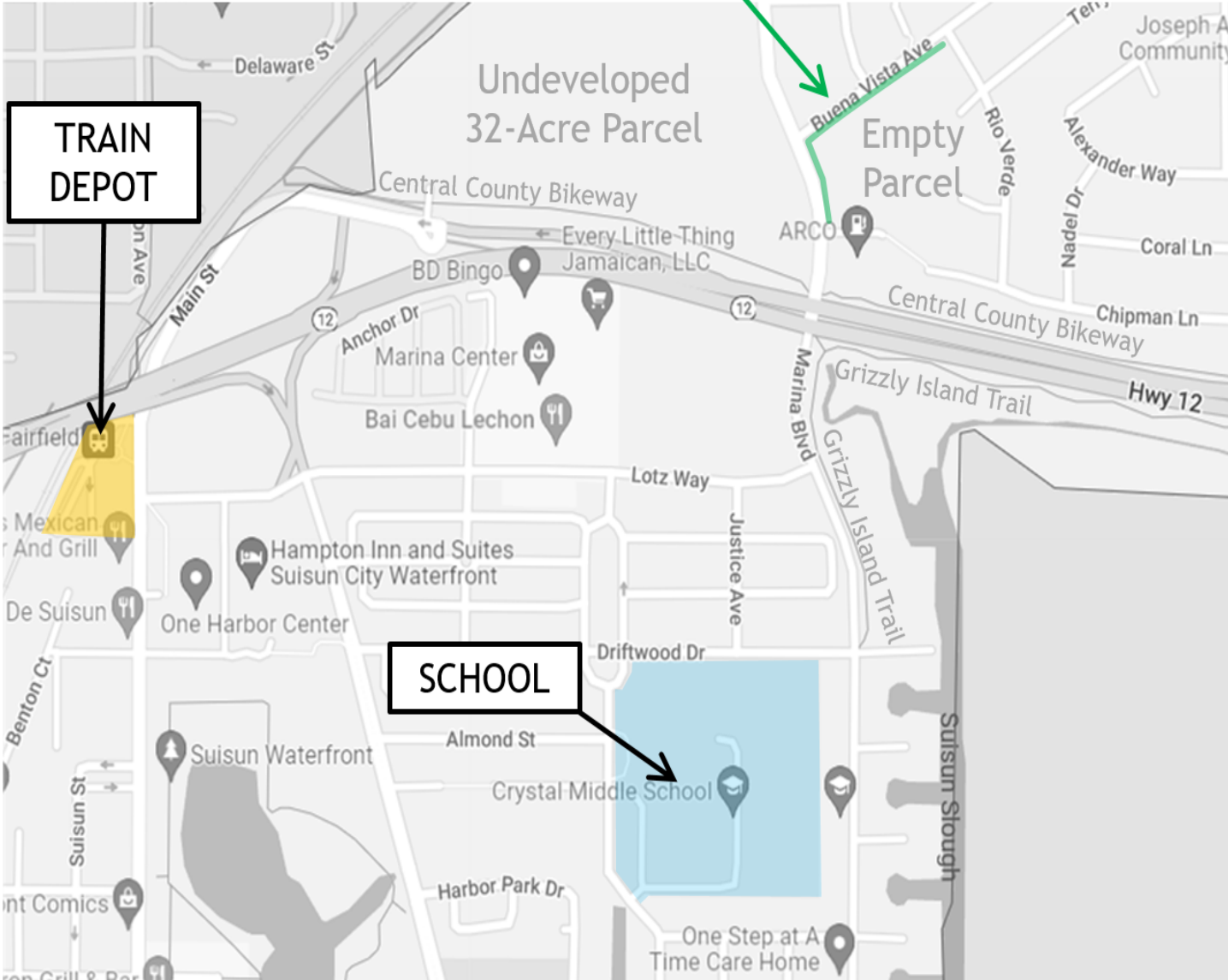
Location Map

Sidewalk Gap Closure Project

PROJECT LOCATION

TRAIN
DEPOT

SCHOOL





DATE: September 29, 2022
TO: STA Board
FROM: Dulce Jimenez, Planning Assistant
RE: Bay Area Air Quality Management District (BAAQMD) Transportation Fund for Clean Air (TFCA) Fiscal Year (FY) 2022-23 County Program Manager Funds

Background:

The Bay Area Air Quality Management District's (BAAQMD) Transportation for Clean Air (TFCA) is collected from a \$4 fee on all vehicle registrations within the Air District's jurisdiction. The funds obtained from the vehicle registration fees are divided into two main fund sources, 60% of these funds are applied to the TFCA Regional Program which is administered by BAAQMD. The remaining 40% of funds are distributed to each Bay Area County Congestion Management Agency (CMA), with Solano Transportation Agency (STA) as the CMA of Solano County. BAAQMD in coordination with the CMA's establishes TFCA policies for both programs annually. Eligible TFCA projects are those that reduce air pollution from motor vehicles, such as trip reduction, ridesharing, alternative fuel infrastructure, first-and last-mile connection, and promotional and educational projects. The TFCA County Program Manager Funds available for Solano County Projects in FY 2022-23 are estimated to be \$356,812, with \$100,000 dedicated to EV Charging Stations.

The jurisdictions located in the southern portion of Solano County are eligible to apply for TFCA funds, this includes the cities of Benicia, Fairfield, Suisun City, Vallejo, and the surrounding southern unincorporated areas. The Yolo-Solano Air Quality Management District provides Clean Air Funds to its jurisdictions in the Northern portion of Solano County, which includes Dixon, Rio Vista, Vacaville, and the surrounding northern unincorporated areas.

All eligible projects must meet cost-effectiveness requirements for project emission reductions and must submit monitoring reports twice a year. The next round of monitoring reports is due in October 2022. Past projects funded through the TFCA Program include Class I and II bike facilities, Solano Mobility, and Safe Routes to School Projects. STA staff aims to identify projects that align well with the goals of both the BAAQMD and STA.

Discussion:

STA Board issued their first Call for Projects back in March of 2022, projects recommended for funding included the Solano Mobility Program for \$175,000 and Six Flags Discovery Kingdom for EV Chargers at \$40,000. A balance of \$187,187 was still available to be programmed with at least \$60,000 available for EV Charging Stations. Subsequently, On July 13, 2022, the STA Board approved a second Call for Projects for the remaining funds with a September 15, 2022 deadline for application submittals.

As part of this Second Call for TFCA Projects, STA staff worked with potential project sponsors to determine project eligibility and the maximum amount available for their project type based on their cost-effectiveness inputs. When determining project fund allocations, overall cost-effectiveness and potential reduction of greenhouse gas emissions were considered.

STA received a total of four applications. Applications were received from Suisun City, Vallejo, and Solano County:

1. Solano County Fleet Management requested \$45,000 in TFCA funds to fund a Solar Electrical Vehicle Charger for a total project cost of \$70,000.
2. Solano County Resource Management requested \$45,000 in TFCA funds to fund a Solar Electrical Vehicle Charger for a total project cost of \$70,000.
3. Suisun City requested \$95,000 in TFCA funds to fund their Sidewalk Gap Closure estimated at \$95,000 to complete.
4. Vallejo requested \$127,187 to fund the Bay/Vine Trail Project with a total project cost of \$1.5 million.

STA staff reviewed the submittals and considered past TFCA funding allocations, project priority, and deliverability as part of STA staff's funding recommendation. As a result, STA staff is recommending TFCA funding for the projects requested from Solano County and Suisun City at this time. Attachment A provides additional project details regarding STA staff's recommendation. All three projects have met the TFCA cost-effectiveness requirement and Suisun City and Solano County staff indicated that their project is ready to construct if approved. STA staff is also recommending the Vallejo's Bay/Vine trail project be submitted as part of the STA FY 2023-24 TFCA Program Call for Projects anticipated in Spring 2023 to potentially be eligible for more TFCA funds.

At their meeting on September 28, 2022, the STA TAC unanimously approved the recommendation to forward for STA Board approval at their meeting on October 12, 2022.

Due to the remaining balance of TFCA funds (\$1,387) STA staff followed up with BAAQMD staff to receive direction on the leftover funds. BAAQMD staff recommended either maximizing funding allocation or finding another project to allocate the remaining funds to. STA staff considered max allocation of funds to projects, and the Solano Mobility Program was the eligible project to receive the remainder of the TFCA funds. With the addition of new funds, the Solano Mobility Program will have an updated project funding allocation of \$176,387.

Fiscal Impact:

\$1,387 to the STA Budget for Solano Mobility. All STA staff recommended projects will be funded through the Bay Area Air Quality Management's (BAAQMD) Transportation Fund for Clean Air (TFCA) 40% County Program Manager funds.

Recommendation:

Approve the allocation of FY 2022-23 BAAQMD TFCA 40% County Program Manager Funds for:

1. Suisun City Sidewalk Gap Closure Project in the amount of \$95,000;
2. Solano County Fleet Management for a Solar Electrical Vehicle Charger in the amount of \$45,400;
3. Solano County Resource Management for a Solar Electrical Vehicle Charger in the amount of \$45,400; and
4. Add remaining \$1,387 of funds to the Solano Mobility Program for the total amount of \$176,387.

Attachment:

- A. FY 2022-23 Second Call for Projects Funding Recommendation Project Summary

Attachment A to Exhibit A
Cost-Effectiveness Worksheet

RIDESHARING, BICYCLE, SHUTTLE, AND SMART GROWTH PROJECTS

FYE 2023 TFCA County Program Manager Fund Worksheet

Version 2023.1, Updated 12/23/21

General Information Tab: Complete areas shaded in yellow.

Project Number (23XXYY)	23SOL07
Project Title	Sidewalk Gap Closure Project
Project Type Code (e.g., 7a)	7a
County (2-3 character abbreviation)	SOL
Worksheet Calculated By	Dulce Jimenez
Date of Submission	10.19.22
Project Sponsor	
Project Sponsor Organization	Suisun City
Public Agency? (Y or N)	Y
Contact Name	Nick Lozano
Email Address	nlozano@suisun.com
Phone Number	707.580.0629
Mailing Address	701 Civic Center Blvd
City	Suisun City
State	CA
Zip	94585
Project Schedule	
Project Start Date	12/1/2022
Project Completion Date	12/1/2024
Final Report to CMA	5/1/2025

Notes & Assumptions

Provide all assumptions, rationales, and references for figures used in calculations.

Two key components in calculating cost-effectiveness are the number of vehicle trips eliminated per day and the trip length.
A frequently used proxy is the % of survey respondents who report they would have driven alone if not for the service being provided.
If survey data is not available, alternative **supporting documentation must be provided to justify the inputs used in the CE calculations.**

Trips Eliminated Per Day

This is number of trips by participants that would have driven as a single occupant vehicle if not for the service; **it is not the same as the total number of riders or participants.**

Trip Length

Only use the trip length of the **vehicle trip avoided** by only the riders or participants that would otherwise have driven alone.

Policy 11. Duplication

MTC's regional ridehsaring program provides funding to counties. This funding may contain TFCA funding, which, if used in combination with TFCA funding, may violate Policy 11. Duplication.

Bike Segment	Current Bikeway (Class)	Proposed Bikeway (Class)	Length of Segment (miles)	ADT	Formula	Upgrades	Updated Formula	# Trips/Day Eliminated
Buena Vista Ave from Rio Verde to Southeast corner of Marina Boulevard	N/A	Class I	0.16	3,000	0.40%	N/A	0.40%	12
Crystal Middle School Student Population	619							
Suisun Elementary School	511							
Armijo High School	2,032							
Total Target Population	3,162							
10% of Target Population Baseline	316							
26% of Target Population with Safety Measures	822							
Difference Between Baseline and with Safety Measures: The number of students who may shift modes of transportation if safety measures are	506							
15% Conservative number for number of students who may shift modes of transportation	76							
SOURCE: PUBLIC SCHOOL REVIEW https://www.publicschoolreview.com/ and CDC Study https://www.cdc.gov/pcd/issues/2016/15_0573.htm#								
Notes and Assumptions								
The project sponsor was able to provide the ADT for Marina Boulevard at 3,000 ADT, which is the adjacent street to Buena Vista Ave. The proposed bike segment will be 850 feet, which is 0.16 miles.								
To Calculate Trips/Day: The segment is less than 1 mile so the formula for Lenght <1 was used which is the 0.40% formula.								
To Calculate Trips/Day: (0.16 miles)*(0.40%)= 12								
More information about the project location and its connections to SR2S and SR2T: The proposed bike segment is between three schools, with Crystal Middle School to the South, Suisun Elementary to the East, and Armijo High School to the West. Students can pass through the location and go to various schools so it was logical for us to take into account the population that would be benefiting from the project. Also with there being an affordable housing unit parallel, foot traffic may increase for it, especially for those that may use the train to go to work.								
A study by the CDC showed that most schools (61.5%) have 10% or fewer students who will walk and bike. However, the study shows this number can increase to 26% when safety measures are implemented, such as the one in this project. https://www.cdc.gov/pcd/issues/2016/15_0573.htm#authorinformation								
Therefore, 10% of the total target population is 316 and 26% is 822 -- the difference being 506. Meaning an additional 506 students may shift transportation mode to walking or biking due to the increased safety measures.								
To be more realistic, we will take 15% of this projection which is 76 students. Now is 76 students have a one-way trip then in conclusion a potential of 76 trips may be eliminated per day. The days- Year we felt that it was appropriate to keep it to 180 because that is how many days students are expected to be in school.								
Using Replica (Big Data)- Using the Places workbook space I used the TMZ for Suisun for the area that surrounds Crystal Middle School (0609500104673). To start, I used the location and filtered trip destination, there are about 1.8 trips made by 1.4K people. Another filter I applied to it was making the primary mode walking + biking where it turned to 200 trips made by 100 people. From there, there were statistics on the percentage of trip destinations of the people who walked + biked; out of those 200 trips, 43.1% were for school, so 200 x43% = 86 trips.								

Exhibit B

BAAQMD AND STA FUNDING AGREEMENT

FUNDING AGREEMENT
BETWEEN
THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT
AND
SOLANO TRANSPORTATION AUTHORITY
23-SOL

This Funding Agreement (Agreement) is entered into between the Solano Transportation Authority (County Program Manager), and the Bay Area Air Quality Management District (Air District). The County Program Manager and the Air District will each be referred to as a Party, and as the Parties collectively. This Agreement includes Attachment A, which specifies the funding allocated under this Agreement, and Attachment B, which pertains to insurance requirements.

SECTION I

RECITALS:

- 1) The Air District is authorized under California Health and Safety (Health & Safety) Code Sections 44223 and 44225 to levy a fee on motor vehicles registered within its jurisdiction (Motor Vehicle Fees), a portion of which the Air District receives and dedicates to its Transportation Fund for Clean Air (TFCA) program.
- 2) TFCA program monies may be allocated for projects to reduce air pollution from motor vehicles and to implement transportation control measures included in the plan adopted pursuant to Health and Safety Code Sections 40233, 40717, and 40919.
- 3) In accordance with Health and Safety Code Section 44241(d), the Air District allocates not less than forty (40) percent of the TFCA monies received to implement the TFCA County Program Manager program (Program).
- 4) The Air District has been notified, in a communication dated August 17, 1992, that the County Program Manager is the duly authorized recipient of the proportionate share of Program monies for Solano County, and has been so designated by resolution(s) adopted by the Solano County Board of Supervisors and by the city councils of a majority of the cities representing a majority of the population in the incorporated area of the county. The terms and conditions for the expenditure of the County's Program monies by the County Program Manager are set forth in the resolution(s).
- 5) On November 17, 2021, the Air District's Board of Directors (Board of Directors) approved the TFCA County Program Manager Fund Policies for Fiscal Year Ending 2023 (Policies). The Policies set forth requirements, including eligibility and cost-effectiveness requirements, for projects funded by TFCA funds in fiscal year ending (FYE) 2023. The Policies are incorporated as Appendix D and made a part of the "County Program Manager Fund Expenditure Plan Guidance for Fiscal Year Ending 2023" (Guidance) and are incorporated herein and made a part hereof by this reference as if fully set forth herein.
- 6) On or about March 3, 2022, the County Program Manager submitted an Expenditure Plan Application to the Air District for its Solano County TFCA Program, which specified interest

income earned by the County Program Manager and TFCA funds from previously funded TFCA projects available for reprogramming to other eligible TFCA projects.

- 7) On May 4, 2022, the Board of Directors approved an estimated new allocation of FYE 2023 TFCA Program monies of \$350,300 for County (New FYE 2023 TFCA Allocation), which is based upon the County's proportionate share of the California Department of Motor Vehicle (DMV) vehicle registration fees paid. On this same date, the Board of Directors approved an estimated total funding level for FYE 2023 of \$378,198 for County (TFCA Funds), which is to be administered by the County Program Manager and will be covered by this Agreement. The TFCA Funds include: the New FYE 2023 TFCA Allocation, any reprogramming of TFCA monies remaining from projects from prior fiscal years, and any interest earned in the prior year.
- 8) The Air District and the County Program Manager, pursuant to Health and Safety Code Section 44241, hereby enter into this Agreement to: (a) implement the Program within Solano County; (b) select and fund projects that improve air quality in the San Francisco Bay Area Air Basin and comply with the Policies; and (c) oversee such funded projects to assure that they meet, and are implemented in accordance with, the Policies and the terms of this Agreement. This Agreement covers the funding allocation set forth in Paragraph 7 above.

SECTION II

COUNTY PROGRAM MANAGER AGREES:

- 1) To implement the FYE 2023 Program within Solano County in accordance with this Agreement and the Policies.
- 2) To select and fund projects that improve air quality in the San Francisco Bay Area Air Basin and that comply with the Policies and the terms of this Agreement (Program Projects). Recipients of TFCA Funds may include the County Program Manager, which undertakes its own County projects, and other entities (Sub-awardees). The County Program Manager will designate the Program Projects as FYE 2023 Program Projects for administrative purposes.
- 3) Except in the case where the County Program Manager is the Sub-awardee, the County Program Manager must enter into a binding agreement with each Sub-awardee that sets forth the maximum amount of TFCA Funds awarded for each Program Project, and requires each Sub-awardee to comply with both the terms of this Agreement and the Policies and to implement the Program Projects as approved by the County Program Manager. The County Program Manager must maintain copies of the County Program Manager's written agreements with Sub-awardees, including any amendments to carry out the Program Projects.
- 4) To encumber and expend all TFCA Funds within two (2) years of receipt of the first payment of the TFCA funds (Expenditure Deadline) unless one of the following applies:
 - a) Multi-Year Funded Project: County Program Manager requests multi-year funding in compliance with the Guidance; and Air District approves the request for multi-year funding.
 - b) Extensions of Expenditure Deadline:

i. Action by County Program Manager: If consistent with the Policies and Guidance, the County Program Manager may extend the Expenditure Deadline for up to an additional two (2) years, but no later than December 31, 2026, by one of the following methods:

1. A particular Program Project application for funds states that the project will take a longer period of time to implement and an extension is approved in writing by the County Program Manager; or
2. The County Program Manager finds, based on the Sub-awardee's application that despite significant progress on the particular Program Project, the Sub-awardee requires additional time to implement the Program Project and the County Program Manager approves the extension of time in writing.

ii. Action by Air District: If consistent with the Policies and Guidance, the Air District may grant a further extension for a particular Program Project under the following circumstance:

1. The County Program Manager finds, based on the Sub-awardee's application that despite significant progress on the particular Program Project, the Sub-awardee requires additional time to implement the Program Project (beyond the two years that the County Program Manager has already granted); the County Program Manager submits an extension request to the Air District no later than sixty (60) days prior to the end of the Expenditure Deadline; and the Air District approves the request in writing.

- 5) To return to the Air District any TFCA Funds and associated interest unexpended as per Section II, Paragraph 4.
- 6) To maintain, at all times during the term of this Agreement, a separate account or sub-ledger for all TFCA Funds and to withdraw funds from this separate account only for the reimbursement of costs to implement Program Projects. Failure to comply with this paragraph will constitute grounds for termination pursuant to Section IV, Paragraph 2 below.
- 7) To maintain, or cause to be maintained, adequate records to document and demonstrate to Air District staff and auditors the receipt, interest accrual, and expenditures of Air District funds to implement the Program.
- 8) To track and report to the Air District all interest accrued from TFCA Funds.
 - a) The County Program Manager may not use interest from TFCA Funds for administrative purposes.
 - b) The County Program Manager's distribution of any interest funds will be at the discretion of the County Program Manager, after consultation with the Air District and must be in accordance with the Policies and applicable State law.
- 9) To track and report to the Air District any TFCA Funds and associated interest unencumbered at the time of completion or termination of a Program Project. The distribution of any such funds and associated interest will be at the discretion of the County Program Manager, after consultation with the Air District.

- 10) To limit administrative costs to conduct the Program to no more than six and one quarter percent (6.25%) of the New FYE 2023 TFCA Allocation received by the County Program Manager.
- 11) To allow, and to require the Sub-awardees to allow, the Air District's staff, its authorized representatives, and its independent auditors, during the term of this Agreement and for five (5) years from the end of each project's Years of Effectiveness, to conduct performance and financial audits of the County's Program and Program Projects and to inspect the Program Projects. During audits, the County Program Manager will make available to the Air District in a timely manner all records relating to the County Program Manager's implementation of the Program and of Sub-awardees' expenses and performance of their Program Projects. During inspections, the County Program Manager will provide, at the request of the Air District, access to inspect a Sub-awardee's Program Projects and related records.
- 12) To keep, and to require Sub-awardees to keep, all financial and Program Project implementation records necessary to demonstrate compliance with this Agreement and the Program. Such records include the reports required by Section II, Paragraphs 8 and 15 and those records required to demonstrate compliance with the terms of this Agreement, including those records specifically listed in Section II, Paragraphs 3, 6, 7, 8, 9, 10, 11, 13, 15, 16, and 20. Such records shall include documentation that demonstrates significant progress made for those Program Projects seeking extensions to the completion date. The County Program Manager must keep such documents in a central location, and require its Sub-awardee to keep such records at a central Sub-awardee location, for a period of five (5) years from the end of each project's Years of Effectiveness.
- 13) To maintain, and to require that each Sub-awardee maintain, employee time sheets documenting those hourly labor costs incurred in the implementation of this Agreement, including both administrative and Program Project implementation costs, or to establish an alternative method to document staff costs charged to the funded project.
- 14) To distribute TFCA Funds allocated to a Sub-awardee only as reimbursement for documented Program Project costs that are eligible and approvable under the Policies.
- 15) To prepare and submit reports to the Air District as follows:
 - a) Semi-annual Funding Status Report: Beginning May 31, 2023, the County Program Manager must submit a report by May 31 and October 31 of each year until all Program Projects are completed that specifies a) the Program Projects that have been cancelled, completed, and completed at a cost less than the allocation during the previous six-month period and if completed at a lesser cost, the amount of associated unexpended funds; and b) the Program Projects for which the County Program Manager has extended any deadlines and, for those projects, the revised completion date and documentation of the County Program Manager's certification that, pursuant to Health and Safety Code Section 44242(d), the Sub-awardee had made significant progress.
 - b) Final Reports: Beginning May 31, 2023, the County Program Manager must submit by each May 31 and October 31, until all Program Projects are completed, a Final Report for each completed Program Project, which itemizes (a) the expenditure of the TFCA Funds, and (b) the results of the monitoring of the performance of each Program Project on Air District-approved report forms.

- c) Interim Project Reports: Beginning October 31, 2023, the County Program Manager must submit by each October 31 an Interim Project Report for each Program Project that has not been completed and which itemizes (a) the expenditure of the TFCA Funds, and (b) the status of each Program Project's implementation on Air District-approved report forms.
 - d) If the due date for a report specified above falls on a weekend or on a State holiday, then that report is due on the following business day.
 - e) At its discretion, the Air District may accept and process a late-submitted report, without thereby waiving or amending the submission deadline of any or all subsequent reports.
- 16) To acknowledge, and to require all Sub-awardees to acknowledge, the Air District as a Program Project's funding source during the implementation of a Program Project and to use the Air District's approved logo as specified below:
- a) The logo must be used on signs posted at the site of any Program Project construction.
 - b) The logo must be displayed on any vehicles or equipment operated or obtained as part of a Program Project.
 - c) The logo must be used on any public information material relating to a Program Project, such as websites and printed materials, including transit schedules, brochures, handbooks, maps and other promotional materials.
 - d) The County Program Manager must retain documentation, such as photographs of vehicles and copies of press releases, demonstrating that Air District logos are used and displayed as required.
- 17) To assure that all TFCA Funds received under this Agreement are expended only in accordance with all applicable provisions of law for projects that are implemented directly by the County Program Manager, and to require Sub-awardees to expend the funds only in accordance with all applicable provisions of law.
- 18) To return, and to require that Sub-awardees promptly return, to the County Program Manager all TFCA Funds that are not expended in accordance with applicable provisions of law.
- 19) To return funds to the Air District, and require that Sub-awardees return their funds to the County Program Manager if a project is not maintained and/or operated throughout and until the conclusion of each Project's Years of Effectiveness. The Project's Years of Effectiveness is the default value stated in Appendix H of the Guidance for the applicable project type, unless a different value was approved and shown to yield a Project meeting the cost-effectiveness requirement in the Policies by the County Program Manager. The amount of funds returned to the County Program Manager will be calculated on a prorated basis. Any such funds returned to the County Program Manager must be reallocated to eligible TFCA Program Projects.
- 20) To obtain and maintain, and to require that each Sub-awardee obtain and maintain, throughout the Term of this Agreement, the insurance coverage specified in "Insurance Requirements," Attachment B, and to comply with all insurance requirements set forth therein, including the provision of documentation of said insurance coverage. Failure to

obtain and maintain the insurance coverage and to comply with all insurance requirements is a breach of this Agreement.

- 21) To the extent not otherwise prohibited by law, and to the extent required by the California Public Records Act (California Government Code section 6250 *et seq.*), to make available to the public and to require that Sub-awardees make available to the public any software, written documents, or other products developed with TFCA Funds.
- 22) To ensure that work products provided by the County Program Manager under this Agreement comply with Web Content Accessibility Guidelines 2.0, levels A and AA, and otherwise meet the accessibility requirements set forth in California Government Code Sections 7405 and 11135, Section 202 of the federal Americans with Disabilities Act (42 U.S.C. § 12132), and Section 508 of the federal Rehabilitation Act (29 U.S.C. § 794d) and the regulations promulgated thereunder (36 C.F.R. Parts 1193 and 1194). For any work products provided in PDF format, the County Program Manager shall also provide an electronic version in the original electric format (for example, Microsoft Word or Adobe InDesign).

SECTION III

AIR DISTRICT AGREES:

- 1) To pay the FYE 2023 TFCA monies, the amount of which is estimated on Attachment A, Summary Information, Line 3 and calculated as set forth in Section III, Paragraphs 1a and 1b below, for Program Projects and administration that are consistent with the Policies and this Agreement, in two payments. Payments will be made after this Agreement has been signed by both the County Program Manager and the Air District. Notwithstanding the above, the Air District is only obligated to pay that portion of the FYE 2023 TFCA monies that constitutes that portion of the fees subvented by the DMV for calendar year 2022 to the Air District for its allocation to the County Program Manager from the Program funds. To the extent the estimated FYE 2023 TFCA monies exceed the Motor Vehicle Fees that are received by the Air District and are available to the County Program Manager, the County Program Manager understands and agrees that the Air District will not pay the difference between the Motor Vehicle Fees available and the estimated FYE 2023 TFCA monies.
 - a) To endeavor to forward the first payment within thirty (30) business days of the Air District receiving from the DMV all the revenues that comprise the payment. The first payment will represent the County's proportionate share of the Program revenues generated from registration fees paid for motor vehicles that registered in Solano County between January 1, 2022, and June 30, 2022, less Air District's administrative and audit costs.
 - b) To endeavor to forward the second payment within thirty (30) business days of the Air District receiving from the DMV all the revenues that comprise the payment. The second payment will represent the County's proportionate share of the Program revenues generated from registration fees paid for motor vehicles that registered in Solano County between July 1, 2022, and December 31, 2022, less Air District's administrative and audit costs.

- 2) To provide timely notice prior to conducting an audit.
- 3) To provide the County Program Manager, and any other requesting party, a copy of the fiscal and performance audits conducted pursuant to Section 44242 of the Health and Safety Code.
- 4) To provide the County Program Manager with all Air District-approved County Program Manager reporting forms required for the County Program Manager to submit pursuant to this Agreement, including the reports required pursuant to Section II, Paragraph 15 above.
- 5) To provide a copy of the Air District logo to the County Program Manager solely for use to fulfill the obligation under Section II.16 of this Agreement.

SECTION IV

IT IS MUTUALLY AGREED:

- 1) Term: The term of this Agreement is from July 1, 2022 to December 31, 2026, unless it is terminated or amended as provided for in Paragraphs 2 and 8 of this Section or elsewhere in this Agreement, or unless this Agreement has been fully satisfied. The County Program Manager's records retention obligations under this Agreement continue beyond the Agreement's termination date.

The Sub-awardee has two years to implement the project, unless the Expenditure Deadline is extended pursuant to Section II, Paragraph 4 for a particular Program Project. If the Expenditure Deadline is extended for a particular Program Project, the terms and conditions of this Agreement will continue to apply with respect to that particular Program Project until it is completed.

- 2) Termination: Either Party may terminate this Agreement at any time by giving written notice of termination to the other Party specifying the effective date thereof. Notice of termination under this paragraph must be given at least ninety (90) days before the effective date of such termination, unless the parties mutually agree to an earlier termination date. This Agreement will also terminate at the end of the fiscal year during which the Solano Transportation Authority loses its designation as County Program Manager for Solano County.
- 3) Indemnity: The County Program Manager agrees to indemnify and hold harmless the Air District, its employees, agents, representatives, and successors-in-interest against any and all liability, loss, expense, including reasonable attorneys' fees, or claims for injury or damages arising out of the performance by the County Program Manager of its duties under this Agreement and must require Sub-awardees to indemnify and hold harmless the Air District, its employees, agents, representatives, and successors-in-interest against any and all liability, loss, expense, including reasonable attorneys' fees, or claims for injury or damages arising out of their performance of the project or operation or use of the equipment that is subject to this Agreement.
- 4) Notices: All notices that are required under this Agreement shall be provided in the manner set forth herein, unless specified otherwise. Notice to a party shall be delivered to the attention of the person at the address listed below, or to such other person or persons as

may hereafter be designated by that party in writing. Notice shall be in writing sent by e-mail.

Notice shall be deemed to have been received on the date of such transmission, provided such date was a business day and delivered prior to 4:00 p.m. PST/PDT. Otherwise, receipt of notices shall be deemed to have occurred on the following business day.

DISTRICT:	Bay Area Air Quality Management District Attn: Director of Strategic Incentives RE: County Program Manager Project # 23-SOL 375 Beale Street, Suite 600 San Francisco, CA 94105 Grants@baaqmd.gov
COUNTY PROGRAM MANAGER:	Solano Transportation Authority Attn: Daryl Halls, Executive Director RE: County Program Manager Project # 23-SOL 423 Main Street Suisun City, CA 94585 dkhalls@sta.ca.gov

- 5) Program Liaison: Within thirty (30) days from the Effective Date of this Agreement, the County Program Manager shall notify the Air District of the County Program Manager's Program Liaison and of the Liaison's address, telephone number, and email address. The Program Liaison shall be the liaison to the Air District pertaining to implementation of this Agreement and shall be the contact for information about the Program and Program Projects. The County Program Manager shall notify the Air District of the change of Program Liaison or of the Liaison's contact information in writing no later than thirty (30) days from the date of any change.
- 6) Additional Provisions and Additional Acts and Documents: Each Party agrees to do all such things and take all such actions, and to make, execute and deliver such other documents that are reasonably required to carry out the provisions, intent and purpose of this Agreement. All attachments to this Agreement are expressly incorporated herein by this reference and made a part hereof as though fully set forth.
- 7) Integration: This Agreement, including all attachments hereto, represents the final, complete, and exclusive statement of the agreement between the Air District and the County Program Manager related to the Parties' rights and obligations and subject matter described in this Agreement, and supersedes all prior and other contemporaneous understandings and agreements of the parties pertaining to the terms and conditions herein. No Party has been induced to enter into this Agreement by, nor is any Party relying upon, any representation or warranty outside those expressly set forth herein.
- 8) Amendment: This Agreement may not be modified except in writing, signed by both Parties hereto, and any attempt at oral modification of this Agreement shall be void and of no effect.
- 9) Independent Contractor: Neither the County Program Manager nor its officers, employees, agents, or representative shall be considered employees or agents of the Air District.

- 10) Assignment: Neither Party shall assign, sell, license, or otherwise transfer any rights or obligations under this Agreement without the prior written consent of the other Party.
- 11) Waiver: No waiver of a breach, of failure of any condition, or of any right or remedy contained in or granted by the provisions of this Agreement shall be effective unless it is in writing and signed by the Party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy shall be deemed a waiver of any other breach, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies. Further, the failure of a Party to enforce performance by the other Party of any term, covenant, or condition of this Agreement, and the failure of a Party to exercise any rights or remedies hereunder, shall not be deemed a waiver or relinquishment by that Party to enforce future performance of any such terms, covenants, or conditions, or to exercise any future rights or remedies.
- 12) Severability: If a court of competent jurisdiction holds any provision of this Agreement to be illegal, unenforceable or invalid in whole or in part for any reason, the validity and enforceability of the remaining provisions, or portions of them, will not be affected.
- 13) Force Majeure: Neither the Air District nor the County Program Manager shall be liable for or deemed to be in default for any delay or failure in performance under this Agreement or interruption of services resulting, directly or indirectly, from acts of God, enemy or hostile governmental action, civil commotion, strikes, lockouts, labor disputes, fire or other casualty, judicial orders, governmental controls, regulations or restrictions, inability to obtain labor or materials or reasonable substitutes for labor or materials necessary for performance of this Agreement, or other causes, except financial that are beyond the reasonable control of the Air District or the County Program Manager.
- 14) Governing Law: Any dispute that arises under or relates to this Agreement shall be governed by California law, excluding any laws that direct the application of another jurisdiction's laws. Venue for resolution of any dispute that arises under or relates to this Agreement, including mediation, shall be San Francisco, California.
- 15) Effective Date: The effective date of this Agreement is the date the Air District Executive Officer/Air Pollution Control Officer executes the Agreement (Effective Date).
- 16) Survival of Terms: Any terms of this Agreement that by their nature extend beyond the term (or termination) of this Agreement shall remain in effect until fulfilled, and shall apply to both parties' respective successors and assigns. Such terms include, but may not be limited to, Section II. Paragraph 7, 11, and 12 and Section IV. Paragraph 3 (Indemnity).

IN WITNESS WHEREOF, the County Program Manager and the Air District have entered into this Agreement as of the date listed below.

FOR AIR DISTRICT:

DocuSigned by:
by: Damian Breen for
FA919E6EDAF04DA...
Sharon Landers
Interim Executive Officer/APCO
Bay Area Air Quality Management District

Date: 8/2/2022

Approved as to form:

DocuSigned by:
by: Alexander Crockett
B5AE1A26FCA4453...
Alexander Crockett
District Counsel
Bay Area Air Quality Management District

FOR COUNTY PROGRAM MANAGER:

by: Daryl K. Halls
Daryl Halls
Executive Director
Solano Transportation Authority

Date: July 28, 2022

Approved as to form (optional):

by: Bernadette Curry
Bernadette Curry
Legal Counsel

Summary Information

County Program Manager Agency Name: Solano Transportation Authority
Address: 423 Main Street, Suisun City, CA 94585

PART A: NEW TFCA FUNDS

	Project	Admin [1]	Total (Project + Admin)
1. Estimated FYE 2023 DMV revenues (based on projected CY2021 revenues):	\$333,656	\$22,244	\$355,900
2. Difference between prior-year estimate and actual revenue:	-\$5,321	-\$355	-\$5,676
a. Actual FYE 2021 DMV revenues (based on CY2020):	\$324,210	\$21,614	\$345,824
b. Estimated FYE 2021 DMV revenues: (‘a’ minus ‘b’ equals Line 2.)	\$329,531	\$21,969	\$351,500
3 Estimated New Allocation (Sum of Lines 1 and 2):	\$327,980		\$350,200

PART B: INTEREST FOR PROGRAMMING AND TFCA FUNDS AVAILABLE FOR REPROGRAMMING

4 Total available for programming/reprogramming to other projects.	Line 4	\$28,832	-\$934	\$27,898
a. Amount available from previously funded projects:	4a	\$27,677		
b. Admin expended in FYE 2021:	4b		\$22,548	
c. Interest income earned on TFCA funds in CY 2021: (Project equals ‘4a’ plus ‘4c’ equals Line 4. Admin equals ‘2a’ minus ‘4b’.)	4c	\$1,155		\$1,155

PART C: TOTAL AVAILABLE TFCA FUNDS

5 Total Available TFCA Funds (Sum of Lines 1, 2 and 4)	Line 5	\$356,812	\$21,310	\$378,122
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[1] The “Estimated TFCA funds budgeted for administration” amount is listed for informational purposes only. Per California Health and Safety Code Section 44233, County Program Managers must limit their administrative costs to no more than 6.25% of the actual total revenue received from the Air District.

Attachment A	23-SOL	FYE 2023
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INSURANCE REQUIREMENTS

Verification of Coverage

The County Program Manager shall obtain and maintain certificates and/or other evidence of the insurance coverage required below. The Air District reserves the right to require the County Program Manager to provide complete, certified copies of any insurance offered in compliance with these specifications. Certificates, policies and other evidence provided shall specify that the Air District shall receive 30 days advanced notice of cancellation from the insurers.

Minimum Scope of Insurance

Throughout the Term as defined in Section IV of the Agreement, the County Program Manager shall obtain and maintain in full force and effect the Liability Insurance as set forth below and shall require any third party and each Sub awardee to obtain and maintain in full force and effect the insurance as set forth below.

1. **Liability Insurance** with a limit of not less than \$1,000,000 per occurrence. Such insurance shall be of the type usual and customary to the business of the County Program Manager and Sub-awardee, and to the operation of the vehicles, vessels, engines or equipment operated by the Sub-awardee.
2. **Property Insurance** in an amount of not less than the insurable value of Sub-awardee's vehicles, vessels, engines or equipment funded under the Agreement, and covering all risks of loss, damage or destruction of such vehicles, vessels, engines or equipment.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII. The Air District may, at its sole discretion, waive or alter this requirement or accept self-insurance in lieu of any required policy of insurance.

Attachment B	23-SOL	FYE 2023
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CITY COUNCIL
Alma Hernandez, Mayor Pro Tem
Jane Day, Member Michael J
Hudson, Member Wanda
Williams, Member



CITY COUNCIL MEETING

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, NOVEMBER 15, 2022
6:30 PM

Suisun City Council Chambers - 701 Civic Center Boulevard - Suisun City, California

NOTICE

Pursuant to Government Code Section 54953, subdivision (b), and in accordance with the provisions of SB 361 (2021), the following Council/Successor Agency/Housing Authority meeting includes teleconference participation by: Council/Board Members Jane Day, Michael Hudson, Wanda Williams, Mayor Pro Tem Alma Hernandez. Teleconference locations are on file at City Hall, 701 Civic Center Blvd., Suisun City, CA 94585.

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ZOOM MEETING INFORMATION:

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

MEETING ID: 872 6943 1499

CALL IN PHONE NUMBER: (707) 438-1720

REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE CITY COUNCIL MEETING BY EMAILING CLERK@SUISUN.COM (PRIOR TO 6 PM) 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. – 796)

(Next City Council Res. No. 2022 – 145)

Next Suisun City Council Acting as Successor Agency Res. No. SA2022 - 07)

(Next Housing Authority Res. No. HA2022 – 03)

ROLL CALL

Vice Mayor Hernandez called the meeting to order at 6:33pm with the following Council Members present:

PRESENT: Day Hernandez, Hudson, Williams

ABSENT: None

Pledge of Allegiance was led by Vice Mayor Hernandez.

Invocation was given by Council Member Hudson.

CONFLICT OF INTEREST NOTIFICATION None

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

REPORTS (Informational items only.)

- 1 City Manager/Executive Director/Staff: None

PRESENTATION/APPOINTMENTS



(Presentations, Awards, Proclamations, Appointments).

- 2 Proclamations Presented at Meeting

- a. Proclamation Proclaiming November 2022 as "Native American Heritage Month" in Suisun City - (Hernandez: ahernandez@suisun.com).

- 3 Proclamations Not Presented

These proclamations were presented at the Aloomma Annual Gala that was held a week ago. Vice Mayor Hernandez read both proclamations.

- a. Aloomma Court No. 198 Illustrious Commandress Danielle M. Kent - (Hernandez: ahernandez@suisun.com). 
 - b. Aloomma Temple No. 212 Illustrious Potentate Timothy W. Finney - (Hernandez: ahernandez@suisun.com). 

Mr. Omar Castillo is not able to attend in person; trying to connect via ZOOM and will revisit after Public Comment.

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.)

James Berg commented there is confusion on the amount of monies the city is to received from Marina Village Apartments and would like an update on the safety corridor for them.

Steve Olry commented on campaign sign placement and removal of such signs but signs for garage sales and homes for sale remain untouched.

Alex Looney reported on the event held by Sustainable Solano in Suisun City on October 22 regarding a round table discussion on flooding; BCDC and Fairfield-Suisun Sewer District had representatives present for the event. A full video can be found at sustainablesolano.org along with a survey for residents to take.

Michelle Chavez voiced concerns about bags that get into storm drains; concerned about the recent crime activity at the Stiizy Dispensary and the possibility of crime moving into the neighborhood; concerned about increased traffic with the two new dispensaries coming in; illegal dumping in Humphrey Canal and suggested some time ago about posting no dumping and no overnight camping signs.

Larry Brumfield thanked everyone that participated in the Veterans Day Parade; potholes on Railroad Avenue that need to be filled; posting dumping signs and signs for fines on public lands; need to hold monthly clean up days.

Katrina Garcia commented on the ass Bass Derby and Gingy House who are no being required to pay event fees; Council needs to look at discounting fees for long running events; safety concerns about lights out along the walking trails in Peterson Ranch.

George Guynn commented on numerous code violations throughout the city and does not see enforcement being done; still waiting for response on expenditures questions previously asked.

Donna LeBlanc voiced concern over the recent robbery at Stiizy and why there wasn't more security on site; Micro Transits scheduled for a December meeting needs to be heard at the next Council meeting; people need more time to prepare for the two routes that will be going away and how are the children going to get to school; closed session item on 718 Main Street by the Housing Authority is alarming; will the Housing Authority be putting in apartments in the middle of our downtown area; the fees the Gingy House will now have to pay are very hefty and being a 501c shouldn't be required to pay any fees.

Nicolle Fann commented that lane striping from Emperor to Walters needs to be redone; they are barely visible and it is a safety concern.

Consensus by Council to move the proclamation for "Native American Heritage Month" be moved to the 11/19 meeting as the recipient was unable to attend.

Proclamation comments:

Steve Olry commented on the large number of proclamations being presented and would like to see an end to some of them; proclamations should be for service groups for actual contributions to the city.

James Berg commented he is uneasy about the Alooma proclamations as they are a secret society and there is no actual record of them giving back to the city. He asked if the council had a say in proclamations or was this strictly a mayoral decision.

COUNCIL COMMENTS

4 Council/Boardmembers Updates

Council Member Hudson

- Veterans Day was very successful; event along the waterfront and a lot of participation.
- Marina Village Apartments has no sidewalks and people are walking in the street; street was torn up and has not been returned to pristine condition.

- Increased number of small vendors and asked if city collects a business license or sales tax on them.
- There are still a few campaign signs up and they need to come down
- Happy Thanksgiving and Christmas Tree lighting will be the first weekend in December.

Council Member Williams

- Adopt a Neighborhood and Sustainable Solano will be hosting a Flood Walk on Saturday, November 19 at 10am and you can register at either website
- Thanked Congressman Garamendi for attending Suisun's Veteran's Day Event and the team that worked diligently to make it happen.
- Happy Thanksgiving

Council Member Day

- Light at School and Morgan still out.

Vice Mayor Hernandez

- Thursday is a Homeless Regional Board meeting from 6:30-8pm at 675 Texas Street to discuss regional strategies.
- Met with Solano Transportation Authority regarding MicroTransit. They are still negotiating with drivers; the RFP process on who will be getting the buses. Students will have a specific bus and more details will be given at a meeting in December.
- New mobile application for Suisun is available.
- Yacht Club is working with the Sea Scouts and a member is donating a boat to the organization.
- Addressed the false statements about campaign signs and that she has nothing to do with anyone's signs. Stated there were four different times candidates were informed of where campaign signs could be placed.
- Thank you to Council Member Williams and the local Veterans for a great event.
- Happy Thanksgiving

CONSENT CALENDAR

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

City Council

5. Council Consideration and possible action to adopt Resolution No. 2022-145: A Resolution of the City Council of the City of Suisun City proclaiming a local emergency persists and authorizing the use of remote teleconference meeting procedures by the City's legislative bodies, as authorized by government code section 54953(e) et seq., through December 13, 2022. - (Folsom: gfolson@suisun.com).
6. Council Adoption of Resolution No. 2022-146: Authorizing the City Manager to Execute a Third Amendment to a Professional Services Agreement on the City's Behalf with AECOM Technical Services Inc. (AECOM) to Prepare an Environmental Impact Report for the Highway [12 Logistics Center Project](#) – (Bermudez: jbermudez@suisun.com).

7. Council Adoption of Resolution No. 2022-147: Authorizing the City Manager to Execute Subaward Agreement for the American Rescue Plan Act (ARPA) between City of Suisun City, CA and Fairfield-Suisun Sewer District – (Vue: nvue@suisun.com).
8. Council Adoption of Resolution No. 2022-148: Authorizing the Chief of Police, or his designee, to apply for and receive funding through the Boating Safety and Enforcement Financial Aid Program from the California Department of Boating and Waterways for fiscal year 2023/2024 – (Roth: aroeth@suisun.com).
9. Council Adoption of Resolution No. 2022-149: Approving the Final Map for the Meridian West Subdivision, Accepting All Offers of Dedication and Authorizing the City Manager to Sign the Subdivision Improvement Agreement with Century Communities – (Vue: nvue@suisun.com).

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

10. Accept the Investment Report for the Quarter Ending September 30, 2022 – (Deol: ldel@suisun.com).

Joint City Council / Suisun City Council Acting as Successor Agency

11. Council/Agency Approval of October 2022 Payroll Warrants in the Amount of \$603,528.33, and Council/Agency Approval of the October 2022 Accounts Payable Warrants in the Amount of \$2,988,498.33 – (Finance).

Council Member Day Conflict of Interest on Consent Calendar 9. Item 9 will be pulled from Consent Calendar and voted on separately.

ITEM 7:

Donna Le Blanc read the City of Fairfield is annexing a portion of Cordelia Road for a logistic center; is the same contractor doing both centers and how close together are they.

ITEM 6

Steve Olry commented the public has not been advised of the pros and cons, financial impact of this project

ITEM 11

Steve Olry commented we have another \$3.6 mil impact and it far exceeds our average monthly revenues and concerned about the city's future obligations.

George Guynn commented on high costs for code enforcement, personnel, and legal fees; need to do something to bring these costs down or cut back.

Motion by Council Member Day to approve Consent Calendar Items 5,6,7,8, 10 and 11 and seconded by Council Member Hudson. Motion carried by the following vote:

AYES: Day, Hernandez, Hudson, Williams

NOES: None

ABSENT: None

Motion by Council Member Hudson to approve Item 9 and seconded by Council Member Williams. Motion passed by the following vote:

AYES: Hernandez, Hudson, Williams

NOES: None

ABSTAIN: Day (due to conflict of interest)

PUBLIC HEARING - NONE

GENERAL BUSINESS

12. Presentation and discussion on maintenance and beautification of City-wide medians – (Vue: nvue@suisun.com).

Public Works Director Vue presented the staff report and power point.

PUBLIC COMMENTS

Michelle Chavez commented it would be great if Sustainable Solano could give input; how would work be done and who would do the work?

Steve Olry commented medians are our only safety device; make them maintenance free.

Donna LeBlanc commented the city's are responsible medians not in LLD's and also medians in new development; does that mean city will be taking over the medians and not charging the LLD's? Can funds be dedicated from the new dispensaries that will be coming in?

Nicolle Fann commented that concrete medians will not work; need to use native plants which will survive during a drought.

Council consensus and recommendations

- consultant development master plan specific to cost and what they would do
- prioritizing the standards and policy
- high level on the median master plan
- identify native plants, what is our budget and will it be sustainable long term
- cost to remove median
- identify safety

REPORTS: (Informational items only)

13. Non-Discussion Items

ADJOURNMENT

There being no further comments the meeting was adjourned at 8:28pm.

Anita Skinner, City Clerk



CITY COUNCIL
Mayor
Alma Hernandez, Mayor Pro-Tem
Jane Day
Michael J. Hudson
Wanda Williams

CITY COUNCIL MEETING

First and Third Tuesday
Every Month

MINUTES

SPECIAL MEETING OF THE SUISUN CITY COUNCIL

TUESDAY, NOVEMBER 29, 2022

5:30 P.M.

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

NOTICE

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ZOOM MEETING INFORMATION:

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

MEETING ID: 884 4423 5129

CALL IN PHONE NUMBER: (707) 438-1720

**REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE CITY COUNCIL MEETING
BY EMAILING CLERK@SUISUN.COM (PRIOR TO 4pm) 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

Council/Board Members

CONFLICT OF INTEREST NOTIFICATION

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

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

PUBLIC COMMENT

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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--ANTICIPATED LITIGATION**

Discussion of potential significant exposure to litigation pursuant to Government Code Section 54956.9(c), (d)(2) (2 potential cases: One Workers Compensation Claim by Donna Pock; One Workers Compensation Claim by Aaron Leming.).

CONVENE OPEN SESSION

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

ADJOURNMENT

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

PLEASE NOTE:

1. The City Council/Agency/Authority hopes to conclude its public business by 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 agendized for the next meeting. The agendas have been prepared with the hope that all items scheduled will be discussed within the time allowed.
2. Suisun City is committed to providing full access to these proceedings; individuals with special needs may call 421-7300.
3. Agendas are posted at least 72 hours in advance of regular meetings at Suisun City Hall, 701 Civic Center Boulevard, Suisun City, CA. Agendas may be posted at other Suisun City locations including:
 - 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 was posted and available for review, in compliance with the Brown Act.

CITY COUNCIL
 Alma Hernandez, Mayor Pro Tem
 Jane Day, Member Michael J
 Hudson, Member Wanda
 Williams, Member



CITY COUNCIL MEETING

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, NOVEMBER 29, 2022
 6:30 PM**

Suisun City Council Chambers - 701 Civic Center Boulevard - Suisun City, California

NOTICE

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(Next Ord. No. – 796)

(Next City Council Res. No. 2022 – 150)

Next Suisun City Council Acting as Successor Agency Res. No. SA2022 – 07)

(Next Housing Authority Res. No. HA2022 – 03)

ROLL CALL

Vice Mayor Hernandez called the meeting to order at 6:38 pm with the following Council Members present:

PRESENT: Day, Hernandez, Hudson, Williams

ABSENT: None

Pledge of Allegiance was led by Council Member Williams.

Invocation was given by City Manager Folsom.

CONFLICT OF INTEREST NOTIFICATION NONE

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

REPORTS (Informational items only.)

- 1 City Manager/Executive Director/Staff
 - Congratulations to the newly elected officials, Larry Brumfield, Alma Hernandez, Jenalee Dawson, Princess Washington, Wanda Williams. County is due to certify election tomorrow. Swearing in of new officials will be December 6th.
 - Attended the CalPELRA Conference week of 11/14 along with HR Administrator Christina Penland, who was one of the organizers of the event.
 - Fire Department is holding a Toy Drive through December and drop off locations will be throughout the city.
 - Urged residents to shop locally or on-line to keep tax dollars herein Suisun City.

PRESENTATION/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

Proclamations Presented at Meeting

- 2 Proclamation Proclaiming November 2022 as "Native American Heritage Month" in Suisun City - (Hernandez: ahernandez@suisun.com).
Presented to Omar Carrillo, Director of Government Affairs, Yocha Dehe Wintun Nation.
Council thanked Mr. Carrillo

Presentation

- 3 Presentation by Jared Neumayr, President/CEO, Fairfield Suisun Chamber of Commerce. Also explained the newly released website, Shop Where I Live, that was done in partnership with Valley Strong Credit Union.

PUBLIC COMMENT

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Mike Segala commented on the Notice of Event distributed in the neighborhood around the Gingy House and his concerns with foot and vehicle traffic.

George Guynn commented on the garbage rate increase and code enforcement.

James Berg commented on no pedestrian access around Marina Village, fiscal impact of Marina Village services, campaign signs still up in Suisun City.

Maria commented on drug dealing and prostitution taking place on Main Street, what plans are in place to address these issues, shop locally and downtown area.

Steve Olry commented on vacant property on Sunset and all the tents, speeding and traffic on Walters Road, we need to fix and solve problems.

Charles Lee commented on Mayor elects' term, does not agree with application process for filing a vacancy. Street sweepers going down middle of street because of parked cars; street sweeping signs should be put up in neighborhoods to notify property owners.

Larry Brumfield commented on the events this weekend in downtown, boat parade, Christmas tree lighting. Also, as a city where are we headed.

Wane Day commented on garbage rate increase, street sweeper and no street sweeping schedule signs put up in neighborhoods.

Donna LeBlanc commented on Gingly House special event permit, Gingly house is a 501 nonprofit, they brought national attention to our city and should not have to pay permit fees.

COUNCIL COMMENTS

4 Council/Boardmembers Updates

Council Member Hudson commented on Marina Village pedestrian walkway; also there are political signs still up and need to come down; trash containers; appointment process; Christmas on the Waterfront event; three cannabis shops approved and only one open so far, we should revisit.

Council Member Williams commented on the upcoming Christmas on the Waterfront event; Adopt-a-Neighborhood event on Railroad Avenue; homeless encampment by the train station that cut the fence, and fires in encampment; Adopt-a Neighborhood partnership with Sustainable Solano flood walk.

Council Member Day commented on the Christmas on the Waterfront event.

Mayor Pro Tem Hernandez commented on homeless meeting regarding policy for the regional homeless strategy on 12/15 at 6pm, thanked RPMA and Suisun Liberty Church for the senior lunches served at Thanksgiving; attended the Solano Pride Center Thanksgiving Community Dinner; Solano Retail Theft Community meeting for small businesses in the county and how to mitigate for theft, support and shop locally; Solano Food Bank looking for volunteers for this Saturday; appointed Vice President of the of Executive Committee for the Fairfield Suisun Sewer District, Council Member Hudson currently is President of the Executive Committee; attending League of California Cities Conference event on how to continue to good leadership for the city.

CONSENT CALENDAR NONE

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

PUBLIC HEARING

Housing Authority

- 5 Housing Authority Adoption of Resolution No. HA 2022-03: A Resolution of the Housing Authority of the City of Suisun City for Approval of the Second Amendment to the November 2, 2021 Disposition and Development Agreement with Harbor Park LLC for the Sale and Development of APNs 0032-101-420 and 0032-102-160 (Almond Gardens), in the City of Suisun City – (Bermudez: jbermudez@suisun.com).

Presentation by Development Services Director Bermudez.

Council Members asked clarification questions, applicant responded to questions and timeline of project.

Vice Mayor Hernandez opened the Public Hearing.

Donna LeBlanc commented on timeline, what happens after 2-year period, and placement of Almond Gardens tenants.

There being no further comments Vice Mayor Hernandez closed the Public Hearing.

Development Services Director Bermudez and applicant responded to questions. Struggling with keeping 52 affordable units.

Council Member Hudson commented Almond Gardens is sinking in the mud, has many problems, commendable that someone is taking on this project. A good project for Suisun.

Council Member Williams commended Mr. Nojoomi for the redevelopment of the 52 homes and families while mixing in market rate, is good for our community.

Council Member Day commended Mr. Nojoomi for his commitment to our community.

Mayor Pro Tem Hernandez commented on project and commended for Mr. Nojoomi for efforts on this project.

Motion by Council Member Williams to approve Resolution HA2022-03 and seconded by Council Member Day. Motion passed by the following vote:

AYES: Day, Hernandez, Hudson, Williams

NOES: None

ABSENT: None

City Council

- 6 Council Adoption of Resolution No. 2022-150: A Resolution of the City Council of the City of Suisun City Finding the Use of Live/Work Units to be Consistent with the Approved Lawler Mixed Use Planned Unit Development (PUD) Project (East of Lawler Center Drive and Between Anderson Drive and McCoy Creek Way, Assessor's Parcel Number 0173-670-390) – (Bermudez: jbermudez@suisun.com).

8:24 pm Council Member Williams left council chambers, 8:28 pm Council Member Williams returned to council chambers

Presentation by Principal Planner Kearns.

Council Members asked clarification questions, applicant responded to questions. Applicant addressed Plan A and Plan B and how Plan B, live/work would play out. If approved, ground breaking ceremony hopefully in spring with possible retail/restaurant in project.

Vice Mayor Hernandez opened the Public Hearing.

George Guynn commented on project and applicant is well qualified.

Donna LeBlanc commented on limited commercial space at the moment in Suisun City and converting commercial to live/work space. Does the City decide what businesses go in those spaces.

There being further comments Vice Mayor Hernandez closed the Public Hearing.

Principal Planner Kearns responded to questions. We do have control on the types of businesses allowed and live/work is an allowable use for the project.

Motion by Council Member Day to approve Resolution No. 2022-150 and seconded by Council Member Hudson. Motion passed by the following vote:

AYES: Day, Hernandez, Hudson, Williams

NOES: None

ABSENT: None

GENERAL BUSINESS

- 7 Discussion and Direction – Trash and Illegal Dumping – (Folsom: gfolson@suisun.com).

Chief Roth responded to questions regarding criminal ordinance,

City Attorney responded to process for administrative fines through the municipal code, administrative process and separate appeal process could be done.

Chief Roth responded to motion sensitive cameras.

Council Members: hot spots where signs are needed, cameras, garbage service dumpsters, social media, elementary schools, education, fencing brought back to council,

Deputy City Manager Lofthus responded to questions and commented on discussions with Potrero Hills Land Fill, Potrero Hills Land Fill and Republic Services have both adopted a highway for clean-up. Garbage picked up by trucks, unbagged garbage blows.

Changing ordinance where businesses are required to have enclosed garbage bins. Identify if the bin is not big enough for that apartment complex. Businesses should partner with city, an opportunity when issuing a use permit, code enforcement, appropriate signage, lighting identified as a deterrent to illegal dumping in certain areas. When giving direction for lighting what are options to look at for certain locations.

Public Works Director Vue commented power sources may not be available at all locations.

Vice Mayor Hernandez opened the Public Hearing.

Mike Segala commented on locking of dumpsters. Lighting works, installing a camera and sound system worked. Republic Services covered Highway 12 for Adopt-a-Highway, work with attorney.

George Guynn commented the police should issue dumping tickets on certain days instead of issuing speeding tickets. Republic Services works for us. Have people take pictures with cell phones when they see illegal dumping.

Steve Olry commented cameras would help. If we don't invest in some of these ideas nothing will happen. Follow trucks and write tickets. We need to tail them and write tickets

Mr. Santos commented on Republic Services netting over trucks and bin enclosures in shopping centers. Street sweeping notice should be posted so residents will move cars.

Council Hudson left council chamber at 9:45 pm, returned at 9:47 pm

Donna LeBlanc commented on another city that have dumpsters in trash enclosures, overhead lighting, and locks. Use money from cannabis dispensaries for city beautification, crime prevention, etc. Neighborhood Watch may help with illegal dumping.

Chief Roth, an infraction needs to happen in our presence, we do as much as we can.

Cannabis money is general fund and can be designated by council for beautification.

Mayor Pro tem Hernandez identified areas that need work, keeping other agencies accountable, lighting, locks on trash, signage, 3 meetings of new ad hoc to provide next level of direction for us to approve.

REPORTS: (Informational items only)

8 Non-Discussion Items

ADJOURNMENT

There being no further business the meeting was adjourned at 10:05 pm.

Anita Skinner, City Clerk



CITY COUNCIL
Mayor
Alma Hernandez, Mayor Pro-Tem
Jane Day
Michael J. Hudson
Wanda Williams

CITY COUNCIL MEETING

First and Third Tuesday
Every Month

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, DECEMBER 6, 2022
6:30 P.M.**

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

NOTICE

Pursuant to Government Code Section 54953, subdivision (b), and in accordance with the provisions of SB 361 (2021), the following Council/Successor Agency/Housing Authority meeting includes teleconference participation by: Council/Board Members Jane Day, Michael Hudson, Wanda Williams, Mayor Pro Tem Alma Hernandez. Teleconference locations are on file at City Hall, 701 Civic Center Blvd., Suisun City, CA 94585.

FACE MASKS ARE RECOMMENDED FOR MEMBERS OF THE PUBLIC WHILE IN CITY FACILITIES IF NOT FULLY VACCINATED. IF YOU DO NOT HAVE A FACE MASK, ONE WILL BE PROVIDED FOR YOU.

THE CITY COUNCIL HAS RESUMED IN-PERSON MEETINGS IN ADDITION TO ZOOM. A LIMITED NUMBER OF SEATS ARE AVAILABLE, TO RESERVE A SEAT PLEASE CONTACT THE CITY CLERK AT clerk@suisun.com OR 707 421-7302.

ZOOM MEETING INFORMATION:

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

MEETING ID: 827 5858 9317

CALL IN PHONE NUMBER: (707) 438-1720

**REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE CITY COUNCIL MEETING
BY EMAILING CLERK@SUISUN.COM (PRIOR TO 6 PM) 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. – 796)

(Next City Council Res. No. 2022 – 151)

Next Suisun City Council Acting as Successor Agency Res. No. SA2022 - 07)

(Next Housing Authority Res. No. HA2022 – 04)

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

Vice Mayor Hernandez called the meeting to order at 6:35pm with the following Council Members Present.

PRESENT: Day, Hernandez, Hudson, Williams

ABSENT: None

Pledge of Allegiance was led by Council Member Williams.

Invocation was given by Council Member Hudson.

CONFLICT OF INTEREST NOTIFICATION NONE

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

PUBLIC COMMENTS - Congratulatory comments only

(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.)

Donna Le Blanc, Leo Callejas, George Guynn, Eric Vera, Ruth Forney, Ruscal Cayangyang, Karina Cook, Galaxy A10e, Sherry Prewitt, and Joy congratulated all the candidates being sworn in this evening and thanked Council Members Jane Day and Wanda Williams for their service to the city.

COUNCIL COMMENTS**1. Council/Board Members Updates**

Council Member Hudson and Vice Mayor Hernandez thanked Council Members Wanda Williams and Jane Day for their service and commitment to Suisun City. Council Members Williams and Day thanked staff, Council and the community for their support over the years. recognized Jane Day for her long service to the city in transforming the city

CONSENT CALENDAR**2. Council Adoption of Resolution No. 2022-151: Reciting the Fact of the General Municipal and Special Municipal Election Held on November 8, 2022, Declaring the Result, and such other Matters as Provided by Law – (Skinner: askinner@suisun.com).**

Motion by Council Member Hudson to adopt the Consent Calendar and seconded by Council Member Williams. Motion passed by the following vote:

AYES: Day, Hernandez, Hudson, Williams

NOES: None

ABSENT: None

SPECIAL BUSINESS:

3. Administer Oath of Office:
 - a. Administer the Oath of Office to Mayor Short Term Larry Brumfield
Remarks by Elected Mayor.

Clerk Skinner swore in newly elected Short Term Mayor Larry Brumfield. Mayor Brumfield thanked everyone for their support.

Roll Call

Roll Call was taken at 7:22pm

PRESENT: Brumfield, Day, Hernandez, Hudson, Williams

ABSENT: None

ROLL CALL OF NEWLY SEATED COUNCIL

- a. Council / Board Members

SPECIAL BUSINESS:

4. Administer Oath of Office:
 - a. Administer the Oath of Office to Mayor Full Term Alma Hernandez
Assemblywoman Lori Wilson swore in new Mayor Alma Hernandez
 - b. Administer the Oath of Office to Council Member Jenalee Dawson
District Attorney Krista Abrahms swore in newly elected Council Member Jenalee Dawson.
 - c. Administer the Oath of Office to Council Member Princess Washington
Board of Supervisor Wanda Williams swore in Princess Washington

Remarks by Elected Officials.

Council Members Jenalee Dawson, Princess Washington and Mayor Hernandez thanked the community for support during the recent election and commented they were looking forward to serving to make Suisun City a better community.

RESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

5. Presentation of Award to Council Member Jane Day for serving as a Suisun City Council Member – (Hernandez: ahernandez@suisun.com).
Mayor Hernandez presented an award to on behalf of Jane Day to her husband Wayne Day.
6. Presentation of Award to Council Member Wanda Williams for serving as a Suisun City Council Member – (Hernandez: ahernandez@suisun.com).
Mayor Hernandez present an award to Council Member Williams.

7:56pm Recess to Short Reception for Celebration of Incoming and Outgoing Elected Officials in City Hall Rotunda.

ROLL CALL OF NEWLY SEATED COUNCIL

Mayor Hernandez called the meeting back to order at 8:36pm with the following Council Members present:

PRESENT: Dawson, Hernandez, Hudson, Washington

ABSENT: None

CONFLICT OF INTEREST NOTIFICATION NONE

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

REPORTS: (Informational items only)

7. City Manager/Executive Director/Staff

Deputy City Manager Kris Lofthus on behalf of himself and City Manager Folsom, congratulated the new council members and look forward to working together to move the city forward.

- Caltrans last week was on Highway 12 picking up trash and litter in part due to communication with Potrero Hills and will continue to work with those agencies to have them out there on a regular basis.
- Christmas on the Waterfront this past Saturday, even with the rain the event moved forward; thank you to all who came out and council members who participated; thank you to Public Works for getting it ready especially Rick Priest, the Police and Fire Departments and Janet and Justine from RMPA who coordinated the event
- Attended the Spirit of Solano Awards Luncheon and very happy to announce that La Cabana was chosen as Business of the Year.

8. Informational Update on the Traffic Safety Committee Accomplishments and On-going Work for the 2022 Calendar Year – (Vue: nvue@suisun.com).

Public Works Director Vue presented the staff report and power point.

PUBLIC COMMENTS

Steve Olry commented waiting for grants could take a year; will the sidewalks on Marina Blvd. be on both sides of the street, same with Railroad Avenue; after construction of McCoy Creek Phase II who will be monitoring it.

9. Housing Authority Update – (Lawton: klawton@suisun.com).

Kathy Lawson presented the report and power point. Community Action Partnership Solano Joint Powers Authority CAP Solano, JPA

Kathy Lawton presented the staff report and power point.

Consensus from Council to have Housing Authority explore if there is an organization or non-profit that would be a good partner for Suisun City.

PUBLIC COMMENT

Joe Joyce suggested using the former Senior Center as a good central location to provide the social services talked about.

PRESENTATION/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

10. Presentation of Proclamation in Recognition of Gingy House – (Hernandez: ahernandez@suisun.com).

Mayor Hernandez read proclamation and Council Member Washington presented to Vincent Tanciongco. Vincent Tanciongco thanked the Council for the recognition.

Mayoral Appointments of Council Boards, Commissions and Committees:

11. Approving Appointment of Suisun City Mayor Pro Tem – (Hernandez: ahernandez@suisun.com).

Mayor Hernandez appointed Princess Washington as Mayor Pro Tem.

Motion by Mayor Hernandez to approve appointment and seconded by Council Member Dawson. Motion passed by the following vote:

AYES: Dawson, Hernandez, Hudson, Washington

NOES: None

ABSENT: None

12. Approving Appointment to Trash and Illegal Dumping Ad hoc Committee – (Hernandez: ahernandez@suisun.com).

Mayor Hernandez appointed Council Members Hudson and Dawson to the Ad hoc Committee.

Mayor Hernandez moved to approve the appointments and seconded by Council Member Washington. Motion passed by the following vote:

AYES: Dawson, Hernandez, Hudson, Washington

NOES: None

ABSENT: None

PUBLIC COMMENTS

(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.)

Clerk Skinner read email from Regina Murphey who asked why Suisun City is only one in the county with no water discount for senior and low-income families and why do residents have to

have 90-gal green waste bins?

James Berg congratulated new council; voiced his concern that Item 19 should be earlier in the agenda because of its importance and gives more people an opportunity to voice opinions rather than items going past 10pm.

Donna LeBlanc asked about bus Routes 5&6 which will end on December 31st. How are the kids getting to school? Parents need this information to be able to make plans and arrangements for their children.

Steve Olry voiced concern about handing the trash situation over to two people to find a solution is concerning; making trash disappear is going to come with enforcement and additional labor which the city cannot afford.

George Guynn voiced concerns about rumors regarding possible appointments to the council vacancy.

Michelle Chavez presented Council with a wish list and suggestions for specific issues in Suisun.

Mike Anthony addressed Council about 1240 Kellogg Street; asked who the Ad hoc Committee is that will be making decisions on what will happen to the building and what type of business will go there.

Gabriella Sataurean voiced concerns about trash, drinking and smoking along the waterfront and asked when the residents and businesses will start to see enforcement.

Clerk Skinner read email from Jocelyn Quinn who requested if the city is going to go through the expense of a special election to fill the council vacancy to please include a vote for folding the Heritage Park LLD into the city's general LLD; including Heritage Park is a solution that has proven to work for other neighborhoods in our city that were underfunded.

Mayor Hernandez made a motion to move the Public Hearings to the next meeting and to complete Consent Calendar and General Business and re-agendize Public Hearings to December 20th meeting.

Substitute Motion by Council Member Hudson to adjourn holding all remaining agenda items to the next meeting. Motion died for a lack of a second.

Council Member Dawson seconded Mayor Hernandez motion. Motion passed by the following vote:

AYES: Dawson, Hernandez, Washington

NOES: Hudson

ABSENT: None

COUNCIL COMMENTS

13. Council/Board Members Updates

CONSENT CALENDAR

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

City Council

14. Council Consideration and possible action to adopt Resolution No. 2022-152: A Resolution of the City Council of the City of Suisun City proclaiming a local emergency persists and authorizing the use of remote teleconference meeting procedures by the City's legislative bodies, as authorized by government code section 54953(e) *et seq.*, through January 5, 2023 – (Folsom: gfolson@suisun.com).

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

15. 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 October 18, 2022 - (Skinner: askinner@suisun.com).

Council Member Dawson pulled Item 15.

Council Member Dawson moved to approve Consent Calendar Item 14 and seconded by Council Member Washington. Motion passed by the following vote:

AYES: Dawson, Hernandez, Hudson, Washington

NOES: None

ABSENT: None

Council Member Dawson questioned whether she could approve minutes where she was not a council member. It was explained that she would be able to abstain on the vote.

Mayor Hernandez moved to approve Consent Calendar Item 15 and seconded by Council Member Washington. Motion passed by the following vote:

AYES: Hernandez, Hudson

NOES: None

ABSENT: None

ABSTAIN: Dawson, Washington

PUBLIC HEARING**City Council**

16. Public Hearing and Other Proceedings Related to Annexation No.13 to Community Facilities District No. 2 (Municipal Services), for the Caterpillar Clubhouse Project: – (Vue: nvue@suisun.com).
- Council Adoption of Resolution No. 2022-___: Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors; and
 - Council Adoption of Resolution No. 2022-___: Declaring Results of Special Annexation Election, Determining Validity of Prior Proceedings, and Directing Recording of Amended Notice of Special Tax Lien; and
 - Council Introduction and Waive Reading of Ordinance No. ___: An Ordinance of the City Council of the City of Suisun City Levying Special Tax within City of Suisun City Community Facilities District No. 2 (Municipal Services), Including Certain Annexation Territory.

17. Public Hearing and Other Proceedings Related to Annexation No.14 to Community Facilities District No. 2 (Municipal Services), for the Zip Thru Car Wash Project: – (Vue: nvue@suisun.com).
- a. Council Adoption of Resolution No. 2022-____: Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors; and
 - b. Council Adoption of Resolution No. 2022-____: Declaring Results of Special Annexation Election, Determining Validity of Prior Proceedings, and Directing Recording of Amended Notice of Special Tax Lien; and
 - c. Council Introduction and Waive Reading of Ordinance No. ____: An Ordinance of the City Council of the City of Suisun City Levying Special Tax Within City of Suisun City Community Facilities District No. 2 (Municipal Services), Including Certain Annexation Territory.

GENERAL BUSINESS

City Council

18. Waterfront District Business Improvement District: - (Lofthus: klofthus@suisun.com).
- a. Council Adoption of Resolution No. 2022-153: Approving the Annual Assessment Report for the Waterfront District Business Improvement District.
 - b. Council Adoption of Resolution No. 2022-154: Declaring its Intent to Consider Reauthorizing the Suisun City Historic Waterfront Business Improvement District and the Assessment Levy for the District for Fiscal Year 2023 and Setting a Public Hearing to Consider these Matters for December 20,2022.

Deputy City Manager Kris Lofthus presented staff report and power point.
BID President Laura Cole-Rowe available via ZOOM for questions.

PUBLIC COMMENTS

George Guynn concerned that joining BID is not a choice; BID should be independent and city should not be involved.

Steve Olry commented that if you go down Main Street, you can't even tell its Christmas; resources are very short to do the job adequately; need to focus on more than the waterfront area;

Russell Dorsey commented on the homeless around the businesses and the city should hold them accountable and take advance of potential labor to clean up the waterfront area.

Motion by Council Member Dawson moved to approve Item 18 and seconded by Council Member Hudson. Motion passed by the following vote:

AYES: Dawson, Hernandez, Hudson, Washington

NOES: None

ABSENT: None

19. Provide direction to City Manager and City Attorney relating to filling the councilmember vacancy pursuant to one of the following, or at the Council's discretion: - (City Attorney).

- a. Direct the City Attorney to return at a future council meeting with the appropriate resolution to call a special election.
- b. Council Adoption of Resolution No. 2022-____: A Resolution of the City Council of the City of Suisun City Adopting Procedures Relating to the Filling of a Vacancy on the City Council.
- c. Direct the City Attorney to return at a future meeting with the appropriate documentation to appoint a specific candidate pursuant to Council direction.
- d. Provide the City Attorney with other direction.

City Attorney Gerli presented staff report and power point.

PUBLIC COMMENTS

The following members of the public spoke against a special election and an appointment process. They favored appointment the candidate who received the third highest votes from the November 8th election, being Charles Lee: Donna LeBlanc, Herbert Dardon, Patricia Matteson, George Guynn, Laura Dorsey, Russell Dorsey, Pamela Gore, Michelle Chavez, Gabriella Sataurean, Lito Santos and Steve Olry.

Clerk Skinner commented the following residents oppose the application and special election process. They urge the Council to appoint the person receiving the third highest votes and support Charles Lee being appoint to fill the vacant seat: Joseph Longo, Tracy Best, Lolita Best Mike Moore, Cecilio Rondolos; James F. Tomasello, Allison Ambrose; Sheila Rose, Allison Hodge, Doug Coper, Becca G, Jena Ryanuinn, Jessica Martin, Wayne Davison, Adrienne Eichenberger, Jay Hughes, Verna Lee Schuetter, Karen de Graef, Rob Thomas.

Following Council discussion, Council directed the City Attorney to prepare for the next meeting the application process. Applicants to be heard at a Town Hall meeting on Tuesday, January 10th where the public may submit question for the applicants; submitting 7 names to the mayor for consideration, and giving preference to council candidates who ran in the November 8th election, should they apply.

REPORTS: (Informational items only)

20. Non-Discussion Items

ADJOURNMENT

There being no further business the meeting was adjourned at 12:06am.

Anita Skinner, City Clerk

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AGENDA TRANSMITTAL

MEETING DATE: January 3, 2023

CITY AGENDA ITEM: Public Hearing and Other Proceedings Related to Annexation No.13 to Community Facilities District No. 2 (Municipal Services), for the Caterpillar Clubhouse Project (Continued from December 20, 2022):

- a. Council Adoption of Resolution No. 2023-___: Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors; and
- b. Council Adoption of Resolution No. 2023-___: Declaring Results of Special Annexation Election, Determining Validity of Prior Proceedings, and Directing Recording of Amended Notice of Special Tax Lien; and
- c. Council Introduction of Ordinance No. ___: An Ordinance of the City Council of the City of Suisun City Levying Special Tax Within City of Suisun City Communities Facilities District No. 2 (Municipal Services), Including Certain Annexation Territory.

FISCAL IMPACT: There would be a positive impact to the General Fund from this item. Once annexed into CFD#2, Caterpillar Clubhouse will begin to contribute funds towards Safety Services such as police and fire. The annexation of the Caterpillar Clubhouse into Community Facilities District No. 2 meets the fiscal criteria as established by Resolution No. 2005-69 Cost Recovery Policy for New Development, dated October 4, 2005. Community Facilities District #2 is intended to offset Municipal Service costs, including administrative costs, thereby reducing the negative fiscal impact of new development on the City's General Fund.

STRATEGIC PLAN IMPACT: Provide Good Governance and Ensure Public Safety.

BACKGROUND: As part of the Caterpillar Clubhouse conditions of approval, the developer is required to mitigate the impact on City Services due to the new development. In accordance with the development conditions imposed on development project, the landowner is annexing to Community Facility District No. 2 to offset municipal service costs for police, fire, paramedics.

As the first step in the annexation process, the Resolution of Intention was brought before Council and approved at the November 1, 2022, Council Meeting.

STAFF REPORT: The second steps in the legislative process for annexation of the Caterpillar Clubhouse into Community Facility District No. 2 include conducting the Public Hearing and the Hearing that are before you this evening. The final step involves the item coming back to Council as part of an Ordinance for Council's approval at the January 17, 2023, meeting.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Amanda Dum, Management Analyst II
 Nouae Vue, Director Public Works
 Greg Folsom, City Manager

STAFF RECOMMENDATION: It is recommended that the City Council:

- a. Adopt Resolution No. 2023-___: Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors; and
- b. Adopt Resolution No. 2023-___: Declaring Results of Special Annexation Election, Determining Validity of Prior Proceedings, and Directing Recording of Amended Notice of Special Tax Lien; and
- c. Council Introduction of Ordinance No. ___: An Ordinance of the City Council of the City of Suisun City Levying Special Tax Within City of Suisun City Communities Facilities District No. 2 (Municipal Services), Including Certain Annexation Territory.

ATTACHMENTS:

1. Council Resolution No. 2023-___: Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors; and
2. Council Resolution No. 2023-___: Declaring Results of Special Annexation Election, Determining Validity of Prior Proceedings, and Directing Recording of Amended Notice of Special Tax Lien; and
3. Council Introduction of Ordinance No. ___: An Ordinance of the City Council of the City of Suisun City Levying Special Tax Within City of Suisun City Communities Facilities District No. 2 (Municipal Services), Including Certain Annexation Territory.
4. District Boundary Map.
5. PowerPoint Presentation.

RESOLUTION NO. 2023-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
SUBMITTING ANNEXATION OF TERRITORY AND LEVY OF SPECIAL TAXES
TO QUALIFIED ELECTORS**

**CITY OF SUISUN CITY
Community Facilities District No. 2
(Municipal Services)**

Annexation No. 13 (Caterpillar Clubhouse)

RESOLVED by the City Council (the “Council”) of the City of Suisun City (the “City”), County of Solano, State of California, that:

WHEREAS, this Council, acting as legislative body of the City of Suisun City’s Community Facilities District No. 2 (Municipal Services) (the “CFD”) has adopted “A Resolution of Intention to Annex Territory to Community Facilities District and to Authorize the Levy of Special Taxes Therein” (the “Resolution of Intention to Annex”) stating its intention to annex certain territory (the “Annexation Territory”) to the CFD pursuant to the Mello Roos Community Facilities Act of 1982, Sections 53311 and following of the California Government Code (the “Act”);

WHEREAS, a copy of the Resolution of Intention to Annex, incorporating a description and map of the proposed boundaries of the Annexation Territory and stating the services (the “Services”) to be provided and the rate and method of apportionment of the special tax (the “Special Taxes”) to be levied within the Annexation Territory to pay for the Services, is on file with the City Clerk and the provisions thereof are fully incorporated herein by this reference as if fully set forth herein;

WHEREAS, on the date hereof, this Council held a noticed public hearing as required by the Act and the Resolution of Intention to Annex relative to the proposed annexation of the Annexation Territory to the CFD and the levy of special taxes in the Annexation Territory;

WHEREAS, at such hearing all interested persons desiring to be heard on all matters pertaining to the annexation of the Annexation Territory to the CFD and the levy of the Special Taxes within the Annexation Territory were heard and a full and fair hearing was held;

WHEREAS, prior to the time fixed for the hearing, written protests had not been filed against the proposed annexation of the Annexation Territory to the CFD by (i) 50% of more of the registered voters, or six registered voters, whichever is more, residing in the existing CFD, or (ii) 50% or more of the registered voters, or six registered voters, whichever is more, residing in the Annexation Territory, (iii) owners of one-half or more of the area of land in the CFD not exempt from special taxes or (iv) owners of one-half or more of the area of land in the Annexation Territory not exempt from special taxes; and

1 **WHEREAS**, the Annexation Map of the captioned annexation has been filed with the
2 City Clerk and recorded in the Solano County Recorder's Office on November 29, 2022, in
3 Book 26 at Page 62 of Maps of Assessment and Community Facilities Districts as Document
4 Number 202200074867, which map shows the Annexation Territory.

5 **NOW, THEREFORE, IT IS HEREBY ORDERED**, as follows:

6 **1. Prior Proceedings.** All prior proceedings taken by this Council with respect to the CFD
7 and the proposed annexation of the Annexation Territory thereto have been duly considered
8 and are hereby determined to be valid and in conformity with the Act, and the CFD has been
9 validly established pursuant to the Act.

10 **2. Prior Resolutions.** The provisions of the Resolution of Intention to Annex and
11 Resolution No. 2005-89, entitled "A Resolution of the Suisun City Council Forming
12 Community Facilities District No. 2 (Municipal Services)" (the "Resolution of Formation"),
13 previously adopted by this Council for the CFD, are by this reference incorporated herein, as
14 if fully set forth herein.

15 **3. Voter Approval.** Pursuant to the provisions of the Act, the propositions of (i) the
16 annexation of the Annexation Territory and (ii) the levy of the Special Taxes within the
17 Annexation Territory shall be submitted to the voters of the Annexation Territory at an election
18 called therefor as hereinafter provided.

19 **4. Electors Determined.** This Council hereby finds that fewer than 12 persons have been
20 registered to vote within the Annexation Territory for each of the 90 days preceding the close
21 of the hearing heretofore conducted and concluded by this Council for the purposes of these
22 annexation proceedings. Accordingly, and pursuant to the Act, this Council finds that for
23 purposes of these proceedings the qualified electors are the landowners within the Annexation
24 Territory and that the vote shall be by said landowners, each having one vote for each acre or
25 portion thereof such landowner owns in the Annexation Territory.

26 **5. Applicable Laws.** Pursuant the Act, the election shall be conducted by mail ballot under
27 Section 4000 of the California Elections Code, provided, however, that for purposes of setting
28 the date for the election, Sections 53326 and 53327 of the Act shall govern.

6. Special Election Called. On Tuesday, January 3, 2023, in the Council Chambers in City
Hall, 701 Civic Center Blvd., Suisun City, California, a special election is hereby called to
consider the measure described in the ballot referred to below. This Council hereby further
finds that the provision of the Act requiring a minimum of 90 days to elapse before said
election is for the protection of voters, that the voters have waived such requirement and the
date for the election herein specified is established accordingly.

Under Section 50075.1 of the Government Code, the following accountability provisions shall
apply to the special taxes: (a) the provision and/or acquisition of the Services and the incidental
costs thereof, all as defined in the Resolution of Intention to Annex and the Resolution of
Formation, shall constitute the specific single purpose; (b) the proceeds shall be applied only

to the specific purposes identified in (a) above; (c) there shall be created special account(s) or funds(s) into which the proceeds shall be deposited; and (d) there shall be caused to be prepared an annual audit and report of the CFD.

7. Election Official. The City Clerk is hereby appointed as the election official to conduct the election and shall cause to be provided to each landowner in the Annexation Territory a ballot substantially in the form of Exhibit A hereto (the "Ballot"), which form is hereby approved. The City Clerk shall accept mailed or hand delivered Ballots of the qualified electors received prior to 5:30 o'clock p.m. on the date fixed above for the election.

8. Effective. This resolution shall take effect upon its adoption.

* * * * *

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Suisun City duly held on Tuesday, the 3rd day of January 2023, by the following vote:

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

WITNESS my hand and the seal of said City this 3rd day of January 2023.

ATTEST:

Mayor

Anita Skinner, City Clerk

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EXHIBIT A
CITY OF SUISUN CITY
Community Facilities District No. 2
(Municipal Services)
Annexation No. 13 (Caterpillar Clubhouse)
OFFICIAL BALLOT
SPECIAL TAX ANNEXATION ELECTION

This ballot is for a special, landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the City Clerk of the City of Suisun City no later than 6:30 p.m. on Tuesday, December 6, 2022, either by mail or in person. The City Clerk's office is located at 701 Civic Center Boulevard, Suisun City, California 94585.

To vote, mark a cross (X) on the voting line after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Suisun City and obtain another.

The amount of money to be raised annually by the levy of the special tax on the property to be annexed to Community Facilities District No. 2 (Municipal Services) is \$4,588 in 2022/23 dollars and the rate and duration of the tax to be levied is as set forth in the rate and method of apportionment of special tax for Community Facilities District No. 2 (Municipal Services).

BALLOT MEASURE NO. 1: *Shall the City of Suisun City, by and for its Community Facilities District No. 2 (Municipal Services) (the "CFD"), be authorized to annex Annexation No. 13 (Caterpillar Clubhouse) to the CFD, as such territory is described in "A Resolution Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors" adopted by the City Council of the City of Suisun City on December 6, 2022? The effectiveness of this Ballot Measure No. 1 is contingent upon the passage of Ballot Measure No. 2.*

Qualified Landowner Votes	Votes Cast	YES	NO
1			

BALLOT MEASURE NO. 2: *Shall the City of Suisun City, by and for its Community Facilities District No. 2 (Municipal Services) (the “CFD”), be authorized to levy special taxes within the territory proposed for annexation to the CFD according to the rate and method of apportionment specified in the Resolution of the City Council entitled “A Resolution of Intention to Annex Territory to Community Facilities District and to Authorize the Levy of Special Taxes Therein,” adopted by the City Council of the City of Suisun City on December 20, 2022? The effectiveness of this Ballot Measure No. 2 is contingent upon the passage of Ballot Measure No. 1.*

Qualified Landowner Votes	Votes Cast	YES	NO
1			

By execution in the space provided below, you also confirm your written waiver of the time limit pertaining to the conduct of the election and any requirement for analysis and arguments with respect to the ballot measure.

Assessor Parcel No.: 0173-670-210
Acres: 0.51
Number of Votes: 1
3N LAND & BLDG FUND REIT-INC
By: _____
Name: _____
Its: _____

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RESOLUTION NO. 2023-____

**A RESOLUTION DECLARING RESULTS OF SPECIAL ANNEXATION
ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND
DIRECTING RECORDING OF AMENDED NOTICE OF SPECIAL TAX LIEN**

**CITY OF SUISUN CITY
Community Facilities District No. 2
(Municipal Services)**

Annexation No. 13 (Caterpillar Clubhouse)

RESOLVED by the City Council (the “Council”) of the City of Suisun City (the “City”), County of Solano, State of California, that:

WHEREAS, in proceedings heretofore conducted by the Council pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Act”), this Council has heretofore adopted a resolution calling a special election of the qualified landowner electors in the territory of land (the “Annexation Territory”) proposed to be annexed to Community Facilities District No. 2 (Municipal Services) (the “CFD”);

WHEREAS, pursuant to the terms of the resolution of the City Council entitled “A Resolution Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors” (the “Election Resolution”) adopted by the City Council on this date, which is hereby incorporated herein by this reference, the special election has been held and the City Clerk has filed a Canvass of Votes Cast in Special Election (the “Canvass”), a copy of which is attached hereto as Exhibit A; and,

WHEREAS, this Council has reviewed the Canvass and hereby approves it.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- 1. Issue Presented.** The issues presented at the special election were (i) the annexation of the Annexation Territory to the CFD and (ii) the levy of a special tax within the Annexation Territory.
- 2. Measure Approved.** Pursuant to the Canvass, the issues presented at the special election were approved by the landowners of the Annexation Territory by more than two-thirds of the votes received at the special election.
- 3. Annexation Completed.** Pursuant to the voter approval, the Annexation Territory is hereby declared to be fully annexed to and part of the CFD with full legal effect.
- 4. Authority to Levy Special Taxes.** Pursuant to the voter approval, this Council may levy special taxes in the territory in the Annexation Territory according to the rate and method of apportionment specified in the Resolution of this Council entitled “A

Resolution of Intention to Annex Territory to Community Facilities District and to Authorize the Levy of Special Taxes Therein,” adopted on November 1, 2002.

5. Prior Proceedings. It is hereby found that all prior proceedings and actions taken by this Council pursuant to the CFD and the Annexation Territory were valid and in conformity with the Act.

6. Amendment to Notice of Lien. Within 15 days of the date of this Resolution, the City Clerk shall execute and cause to be recorded in the office of the County Recorder of the County of Solano an amendment to the Notice of Special Tax Lien as required by Section 3117.5 of the California Streets and Highways Code.

7. Effective. This resolution shall take effect upon its adoption.

* * * * *

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Suisun City duly held on Tuesday, the 3rd day of January 2023, by the following vote:

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

WITNESS my hand and the seal of said City this 3rd day of January 2023.

ATTEST:

Mayor

Anita Skinner, City Clerk

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EXHIBIT A
CITY OF SUISUN CITY
Community Facilities District No. 2
(Municipal Services)

Annexation No. 13 (Caterpillar Clubhouse)

CANVASS AND STATEMENT OF RESULT OF ELECTION

I hereby certify that on this date, I canvassed the returns of the election held on this date in the territory proposed for annexation to City of Suisun City Community Facilities District No. 2 (Municipal Services), which election is designated as the Special Tax Annexation Election, and the total number of ballots cast in the territory proposed to be annexed and the total number of votes cast for and against the measures are as follows and the totals as shown for and against the measures are full, true and correct:

BALLOT MEASURE NO. 1: *Shall the City of Suisun City, by and for its Community Facilities District No. 2 (Municipal Services) (the “CFD”), be authorized to annex Annexation No. 13 (Caterpillar Clubhouse) to the CFD, as such territory is described in “A Resolution Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors” adopted by the City Council of the City of Suisun City on December 6, 2022? The effectiveness of this Ballot Measure No. 1 is contingent upon the passage of Ballot Measure No. 2.*

Qualified Landowner Votes	Votes Cast	YES	NO
1			

BALLOT MEASURE NO. 2: *Shall the City of Suisun City, by and for its Community Facilities District No. 2 (Municipal Services) (the “CFD”), be authorized to levy special taxes within the territory proposed for annexation to the CFD according to the rate and method of apportionment specified in the Resolution of the City Council entitled “A Resolution of Intention to*

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Annex Territory to Community Facilities District and to Authorize the Levy of Special Taxes Therein,” adopted by the City Council of the City of Suisun City on December 6, 2022? The effectiveness of this Ballot Measure No. 2 is contingent upon the passage of Ballot Measure No. 1.

Qualified Landowner Votes	Votes Cast	YES	NO
1			

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this __ day of _____, 2023.

CITY OF SUISUN CITY

By: _____
Anita Skinner, City Clerk

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SUISUN CITY LEVYING SPECIAL TAX WITHIN CITY OF SUISUN
CITY COMMUNITY FACILITIES DISTRICT NO. 2 (MUNICIPAL
SERVICES), INCLUDING CERTAIN ANNEXATION TERRITORY**

**CITY OF SUISUN CITY
Community Facilities District No. 2
(Municipal Services)**

Annexation No. 13 (Caterpillar Clubhouse)

WHEREAS, the City of Suisun City (the “City”) has conducted proceedings pursuant to the Mello-Roos Community Facilities Act, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the “Act”) to establish “City of Suisun City Community Facilities District No. 2 (Municipal Services)” (the “CFD”) for the purpose of financing certain municipal services (the “Services”) as provided in the Act; and

WHEREAS, the rate and method of apportionment of special tax for the CFD (the “Original Rate and Method”) is set forth in Exhibit A to City Council Resolution 2005-89, which was adopted on November 15, 2005 (the “Resolution of Formation”); and

WHEREAS, the City has conducted proceedings to annex territory into the CFD and, in connection therewith, approved supplements to the Original Rate and Method (as supplemented, the “Rate and Method”);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUISUN CITY as follows:

SECTION ONE: By the passage of this Ordinance, pursuant to the Act, the Council hereby authorizes and levies the Special Tax within the CFD, including all territory annexed into the CFD prior to the date hereof, at the rate and in accordance with method set forth in the Rate and Method, which rate and method are by this reference incorporated herein. The Special Tax has previously been levied in the original territory of the CFD beginning in fiscal year 2006-07 pursuant to Ordinance No. 684, passed and adopted by the City Council on December 6, 2005, and the Special Tax is hereby levied commencing in fiscal year 2022-23 in the territory annexed to the CFD subsequent to formation of the CFD, and in each fiscal year thereafter to pay for the Services for the CFD and all costs of administering the CFD.

The City Council hereby ratifies the levy of special taxes within the CFD pursuant to the Act, at the rate and in accordance with the Rate and Method, in fiscal years 2006-07 through 2022-23.

1 **SECTION TWO:** The City Manager or designee, or an employee or consultant of the
2 City, is hereby authorized and directed each fiscal year to determine the specific Special Tax to
3 be levied for the next ensuing fiscal year for each parcel of real property within the CFD,
4 including all territory annexed to the CFD prior to the date hereof, in the manner and as provided
5 in the Rate and Method.

6 **SECTION THREE:** Exemptions from the levy of the Special Tax shall be as provided
7 in the Resolution of Formation, the Rate and Method and the applicable provisions of the Act.
8 In no event shall the Special Tax be levied on any parcel within the CFD in excess of the
9 maximum Special Tax specified in the Rate and Method.

10 **SECTION FOUR:** All of the collections of the Special Tax shall be used as provided
11 in the Act and in the Resolution of Formation, including, but not limited to, the payment of
12 costs of the Services, the payment of the costs of the City in administering the CFD, and the
13 costs of collecting and administering the Special Tax.

14 **SECTION FIVE:** The Special Tax shall be collected in the same manner as ordinary
15 ad valorem taxes are collected and shall have the same lien priority, and be subject to the same
16 penalties and the same procedure and sale in cases of delinquency as provided for ad valorem
17 taxes; provided, however, that the Council may provide for other appropriate methods of
18 collection by resolution(s) of the Council. The City Manager of the City (or the City Manager's
19 designee) is hereby authorized and directed to provide all necessary information to the
20 auditor/tax collector of the County of Solano in order to effect proper billing and collection of
21 the Special Tax, so that the Special Tax shall be included on the secured property tax roll of the
22 County of Solano for fiscal year 2022-23 and for each fiscal year thereafter, as set forth above,
23 until no longer required to pay for the Services or until otherwise terminated by the City.

24 **SECTION SIX:** If for any reason any portion of this Ordinance is found to be invalid,
25 or if the Special Tax is found inapplicable to any particular parcel within the CFD, including
26 all territory annexed to the CFD prior to the date hereof, by a court of competent jurisdiction,
27 the balance of this Ordinance and the application of the Special Tax to the remaining parcels
28 within the CFD, including all territory annexed to the CFD prior to the date hereof, shall not be
affected.

SECTION SEVEN: The Mayor shall sign this Ordinance and the City Clerk shall cause
the same to be published immediately after its passage at least once in a newspaper of general
circulation circulated in the City.

SECTION EIGHT: This Council affirms the provisions of Ordinance No. 684 except
to the extent any terms of such Ordinance are inconsistent with the provisions of this Ordinance,
in which case the terms of this Ordinance shall govern.

SECTION NINE: This Ordinance shall become effective (30) days following its
passage and adoption and shall be published once within fifteen (15) days upon passage and
adoption in a newspaper of general circulation in the City of Suisun City, County of Solano.

INTRODUCED at a regular meeting of the City Council of the City of Suisun City held on January 3, 2023, by the following vote:

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

WITNESS my hand and the seal of said City this 3rd day of January 2023.

Anita Skinner
City Clerk

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Suisun City held on January 17, 2023, by the following vote:

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

ATTEST:

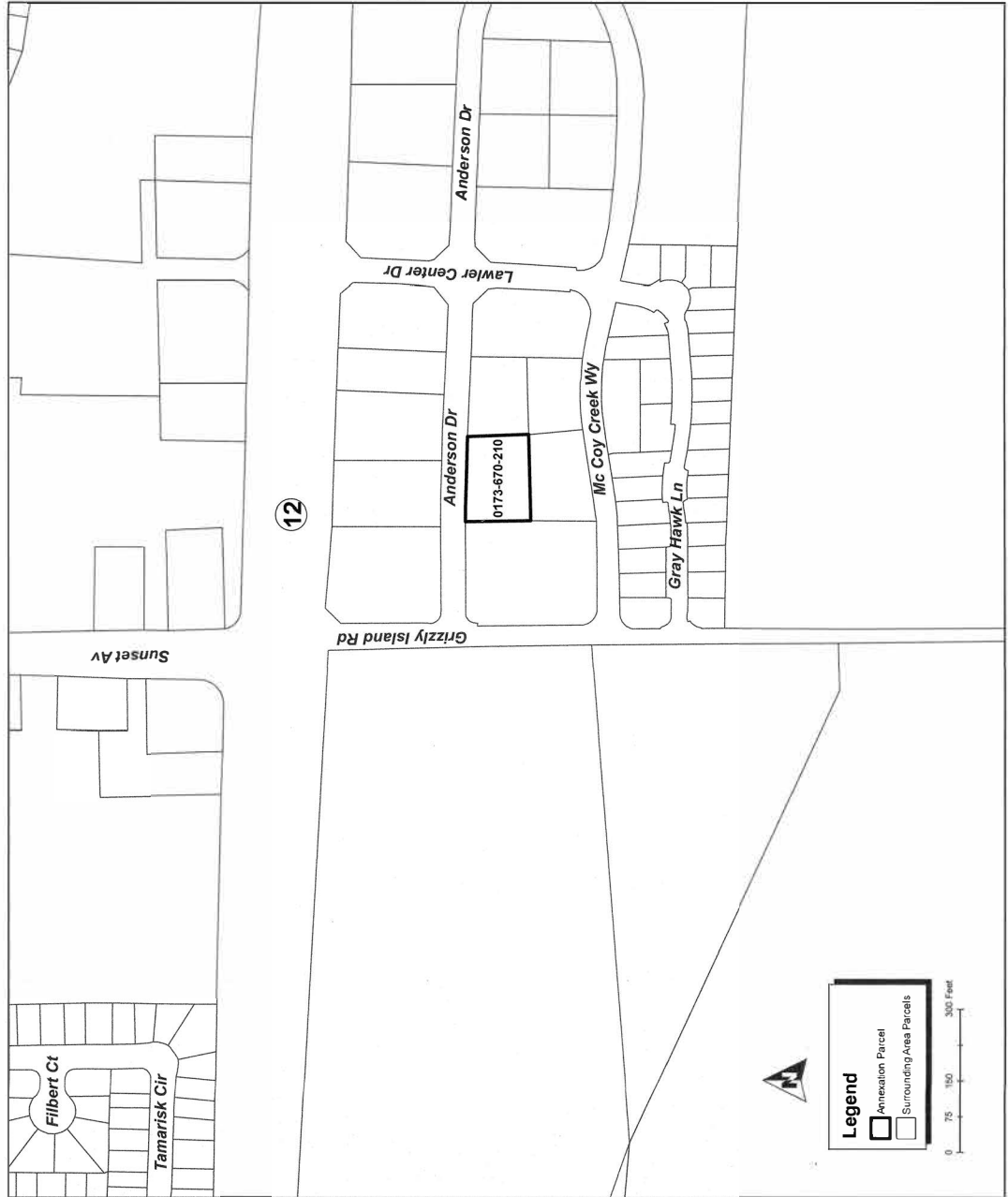
Mayor

Anita Skinner, City Clerk

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Annexation Map No. 13 of City of Suisun City Community Facilities District No. 2 (Municipal Services)

COUNTY OF SOLANO
STATE OF CALIFORNIA



REFERENCE IS HEREBY MADE TO THAT CERTAIN MAP ENTITLED "PROPOSED BOUNDARIES OF CITY OF SUISUN CITY, COMMUNITY FACILITIES DISTRICT NO. 2 (MUNICIPAL SERVICES), COUNTY OF SOLANO, STATE OF CALIFORNIA," WHICH WAS PREPARED BY THE CITY OF SUISUN CITY, AND WAS FILED IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY OF SOLANO, STATE OF CALIFORNIA, WHICH THIS ANNEXATION MAP AFFECTS.

1. FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF SUISUN CITY THIS 1ST DAY OF November 2022.

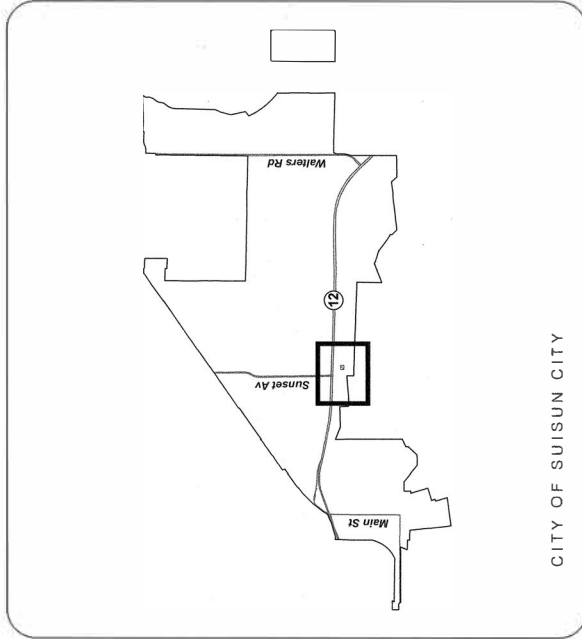
Britt Alvarado
CITY CLERK

2. I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 13 TO CITY OF SUISUN CITY, COMMUNITY FACILITIES DISTRICT NO. 2 (MUNICIPAL SERVICES), COUNTY OF SOLANO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY OF SUISUN CITY, AT A MEETING THEREOF HELD ON THE 1ST DAY OF November 2022 BY ITS RESOLUTION NO. 2022-71.

Britt Alvarado
CITY CLERK

3. FILED THIS 2ND DAY OF November 2022 AT THE HOUR OF 4:35 O'CLOCK A.M., IN BOOK 26 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 62, IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF SOLANO, STATE OF CALIFORNIA.

Mark Tanssen by W. Miller
COUNTY RECORDER
COUNTY OF SOLANO



Source: Solano County GIS
Geographic Coordinate Reference: GCS North American 1983
Projection: NAD 1983 StatePlane California II FIPS 0402 Feet



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Community Facilities District #2

ANNEXATION #13

CATERPILLAR CLUBHOUSE PROJECT

January 3, 2023

1

Community Facilities District #2 – City-Wide

Majority of revenue from District goes to Safety Services (Police & Fire)

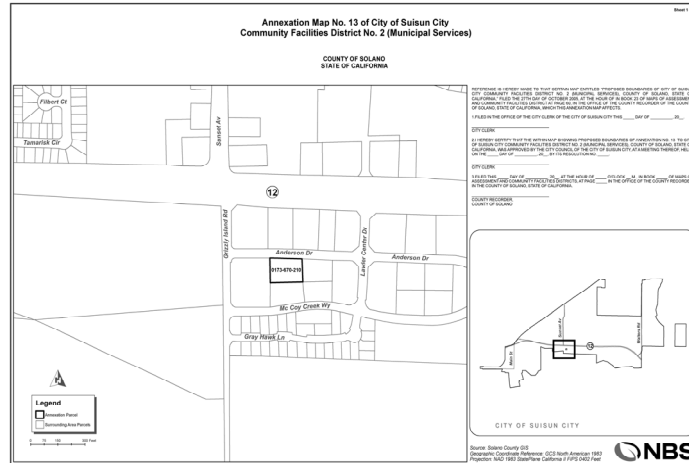
Caterpillar Clubhouse
Property Location

Existing CFD
Properties

LANDSCAPING AND LIGHTING DISTRICTS,
COMMUNITY FACILITIES DISTRICTS,
AND TAX ZONES
LOCATION MAP
DEPARTMENT OF PUBLIC WORKS
REVISED MARCH 2019
SUBSUN CITY, BOLAND COUNTY, CALIFORNIA 94985

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Caterpillar Clubhouse Boundary Map



3

Staff Recommendations

It is recommended that the City Council adopt the following:

- a. Adoption of Resolution No. 2023-____: Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors; and
- b. Adoption of Resolution No. 2023-____: Declaring Results of Special Annexation Election, Determining Validity of Prior Proceedings, and Directing Recording of Amended Notice of Special Tax Lien; and
- c. Council Introduction of Ordinance No. ____: Levying Special Tax within City of Suisun City Community Facilities District No. 2 (Municipal Services), Including Certain Annexation Territory.

4

Questions?

CONDUCT PUBLIC HEARING

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AGENDA TRANSMITTAL

MEETING DATE: January 3, 2023

CITY AGENDA ITEM: Public Hearing and Other Proceedings Related to Annexation No.14 to Community Facilities District No. 2 (Municipal Services), for the Zip Thru Car Wash Project (Continued from December 20, 2022):

- a. Council Adoption of Resolution No. 2023-___: Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors; and
- b. Council Adoption of Resolution No. 2023-___: Declaring Results of Special Annexation Election, Determining Validity of Prior Proceedings, and Directing Recording of Amended Notice of Special Tax Lien; and
- c. Council Introduction of Ordinance No. ___: An Ordinance of the City Council of the City of Suisun City Levying Special Tax Within City of Suisun City Communities Facilities District No. 2 (Municipal Services), Including Certain Annexation Territory.

FISCAL IMPACT: There would be a positive impact to the General Fund from this item. Once annexed into CFD#2, Zip Thru Car Wash will begin to contribute funds towards Safety Services such as police and fire. The annexation of the Zip Thru Car Wash into Community Facilities District No. 2 meets the fiscal criteria as established by Resolution No. 2005-69 Cost Recovery Policy for New Development, dated October 4, 2005. Community Facilities District #2 is intended to offset Municipal Service costs, including administrative costs, thereby reducing the negative fiscal impact of new development on the City's General Fund.

STRATEGIC PLAN IMPACT: Provide Good Governance and Ensure Public Safety.

BACKGROUND: As part of the Zip Thru Car Wash conditions of approval, the developer is required to mitigate the impact on City Services due to the new development. In accordance with the development conditions imposed on development project, the landowner is annexing to Community Facility District No. 2 to offset municipal service costs for police, fire, paramedics.

As the first step in the annexation process, the Resolution of Intention was brought before Council and approved at the November 1, 2022, Council Meeting.

STAFF REPORT: The second steps in the legislative process for annexation of the Zip Thru Car Wash into Community Facility District No. 2 include conducting the Public Hearing and the Hearing that are before you this evening. The final step involves the item coming back to Council as part of an Ordinance for Council's approval at the January 17, 2023, meeting.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Amanda Dum, Management Analyst II
 Nouae Vue, Director Public Works
 Greg Folsom, City Manager

STAFF RECOMMENDATION: It is recommended that the City Council:

- a. Adopt Resolution No. 2023-___: Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors; and
- b. Adopt Resolution No. 2023-___: Declaring Results of Special Annexation Election, Determining Validity of Prior Proceedings, and Directing Recording of Amended Notice of Special Tax Lien; and
- c. Council Introduction of Ordinance No. ___: An Ordinance of the City Council of the City of Suisun City Levying Special Tax Within City of Suisun City Communities Facilities District No. 2 (Municipal Services), Including Certain Annexation Territory.

ATTACHMENTS:

1. Council Resolution No. 2023-___: Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors; and
2. Council Resolution No. 2023-___: Declaring Results of Special Annexation Election, Determining Validity of Prior Proceedings, and Directing Recording of Amended Notice of Special Tax Lien; and
3. Council Introduction of Ordinance No. ___: An Ordinance of the City Council of the City of Suisun City Levying Special Tax Within City of Suisun City Communities Facilities District No. 2 (Municipal Services), Including Certain Annexation Territory.
4. District Boundary Map.
5. PowerPoint Presentation.

RESOLUTION NO. 2023-____
A RESOLUTION SUBMITTING
ANNEXATION OF TERRITORY AND
LEVY OF SPECIAL TAXES TO QUALIFIED ELECTORS
CITY OF SUISUN CITY
Community Facilities District No. 2
(Municipal Services)
Annexation No. 14 (Zip Thru Car Wash)

RESOLVED by the City Council (the “Council”) of the City of Suisun City (the “City”), County of Solano, State of California, that:

WHEREAS, this Council, acting as legislative body of the City of Suisun City’s Community Facilities District No. 2 (Municipal Services) (the “CFD”) has adopted “A Resolution of Intention to Annex Territory to Community Facilities District and to Authorize the Levy of Special Taxes Therein” (the “Resolution of Intention to Annex”) stating its intention to annex certain territory (the “Annexation Territory”) to the CFD pursuant to the Mello Roos Community Facilities Act of 1982, Sections 53311 and following of the California Government Code (the “Act”);

WHEREAS, a copy of the Resolution of Intention to Annex, incorporating a description and map of the proposed boundaries of the Annexation Territory and stating the services (the “Services”) to be provided and the rate and method of apportionment of the special tax (the “Special Taxes”) to be levied within the Annexation Territory to pay for the Services, is on file with the City Clerk and the provisions thereof are fully incorporated herein by this reference as if fully set forth herein;

WHEREAS, on the date hereof, this Council held a noticed public hearing as required by the Act and the Resolution of Intention to Annex relative to the proposed annexation of the Annexation Territory to the CFD and the levy of special taxes in the Annexation Territory;

WHEREAS, at such hearing all interested persons desiring to be heard on all matters pertaining to the annexation of the Annexation Territory to the CFD and the levy of the Special Taxes within the Annexation Territory were heard and a full and fair hearing was held;

WHEREAS, prior to the time fixed for the hearing, written protests had not been filed against the proposed annexation of the Annexation Territory to the CFD by (i) 50% of more of the registered voters, or six registered voters, whichever is more, residing in the existing CFD, or (ii) 50% or more of the registered voters, or six registered voters, whichever is more, residing in the Annexation Territory, (iii) owners of one-half or more of the area of land in the CFD not exempt from special taxes or (iv) owners of one-half or more of the area of land in the Annexation Territory not exempt from special taxes; and

WHEREAS, the Annexation Map of the captioned annexation has been filed with the City Clerk and recorded in the Solano County Recorder’s Office on November 29, 2022, in

Book 26 at Page 63 of Maps of Assessment and Community Facilities Districts as Document Number 202200074950, which map shows the Annexation Territory.

NOW, THEREFORE, IT IS HEREBY ORDERED, as follows:

1. Prior Proceedings. All prior proceedings taken by this Council with respect to the CFD and the proposed annexation of the Annexation Territory thereto have been duly considered and are hereby determined to be valid and in conformity with the Act, and the CFD has been validly established pursuant to the Act.

2. Prior Resolutions. The provisions of the Resolution of Intention to Annex and Resolution No. 2005-89, entitled "A Resolution of the Suisun City Council Forming Community Facilities District No. 2 (Municipal Services)" (the "Resolution of Formation"), previously adopted by this Council for the CFD, are by this reference incorporated herein, as if fully set forth herein.

3. Voter Approval. Pursuant to the provisions of the Act, the propositions of (i) the annexation of the Annexation Territory and (ii) the levy of the Special Taxes within the Annexation Territory shall be submitted to the voters of the Annexation Territory at an election called therefor as hereinafter provided.

4. Electors Determined. This Council hereby finds that fewer than 12 persons have been registered to vote within the Annexation Territory for each of the 90 days preceding the close of the hearing heretofore conducted and concluded by this Council for the purposes of these annexation proceedings. Accordingly, and pursuant to the Act, this Council finds that for purposes of these proceedings the qualified electors are the landowners within the Annexation Territory and that the vote shall be by said landowners, each having one vote for each acre or portion thereof such landowner owns in the Annexation Territory.

5. Applicable Laws. Pursuant the Act, the election shall be conducted by mail ballot under Section 4000 of the California Elections Code, provided, however, that for purposes of setting the date for the election, Sections 53326 and 53327 of the Act shall govern.

6. Special Election Called. On Tuesday, January 3, 2023, in Council Chambers in City Hall, 701 Civic Center Boulevard, Suisun City, California, a special election is hereby called to consider the measure described in the ballot referred to below. This Council hereby further finds that the provision of the Act requiring a minimum of 90 days to elapse before said election is for the protection of voters, that the voters have waived such requirement and the date for the election herein specified is established accordingly.

Under Section 50075.1 of the Government Code, the following accountability provisions shall apply to the special taxes: (a) the provision and/or acquisition of the Services and the incidental costs thereof, all as defined in the Resolution of Intention to Annex and the Resolution of Formation, shall constitute the specific single purpose; (b) the proceeds shall be applied only to the specific purposes identified in (a) above; (c) there shall be created special account(s) or

funds(s) into which the proceeds shall be deposited; and (d) there shall be caused to be prepared an annual audit and report of the CFD.

7. Election Official. The City Clerk is hereby appointed as the election official to conduct the election and shall cause to be provided to each landowner in the Annexation Territory a ballot substantially in the form of Exhibit A hereto (the "Ballot"), which form is hereby approved. The City Clerk shall accept mailed or hand delivered Ballots of the qualified electors received prior to 5:30 o'clock p.m. on the date fixed above for the election.

8. Effective. This resolution shall take effect upon its adoption.

* * * * *

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Suisun City duly held on Tuesday, the 3rd day of January 2023, by the following vote:

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

WITNESS my hand and the seal of said City this 3rd day of January 2023.

ATTEST:

Mayor

Anita Skinner, City Clerk

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EXHIBIT A
CITY OF SUISUN CITY
Community Facilities District No. 2
(Municipal Services)
Annexation No. 14 (Zip Thru Car Wash)
OFFICIAL BALLOT
SPECIAL TAX ANNEXATION ELECTION

This ballot is for a special, landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the City Clerk of the City of Suisun City no later than 6:30 p.m. on Tuesday, December 6, 2022, either by mail or in person. The City Clerk's office is located at 701 Civic Center Boulevard, Suisun City, California 94585.

To vote, mark a cross (X) on the voting line after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Suisun City and obtain another.

The amount of money to be raised annually by the levy of the special tax on the property to be annexed to Community Facilities District No. 2 (Municipal Services) is \$5,794 in 2022/23 dollars and the rate and duration of the tax to be levied is as set forth in the rate and method of apportionment of special tax for Community Facilities District No. 2 (Municipal Services).

BALLOT MEASURE NO. 1: *Shall the City of Suisun City, by and for its Community Facilities District No. 2 (Municipal Services) (the "CFD"), be authorized to annex Annexation No. 14 (Zip Thru Car Wash) to the CFD, as such territory is described in "A Resolution Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors" adopted by the City Council of the City of Suisun City on December 6, 2022? The effectiveness of this Ballot Measure No. 1 is contingent upon the passage of Ballot Measure No. 2.*

Qualified Landowner Votes	Votes Cast	YES	NO
2			

BALLOT MEASURE NO. 2: *Shall the City of Suisun City, by and for its Community Facilities District No. 2 (Municipal Services) (the “CFD”), be authorized to levy special taxes within the territory proposed for annexation to the CFD according to the rate and method of apportionment specified in the Resolution of the City Council entitled “A Resolution of Intention to Annex Territory to Community Facilities District and to Authorize the Levy of Special Taxes Therein,” adopted by the City Council of the City of Suisun City on December 6, 2022? The effectiveness of this Ballot Measure No. 2 is contingent upon the passage of Ballot Measure No. 1.*

Qualified Landowner Votes	Votes Cast	YES	NO
2			

By execution in the space provided below, you also confirm your written waiver of the time limit pertaining to the conduct of the election and any requirement for analysis and arguments with respect to the ballot measure.

Assessor Parcel No.: 0173-670-040
Acres: 1.20
Number of Votes: 2
SUISUN CITY CARWASH INC
By: _____
Name: _____
Its: _____

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RESOLUTION NO. 2023-____

**A RESOLUTION DECLARING RESULTS OF SPECIAL ANNEXATION
ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND
DIRECTING RECORDING OF AMENDED NOTICE OF SPECIAL TAX LIEN**

**CITY OF SUISUN CITY
Community Facilities District No. 2
(Municipal Services)**

Annexation No. 14 (Zip Thru Car Wash)

RESOLVED by the City Council (the “Council”) of the City of Suisun City (the “City”), County of Solano, State of California, that:

WHEREAS, in proceedings heretofore conducted by the Council pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Act”), this Council has heretofore adopted a resolution calling a special election of the qualified landowner electors in the territory of land (the “Annexation Territory”) proposed to be annexed to Community Facilities District No. 2 (Municipal Services) (the “CFD”);

WHEREAS, pursuant to the terms of the resolution of the City Council entitled “A Resolution Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors” (the “Election Resolution”) adopted by the City Council on this date, which is hereby incorporated herein by this reference, the special election has been held and the City Clerk has filed a Canvass of Votes Cast in Special Election (the “Canvass”), a copy of which is attached hereto as Exhibit A; and,

WHEREAS, this Council has reviewed the Canvass and hereby approves it.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- 1. Issue Presented.** The issues presented at the special election were (i) the annexation of the Annexation Territory to the CFD and (ii) the levy of a special tax within the Annexation Territory.
- 2. Measure Approved.** Pursuant to the Canvass, the issues presented at the special election were approved by the landowners of the Annexation Territory by more than two-thirds of the votes received at the special election.
- 3. Annexation Completed.** Pursuant to the voter approval, the Annexation Territory is hereby declared to be fully annexed to and part of the CFD with full legal effect.
- 4. Authority to Levy Special Taxes.** Pursuant to the voter approval, this Council may levy special taxes in the territory in the Annexation Territory according to the rate and method of apportionment specified in the Resolution of this Council entitled “A Resolution of Intention to Annex Territory to Community Facilities District and to Authorize the Levy of Special Taxes Therein,” adopted on April 6, 2021.

1 **5. Prior Proceedings.** It is hereby found that all prior proceedings and actions taken by
2 this Council pursuant to the CFD and the Annexation Territory were valid and in conformity
3 with the Act.

4 **6. Amendment to Notice of Lien.** Within 15 days of the date of this Resolution, the City
5 Clerk shall execute and cause to be recorded in the office of the County Recorder of the
6 County of Solano an amendment to the Notice of Special Tax Lien as required by Section
7 3117.5 of the California Streets and Highways Code.

8 **7. Effective.** This resolution shall take effect upon its adoption.

9 * * * * *

10 I hereby certify that the foregoing Resolution was regularly introduced and adopted by the
11 City Council of the City of Suisun City at a meeting held on the 3rd day of January 2023, by
12 the following vote:

13 **PASSED AND ADOPTED** at a Regular Meeting of the City Council of the City of Suisun
14 City duly held on Tuesday, the 3rd day of January 2023, by the following vote:

15 **AYES:** Councilmembers: _____

16 **NOES:** Councilmembers: _____

17 **ABSENT:** Councilmembers: _____

18 **ABSTAIN:** Councilmembers: _____

19 **WITNESS** my hand and the seal of said City this 3rd day of January 2023.

20 ATTEST:

21 _____
22 Mayor

23 _____
24 Anita Skinner, City Clerk

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EXHIBIT A
CITY OF SUISUN CITY
Community Facilities District No. 2
(Municipal Services)

Annexation No. 14 (Zip Thru Car Wash)

CANVASS AND STATEMENT OF RESULT OF ELECTION

I hereby certify that on this date, I canvassed the returns of the election held on this date in the territory proposed for annexation to City of Suisun City Community Facilities District No. 2 (Municipal Services), which election is designated as the Special Tax Annexation Election, and the total number of ballots cast in the territory proposed to be annexed and the total number of votes cast for and against the measures are as follows and the totals as shown for and against the measures are full, true and correct:

BALLOT MEASURE NO. 1: *Shall the City of Suisun City, by and for its Community Facilities District No. 2 (Municipal Services) (the "CFD"), be authorized to annex Annexation No. 14 (Zip Thru Car Wash) to the CFD, as such territory is described in "A Resolution Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors" adopted by the City Council of the City of Suisun City on December 6, 2022? The effectiveness of this Ballot Measure No. 1 is contingent upon the passage of Ballot Measure No. 2.*

Qualified Landowner Votes	Votes Cast	YES	NO
2			

BALLOT MEASURE NO. 2: *Shall the City of Suisun City, by and for its Community Facilities District No. 2 (Municipal Services) (the "CFD"), be authorized to levy special taxes within the territory proposed for annexation to the CFD according to the rate and method of apportionment specified in the Resolution of the City Council entitled "A Resolution of Intention to Annex Territory to Community Facilities District and to Authorize the Levy of Special Taxes Therein," adopted by the City Council of the City of Suisun City on*

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December 6, 2022? The effectiveness of this Ballot Measure No. 2 is contingent upon the passage of Ballot Measure No. 1.

Qualified Landowner Votes	Votes Cast	YES	NO
2			

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this __ day of _____, 2023.

CITY OF SUISUN CITY

By: _____
Anita Skinner, City Clerk

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SUISUN CITY LEVYING SPECIAL TAX WITHIN CITY OF SUISUN
CITY COMMUNITY FACILITIES DISTRICT NO. 2 (MUNICIPAL
SERVICES), INCLUDING CERTAIN ANNEXATION TERRITORY**

**CITY OF SUISUN CITY
Community Facilities District No. 2
(Municipal Services)**

Annexation No. 14 (Zip Thru Car Wash)

WHEREAS, the City of Suisun City (the “City”) has conducted proceedings pursuant to the Mello-Roos Community Facilities Act, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the “Act”) to establish “City of Suisun City Community Facilities District No. 2 (Municipal Services)” (the “CFD”) for the purpose of financing certain municipal services (the “Services”) as provided in the Act; and

WHEREAS, the rate and method of apportionment of special tax for the CFD (the “Original Rate and Method”) is set forth in Exhibit A to City Council Resolution 2005-89, which was adopted on November 15, 2005 (the “Resolution of Formation”); and

WHEREAS, the City has conducted proceedings to annex territory into the CFD and, in connection therewith, approved supplements to the Original Rate and Method (as supplemented, the “Rate and Method”);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUISUN CITY as follows:

SECTION ONE: By the passage of this Ordinance, pursuant to the Act, the Council hereby authorizes and levies the Special Tax within the CFD, including all territory annexed into the CFD prior to the date hereof, at the rate and in accordance with method set forth in the Rate and Method, which rate and method are by this reference incorporated herein. The Special Tax has previously been levied in the original territory of the CFD beginning in fiscal year 2006-07 pursuant to Ordinance No. 684, passed and adopted by the City Council on December 6, 2005, and the Special Tax is hereby levied commencing in fiscal year 2022-23 in the territory annexed to the CFD subsequent to formation of the CFD, and in each fiscal year thereafter to pay for the Services for the CFD and all costs of administering the CFD.

The City Council hereby ratifies the levy of special taxes within the CFD pursuant to the Act, at the rate and in accordance with the Rate and Method, in fiscal years 2006-07 through 2022-23.

SECTION TWO: The City Manager or designee, or an employee or consultant of the City, is hereby authorized and directed each fiscal year to determine the specific Special Tax to

1 be levied for the next ensuing fiscal year for each parcel of real property within the CFD,
2 including all territory annexed to the CFD prior to the date hereof, in the manner and as provided
in the Rate and Method.

3 **SECTION THREE:** Exemptions from the levy of the Special Tax shall be as provided
4 in the Resolution of Formation, the Rate and Method and the applicable provisions of the Act.
5 In no event shall the Special Tax be levied on any parcel within the CFD in excess of the
maximum Special Tax specified in the Rate and Method.

6 **SECTION FOUR:** All of the collections of the Special Tax shall be used as provided
7 in the Act and in the Resolution of Formation, including, but not limited to, the payment of
8 costs of the Services, the payment of the costs of the City in administering the CFD, and the
costs of collecting and administering the Special Tax.

9 **SECTION FIVE:** The Special Tax shall be collected in the same manner as ordinary
10 ad valorem taxes are collected and shall have the same lien priority and be subject to the same
11 penalties and the same procedure and sale in cases of delinquency as provided for ad valorem
12 taxes; provided, however, that the Council may provide for other appropriate methods of
13 collection by resolution(s) of the Council. The City Manager of the City (or the City Manager's
14 designee) is hereby authorized and directed to provide all necessary information to the
15 auditor/tax collector of the County of Solano in order to effect proper billing and collection of
the Special Tax, so that the Special Tax shall be included on the secured property tax roll of the
County of Solano for fiscal year 2022-23 and for each fiscal year thereafter, as set forth above,
until no longer required to pay for the Services or until otherwise terminated by the City.

16 **SECTION SIX:** If for any reason any portion of this Ordinance is found to be invalid,
17 or if the Special Tax is found inapplicable to any particular parcel within the CFD, including
18 all territory annexed to the CFD prior to the date hereof, by a court of competent jurisdiction,
19 the balance of this Ordinance and the application of the Special Tax to the remaining parcels
20 within the CFD, including all territory annexed to the CFD prior to the date hereof, shall not be
affected.

21 **SECTION SEVEN:** The Mayor shall sign this Ordinance and the City Clerk shall cause
22 the same to be published immediately after its passage at least once in a newspaper of general
circulation circulated in the City.

23 **SECTION EIGHT:** This Council affirms the provisions of Ordinance No. 684 except
24 to the extent any terms of such Ordinance are inconsistent with the provisions of this Ordinance,
25 in which case the terms of this Ordinance shall govern.

26 **SECTION NINE:** This Ordinance shall become effective (30) days following its
27 passage and adoption and shall be published once within fifteen (15) days upon passage and
adoption in a newspaper of general circulation in the City of Suisun City, County of Solano.

INTRODUCED at a regular meeting of the City Council of the City of Suisun City
held on January 3, 2023, by the following vote:

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

WITNESS my hand and the seal of said City this 3rd day of January 2023.

Anita Skinner
City Clerk

PASSED AND ADOPTED at a regular meeting of the City Council of the City of
Suisun City held on January 17, 2023, by the following vote:

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

ATTEST:

Mayor

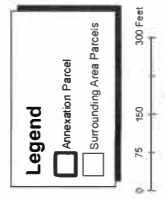
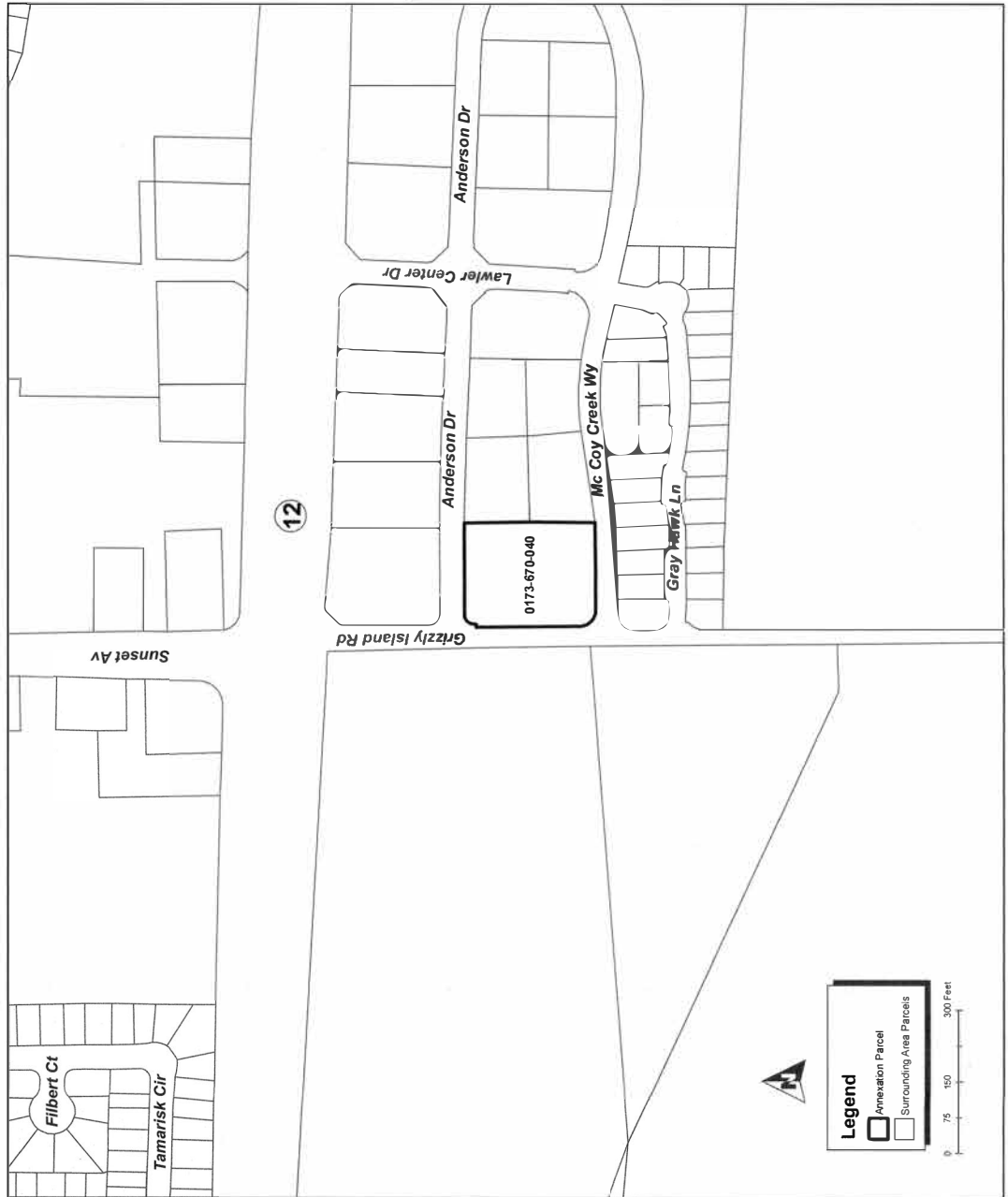
Anita Skinner, City Clerk

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Annexation Map No. 14 of City of Suisun City Community Facilities District No. 2 (Municipal Services)

Sheet 1 of 1

COUNTY OF SOLANO
STATE OF CALIFORNIA



REFERENCE IS HEREBY MADE TO THAT CERTAIN MAP ENTITLED "PROPOSED BOUNDARIES OF CITY OF SUISUN CITY COMMUNITY FACILITIES DISTRICT NO. 2 (MUNICIPAL SERVICES), COUNTY OF SOLANO, STATE OF CALIFORNIA," FILED THE 27TH DAY OF OCTOBER, 2005, AT THE HOUR OF IN BOOK 23 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 64, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SOLANO, STATE OF CALIFORNIA, WHICH THIS ANNEXATION MAP AFFECTS.

1 FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF SUISUN CITY THIS 1st DAY OF November 2022.

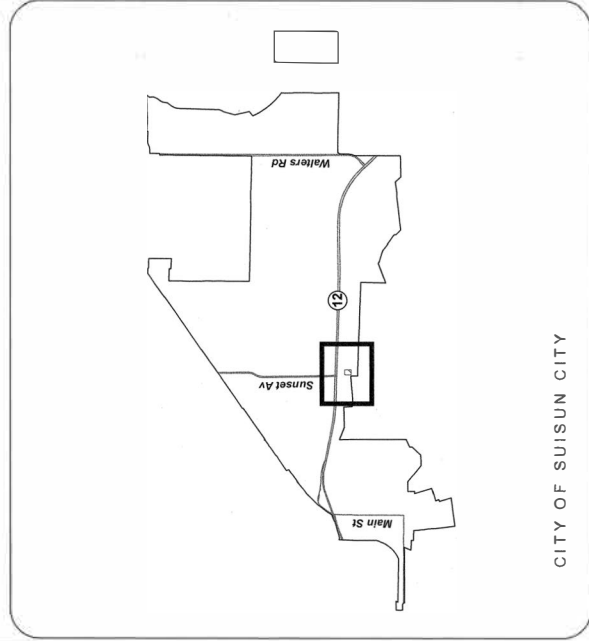
Rita Alvarez
CITY CLERK

2 I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 14 TO CITY OF SUISUN CITY COMMUNITY FACILITIES DISTRICT NO. 2 (MUNICIPAL SERVICES), COUNTY OF SOLANO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF SUISUN CITY AT A MEETING THEREOF HELD ON THE 1st DAY OF November 2022 BY ITS RESOLUTION NO. 2022-142.

Rita Alvarez
CITY CLERK

3 FILED THIS 14 DAY OF November, 2022 AT THE HOUR OF 10:27 O'CLOCK A.M. IN BOOK 24 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 63, IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF SOLANO, STATE OF CALIFORNIA.

Mac Tannen
COUNTY RECORDER
COUNTY OF SOLANO



Source: Solano County GIS
Geographic Coordinate Reference: GCS North American 1983
Projection: NAD 1983 StatePlane California II FIPS 1402 Feet



26 A1163

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Community Facilities District #2

ANNEXATION #14

ZIP THRU CAR WASH

January 3, 2023

1

Community Facilities District #2 – City-Wide

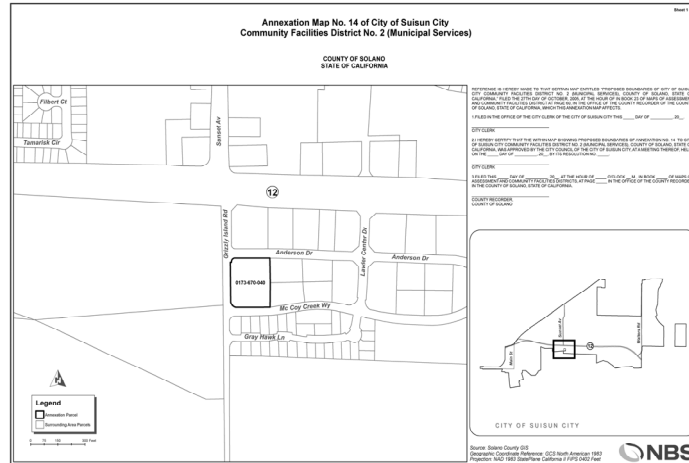
Majority of revenue from District goes to Safety Services (Police & Fire)

Zip Thru Car Wash
Property Location

Existing CFD Properties

2

Zip Thru Car Wash Boundary Map



3

Staff Recommendations

It is recommended that the City Council adopt the following:

- a. Adoption of Resolution No. 2023-____: Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors; and
- b. Adoption of Resolution No. 2023-____: Declaring Results of Special Annexation Election, Determining Validity of Prior Proceedings, and Directing Recording of Amended Notice of Special Tax Lien; and
- c. Council Introduction of Ordinance No. ____: Levying Special Tax within City of Suisun City Community Facilities District No. 2 (Municipal Services), Including Certain Annexation Territory.

4

Questions?

CONDUCT PUBLIC HEARING

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AGENDA TRANSMITTAL

MEETING DATE: January 3, 2023

CITY AGENDA ITEM: Discussion and Direction – Citywide Beautification Community Advisory Committee.

FISCAL IMPACT: The fiscal impact to the City will be less than \$5,000 and can be absorbed into the existing budget provided the Committee will meet only quarterly and be autonomous requiring minimal support from staff or other commissions.

STRATEGIC PLAN IMPACT: Provide Good Governance; Ensure Public Safety; Enhance Environment.

STAFF REPORT: On February 19, 2019, the City Council endorsed the creation of the following Citizen Advisory Committees: Public Safety and Emergency Management, Environment and Climate, and Landscaping & Lighting District. On March 29, 2022, the City Council dissolved the Landscaping & Lighting District Advisory Committee (renamed Community Advisory Committee).

On May 31, 2022, the formation of a Citywide Beautification Community Advisory Committee was brought before Council for Discussion and Direction. Comments and suggestions were also received from the public. Additional comments and suggestions were received via email.

On July 26, 2022, a proposed Citywide Beautification Community Advisory Committee (Committee) was brought before Council for adoption. City Council discussed the Committee's purpose, mission, visions, number of Committee members, responsibilities and directed staff to bring the topic back for further discussion and direction prior to the possibility of creating an Ad Hoc to work on the creation of the Committee. The following items are for further discussion:

- Mission/Purpose
- Visions
- Responsibilities (will the Committee overshadow other existing community groups)
- Number of Committee members
- How often should the Committee report back to City Council
- Ad Hoc (bring back to hear and identify if an Ad Hoc is appropriate)

Staff is looking for direction on what actions Council is considering regarding to the creation of the Citywide Beautification Community Advisory Committee.

RECOMMENDATION: Discuss this item and provide direction to staff.

ATTACHMENTS:

1. PowerPoint Presentation

PREPARED BY:

Amanda, Dum, Management Analyst

REVIEWED BY:

Nouae Vue, Public Works Director

APPROVED BY:

Greg Folsom, City Manager

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Citywide Beautification Committee Discussion

January 3, 2023

1

Background

February 19, 2019 – Formation of Landscaping & Lighting District Committee

March 29, 2022 – Dissolved Landscaping & Lighting District Committee

May 31, 2022 – Discussed Creation of Citywide Beautification Community Advisory Committee

July 26, 2022 – Staff proposed Citywide Beautification Community Advisory Committee

2

Staff Suggestions from July 26, 2022

- Committee be a Citywide Committee
- Committee be autonomous
- Committee consisting of seven (7) members from the public

3

Staff Suggestions from July 26, 2022-(Continued)

- Mission is to enhance the quality of life by:
 - Identifying sites in need of beautification
 - Engaging and educating the public
 - Coordinating public volunteer clean-up events
 - Working with civic groups and government agencies in rehabilitating public areas
 - Developing and implementing an annual Beautification Awards Program

4

Council Discussion & Direction

- Mission/Purpose
- Visions
- Responsibilities (will the Committee overshadow other existing community groups)
- Number of Committee members
- How often should the Committee report back to City Council
- Ad Hoc