

CITY COUNCIL

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



CITY COUNCIL MEETING

First and Third Tuesday
Every Month

A G E N D A

**REGULAR MEETING OF THE
SUISUN CITY COUNCIL**

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

TUESDAY, DECEMBER 6, 2016

7:00 P.M.

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

NOTICE

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

(Next Ord. No. – 742)

(Next City Council Res. No. 2 016 – 86)

Next Suisun City Council Acting as Successor Agency Res. No. SA2016 – 07)

(Next Housing Authority Res. No. HA2016 – 05)

ROLL CALL

Council / Board Members

Pledge of Allegiance

Invocation

PUBLIC COMMENT

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

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.)

CONSENT CALENDAR

1. Council Adoption of Resolution No. 2016-___: Reciting the Fact of the General Municipal Election Held on November 8, 2016, Declaring the Result and such other Matters as Provided by Law – (Hobson).

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

SPECIAL BUSINESS

2. Oath of Office of Elected Officials:

- a. Administer the Oath of Office to Councilmember Michael Segala.
- b. Administer the Oath of Office to Councilmember Lori Wilson.
- c. Administer the Oath of Office to City Clerk Linda Hobson.
- d. Administer the Oath of Office to City Treasurer Michael McMurry.

Remarks by Elected Officials.

ROLL CALL OF NEWLY SEATED COUNCIL

Council / Board Members

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.)

3. Mayor/Council - Chair/Boardmembers
4. City Manager/Executive Director/Staff
 - a. Quarterly Traffic Committee Report – (O'Brien).
 - b. Measure S – (Bragdon).

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

5. Approving Appointment of Suisun City Mayor Pro Tem – (Sanchez).
6. Introduction of new Suisun City Recreation Supervisor Zachary Ortiz - (Lofthus).

CONSENT CALENDAR

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

City Council

7. Council Adoption of Resolution No. 2016-___: Adopting a Conflict of Interest Code for the City of Suisun City Pursuant to the Provisions of the Political Reform Act and Rescinding Resolution 2014-80 – (Hobson).
8. Council Adoption of Resolution No. 2016-___: Reaffirming the Necessity of the Development Impact Fees, and Accepting the Annual Report of Development Impact Fees - (Anderson).
9. Council Adoption of Resolution No. 2016-___: Adopting the 12th Amendment to the Annual Appropriation Resolution No. 2015-79 to Appropriate Funding in Various Programs Citywide to Meet Actual Fiscal Year 2015-16 Obligations – (Anderson).
10. Highway 12 Advance Warning Device Grant – (McSorley).
 - a. Council Adoption of Resolution No. 2016-___: Authorizing the City Manager to execute the Master Agreement, Program Supplemental Agreements and any Amendments with the

California Department of Transportation for State Route Highway 12 Advance Warning Devices Project, Federal Project No. HSIPL-5032(031); and.

- b. Council Adoption of Resolution No. 2016-___: Adopting the 5th Amendment to the Annual Appropriation Resolution No. 2016-48 to Appropriate Funds for the State Route Highway 12 Advance Warning Device.

11. Sunset and Walters Intersection Improvements Project – (McSorley).

- a. Council Adoption of Resolution No. 2016-___: Authorizing the City Manager to execute the Master Agreement, Program Supplemental Agreements and any Amendments with the California Department of Transportation for Sunset Avenue and Walters Road Improvements Project, Federal Project No. HSIPL-5032(030); and.
- b. Council Adoption of Resolution No. 2016-___: Adopting the 6th Amendment to the Annual Appropriation Resolution No. 2016-48 to Appropriate Funds for the Sunset Avenue and Walters Road Improvements Project.

12. City Council Adoption of Resolution No. 2016 -___: Accepting the Annual Safe & Sane Fireworks Report for 2016, and Adopting Certain Findings and the Policy Directives to Implement the Sales and Use of Safe & Sane Fireworks for 2017 as Provided in Chapter 8.04 of the Suisun City Code – (O'Brien).

13. Council Adoption of Resolution No. 2016 - ___: Approving an Extension of the Approved Tentative Subdivision Map Application No. TSM07-03, for a 16-Unit Subdivision located at the Northeast Corner of Civic Center Boulevard and Lotz Way – (Garben).

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

14. Council/Agency/Authority Accept the Investment Report for the Quarter Ending September 30, 2016 – (Anderson).

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, 2016, and November 1, 2016 – (Hobson).

Joint City Council / Suisun City Council Acting as Successor Agency

16. Council/Agency approval of the October 2016 Payroll Warrants in the amount of \$362,653.35. Council/Agency Approval of the October 2016 Payable Warrants in the amount of \$1,222,789.61 – (Finance).

PUBLIC HEARINGS

GENERAL BUSINESS

City Council

17. Consider Agreements with the California Board of Equalization to Administer Measure S – (Anderson).

- a. Council Adoption of Resolution No. 2016-___: Authorizing the City Manager to Execute Agreements with the State Board of Equalization for Implementation of a Local Transactions and Use Tax; and

- b. Council Adoption of Resolution No. 2016-__: Authorizing the Examination of Transactions and Use Tax Records.

ADJOURNMENT

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

PLEASE NOTE:

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

I, Donna Pock, Deputy City Clerk for the City of Suisun City, declare under penalty of perjury that the above agenda for the meeting of December 6, 2016 was posted and available for review, in compliance with the Brown Act.

AGENDA TRANSMITTAL

MEETING DATE: December 6, 2016

CITY AGENDA ITEM: Adoption of Council Resolution No. 2016-___: Reciting the Fact of the General Municipal Election Held on November 8, 2016, Declaring the Result and such other Matters as Provided by Law.

FISCAL IMPACT: There is no fiscal impact to the proposed action.

BACKGROUND: The City conducts a Municipal Election in even years to elect City officials. On June 21, 2016, the City Council adopted Resolution No. 2016-41 authorizing the Solano County Elections Department to consolidate the General Municipal Election with the Statewide General Election, to conduct the election and canvass the returns of the election. A General Municipal Election was held in the City of Suisun City on Tuesday, November 8 2016, for the purpose of electing two City Councilmembers, one City Clerk and one City Treasurer.

STAFF REPORT: The Solano County Registrar of Voters consolidated the General Municipal Election with the Statewide General Election and administered the election on behalf of the City. For cities consolidating their election with the county the Elections Code requires the City Council to declare the result at the next regularly scheduled city council meeting following presentation of the 28-day canvas of the returns, or at a special meeting called for this purpose. The Solano County Elections Official shall prepare a certified statement of the results of the election and submit it to the governing body within 28 days of the election.

A copy of the certified results of the election, a resolution reciting the fact of the election, and a statement of the results of the election, showing: 1) the whole number of ballots cast in the City, 2) the names of the persons who received votes, 3) for what office each person received votes, and 4) the number of votes cast at each precinct for each person and each measure will be provided at the City Council meeting.

The City Council is requested to review and approve the certified results of the General Municipal Election by adoption of the Resolution.

STAFF RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2016-___: Reciting the Fact of the General Municipal Election Held on November 8, 2016, Declaring the Result and such other Matters as Provided by Law.

ATTACHMENTS:

1. The resolution and certified election results will be distributed at the City Council Meeting. Resolution No. 2016-___: Reciting the Fact of the General Municipal Election Held on November 8, 2016, Declaring the Result and such other Matters as Provided by Law.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Linda Hobson, City Clerk
Ronald C. Anderson, Jr., Assistant City Manager
Suzanne Bragdon, City Manager

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RESOLUTION NO. 2016 - ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY,
CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION
HELD ON NOVEMBER 8, 2016, DECLARING THE RESULT AND SUCH OTHER
MATTERS AS PROVIDED BY LAW**

WHEREAS, a General Municipal Election was held and conducted in the City of Suisun City, California on Tuesday, November 8, 2016 as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, the Solano County Election Department canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as Exhibit "A".

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY,
CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS
FOLLOWS:**

Section 1. That the whole number of votes cast in the precincts except mail voter ballots and provisional ballots was ____.

That the whole number of voter by mail voter ballots cast in the City was ____, the whole number of provisional ballots cast in the City was ____, making a total of ____, votes cast in the City.

Section 2. That the names of persons voted for at the election for Member of the City Council are as follows:

Lori D. Wilson
Michael A. Segala

That the names of persons voted for at the election for City Clerk are as follows:
Linda Hobson

That the names of persons voted for at the election for City Treasurer are as follows:
Michael J. McMurry

That the measure voted upon at the election is as follows:
Measure S

Section 3. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates and for and against the measure were as listed in Exhibit "A" attached.

Section 4. The City Council does declare and determine that:

- Lori D. Wilson was elected as a Member of the City Council for the full term of four years.
- Michael A. Segala was elected as a Member of the City Council for the full term of four years.
- Linda Hobson was elected as City Clerk for the full term of four years.
- Michael J. McMurry was elected as City Treasurer for the full term of four years.
- That as a result of the election, a majority of the voters voting on the measure relating to General Transactions and Use Tax did vote in favor of it, and that the measure was carried, and shall be deemed adopted and ratified.

Section 5. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing (1) The whole number of votes cast in the City; (2) The names of the persons voted for; (3) The measure voted upon; (4) For what office each person was voted for; (5) The number of votes given at each precinct to each person, and for and against each measure; (6) The total number of votes given to each person, and for and against each measure.

Section 6. That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk, or any officer authorized to administer oaths, shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

Section 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Suisun City held on Tuesday the 6th day of December 2016 by the following vote:

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

WITNESS my hand and the seal of said City this 6th day of December 2016.

Linda Hobson, CMC
City Clerk

AGENDA TRANSMITTAL

MEETING DATE: December 6, 2016

COUNCIL AGENDA ITEM: Traffic Committee Report December 6, 2016.

FISCAL IMPACT: None at this time.

BACKGROUND: The Traffic Committee (TC) is a made up of department heads or their assignees to advise the City Council and/or make recommendations on traffic issues. The TC investigates complaints from the community, reviews plans for new development and streets, and reviews ongoing traffic issues.

The committee membership includes Police, Fire, Building, Planning, and Engineering. The TC meets and reports to the City Council quarterly, unless pressing issues require immediate attention.

STAFF REPORT: Concerns addressed by the Traffic Committee for this report include:

- In progress projects.
 - Under the Consent Calendar items 11 & 12 for this meeting, staff has submitted two resolutions for the City Manager to execute agreements with the California Department of Transportation for these projects.
 - Highway 12 East at Main Street overcrossing warning sign.
 - Railroad at Sunset signal timing project.
 - Walters Road at Bella Vista signal timing project.
 - These agreements will allow the City to access funds for the planning, design, and construction for the projects. The planned timeline for construction to start is in the fall of 2017.
 - Construction of the Fairfield waterline on old Railroad Ave.
 - PD and Public Works have been monitoring the construction and the detours. No significant incidents or issues have been noted.
 - New Railroad near Village is receiving targeted attention for speed and PD will be planning on an updated speed survey.
 - Blossom Avenue between Sarah & Railroad
 - No parking signs have been posted on the east side of Blossom.
 - There have been several concerns about parking, drive ways, and maintenance of weeds and drainage on Blossom Avenue, as well as numerous code enforcement and building violations. This road and adjacent properties were annexed into the City along with some private properties along Railroad Avenue. The maps we have do not show with any fine detail where the parcel lines are versus the City street right of way. This road necks down to a narrower road profile from the existing city sidewalk, curb, and street measurements.
-

PREPARED BY:

REVIEWED/APPROVED BY:

Michael O'Brien, Fire Chief
Suzanne Bragdon, City Manager

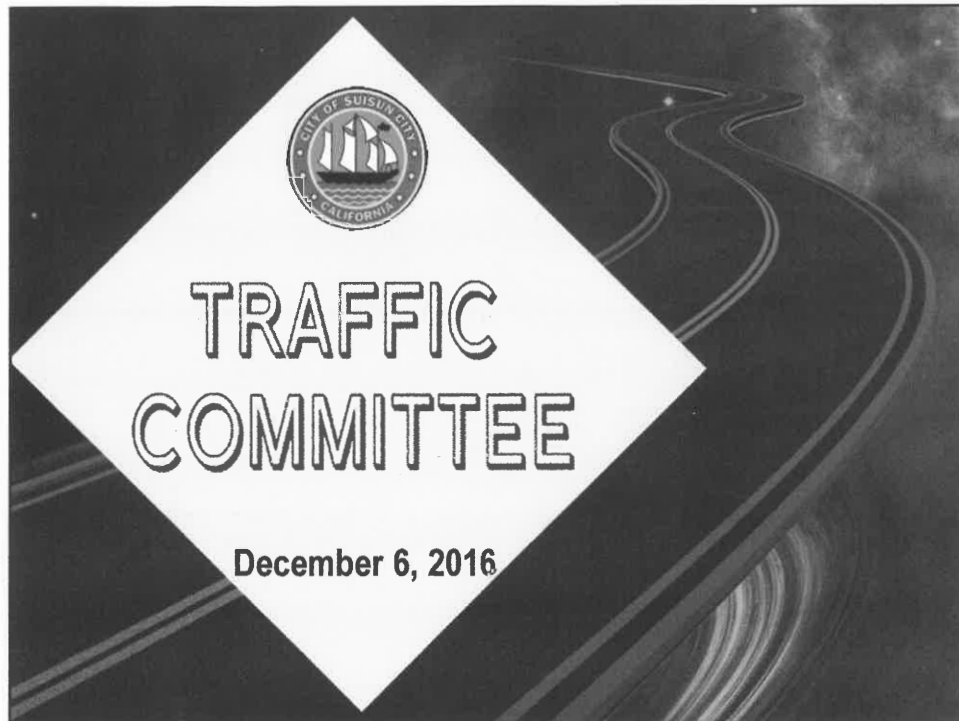
Item 4.a

- Staff is researching the parcel and city boundaries along the west side of Blossom.
- Staff has taken a team approach with these properties. Last week PD, FD, Code enforcement, and Building visited these properties. Some immediate requirements for corrections and continuing recommendations for weed and debris control, parking, encroachment permits, and maintenance of the drainage ditch have been made.
- The team will make biweekly visits to insure progress is continuing.
- Previous Concerns
 - Police department special enforcement,
 - Concerns for speeders on Klamath and Lawler Ranch Parkway continues to receive directed enforcement.
 - Petersen Parking
 - PD will send a letter to residents about no parking on the bulb outs.

STAFF RECOMMENDATION: No Council action is required at this time.

ATTACHMENTS:

- PowerPoint CC 12-6-2016 Traffic Committee Report.



HWY 12 EAST AT MAIN STREET - TOP OF BRIDGE

SUNSET @ RAILROAD 3 WAY SIGNAL



- Resolutions to execute agreements Consent Calendar # 11 & 12
- Also includes signal timing for Walters & Bella Vista
- Construction late fall next year

FAIRFIELD WATERLINE ON OLD RAILROAD

- Construction of the Fairfield waterline on old Railroad Ave.
 - PD and Public Works have been monitoring the construction and the detours. No significant incidents or issues have been noted.



NEW RAILROAD BY VILLAGE SPEEDING

- New Railroad near Village is receiving targeted attention for speed and PD will be planning on an updated speed survey.



- Blossom Ave.
- Undefined road edges, property lines, and Right of Way
- Concerns over parking. Code enforcement, Building codes, zoning codes
- Staff is researching records for zoning, property lines, existing Right of Way
- No parking signs have been posted on the east side of Blossom.



- Blossom Ave.
 - Staff has taken a team approach with these properties.
 - Last week PD, FD, Code Enforcement, and Building Inspector visited these properties.
 - Some immediate requirements for corrections and continuing recommendations for weed and debris control, vehicle parking, encroachment permits, and maintenance of the drainage ditch have been made.
 - The team will make visits every two weeks to insure progress is continuing.



- **Previous Concerns**

- Police department special enforcement,
 - Concerns for speeders on Klamath and Lawler Ranch Parkway continues to receive directed enforcement.
- Petersen Parking
 - PD will send a letter to residents about no parking on the bulb outs and then begin enforcement.

QUESTIONS

AGENDA TRANSMITTAL

MEETING DATE: December 6, 2016

CITY AGENDA ITEM: Council Adoption of Resolution No. 2016-___: Adopting a Conflict of Interest Code for the City of Suisun City Pursuant to the Provisions of the Political Reform Act and Rescinding Resolution No. 2014-80.

FISCAL IMPACT: There would be no fiscal impact associated with the adoption of the proposed Resolution.

BACKGROUND: The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially to determine whether it is accurate, or whether it must be amended to delete and/or add new positions and disclosure categories. The City's Conflict of Interest Code was last reviewed November 18, 2014.

STAFF REPORT: The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference as the Conflict of Interest Code of the City.

After a review of the City's Conflict of Interest Code, it has been determined that an amendment is required to amend/replace the current code with a new updated code. Changes to bring the City's Conflict of Interest Code up to date are the reclassification of certain designated positions.

RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2016-___: Adopting a Conflict of Interest Code for the City of Suisun City Pursuant to the Provisions of the Political Reform Act and Rescinding Resolution No. 2014-80.

ATTACHMENTS:

1. Resolution No. 2016-___: Adopting a Conflict of Interest Code for the City of Suisun City Pursuant to the Provisions of the Political Reform Act and Rescinding Resolution No. 2014-80.

PREPARED BY:

Linda Hobson, City Clerk

REVIEWED BY:

Ronald C. Anderson, Jr., Assistant City Manager

APPROVED BY:

Suzanne Bragdon, City Manager

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RESOLUTION NO. 2016-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
ADOPTING A CONFLICT OF INTEREST CODE FOR THE CITY OF SUISUN CITY
PURSUANT TO THE PROVISIONS OF THE POLITICAL REFORM ACT AND
RESCINDING RESOLUTION NO. 2014-80**

WHEREAS, the Political Reform Act of 1974 (Government Code Section 81000 *et seq.*) requires state and local government agencies to adopt and promulgate a Conflict of Interest Code designating certain employees holding designated positions and public officials within the jurisdiction of the local agency; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference; and

WHEREAS, Government Code Section 87306 requires local government agencies to review its Conflict of Interest Code biennially to determine if it is accurate or if it must be amended to delete and/or add positions and disclosure categories; and

WHEREAS, the City Council has regularly amended its Conflict of Interest Code to correspond to changes in the City resulting from reorganization of City departments and employees, changes in job classifications, and the addition of certain boards and commissions and to respond to any changes in State law; and

WHEREAS, the Suisun City Conflict of Interest Code was last amended in 2014 by Resolution No. 2014-80, the Code requires revision to reflect the changes in designated positions and the financial interest required to be reported.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Suisun City that:

1. The Conflict of Interest Code, which is attached hereto as Exhibit "A" and Fair Political Practices Commission Code of Regulations 18730, as may be amended from time to time, are incorporated herein by reference, constitute the Conflict of Interest Code for the City of Suisun City.
2. Resolution No. 2014-80 is hereby rescinded and replaced by this Resolution. Changes to the Conflict of Interest Code are shown in the attached Appendix A by the underlining of additions and striking out deletions.
3. Persons holding designated positions as defined in Appendix A shall timely file statements of economic interest as required by said Code.
4. The Conflict of Interest Code hereby includes Appendix B, to achieve consistency with State Law and reflect the required disclosure categories of the Code. Designated Employees and Public Officials shall disclose financial interests as set forth in Appendix B.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Suisun City, duly held on the 6th day of December, 2016 by the following vote:

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

WITNESS my hand and the seal of said City this 6th day of December 2016.

Linda Hobson CMC
City Clerk

Exhibit “A”

Conflict of Interest Code

City of Suisun City and its Affiliated Agencies

The Political Reform Act, Government Code Sections 81000 *et seq.*, requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, Title 2 of the California Code of Regulations, Section 18730, which contains the terms of a standard Conflict of Interest Code. It can be incorporated by reference and may be amended by the Fair Political Reform Act. Therefore, the terms of Title 2 of the California Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached appendix in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the City of Suisun City and its Affiliated Agencies.

Designated employees shall file statements of economic interest with the Suisun City Clerk, at 701 Civic Center Boulevard, Suisun City, California, who will make the statements available for public inspection and reproduction (Gov. Code Section 81008). The City Clerk will retain statements for all other designated employees.

APPENDIX A

Schedule of Designated Employees

This Appendix may be subject to revision from time to time based upon changes in job classification descriptions and responsibilities.

JOB CLASSIFICATION	DISCLOSURE CATEGORIES
Accountant	1, 2, 4
Accounting Services Manager	1, 2, 4
Administrative Fire Captain	1, 2
Assistant City Manager / Administrative Services Director	1, 2, 3, 4
Assistant City Engineer	1, 2, 3, 4
Assistant Engineer	1, 2, 3, 4
Assistant Planner	1, 2, 3
Associate Engineer	1, 2, 3, 4
Associate Planner	1, 2, 3, 4
<u>Building Inspection Services Manager</u>	<u>1, 2, 3, 4</u>
Building & Public Works Director	1, 2, 3, 4
Chief Building Official	1, 2, 3, 4
Community Development Director	1, 2, 3, 4
Consultants*	*
Development Services Director	1, 2, 3, 4
Economic Development Director	1, 2, 3, 4
Financial Services Manager	1, 2, 3, 4
Fire Chief	1, 2, 3
Fire Division Chief	1, 2, 3
Housing Manager	1, 2, 3, 4
Information Technology Systems Administrator	2, 3, 4
Management Analyst	1, 2, 3, 4
Marina Supervisor	1, 2
<u>Marina/Waterfront Recreation Supervisor</u>	<u>1, 2</u>
Marketing Manager	1, 2
Members of Housing Authority	1, 2, 3, 4
Members of Oversight Board	1, 2, 3, 4
Members of Parks and Recreation Commission	1, 2, 4
Members of Successor Agency to Dissolved RDA Board*	1, 2, 3, 4
Police Chief	1, 2, 3, 4

Appendix “B”

Summary of Disclosure Categories and Schedules

1. Persons in this category shall disclose interest in real property if the real property is located in the City of Suisun City (Schedule A, B, C, D, E Form 700).
2. Persons in this category shall disclose income from sources of income and business entities in which he/she has an investment, if the business entity or source of income owns real property within the City of Suisun City and does business within the City of Suisun City (Schedule A, C, D, E, Form 700).
3. Persons in this category shall disclose income from sources of income and business entities in which he/she has an investment, if the source of the income or business entity is in the construction or building industry within the City of Suisun City (Schedules A, C, D, E, Form 700).
4. Persons in this category shall disclose income from sources of income and investments in business entities in which he/she has an investment, if the source of income or business entity within the previous two years provided service, equipment, lease space, materials or supplies to the City of Suisun City, Suisun City Housing Authority, Suisun City Successor to the Redevelopment Agency (Schedule A, C, D, E, Form 700).

Schedule A-1	Investments Stocks, Bonds, and Other Interests (Ownership Interest is Less than 10%)
Schedule A-2	Investments, Income, and Assets of Business Entities/Trusts (Ownership Interest is 10% or Greater)
Schedule B	Interests in Real Property (Including Rental Property)
Schedule C	Income, Loans & Business Positions (Other than-Gifts and Travel Payments)
Schedule D	Income – Gifts
Schedule E	Income – Gifts, Travel Payments, Advances and Reimbursements

Police Commander	1, 2
Police Support Services Manager	1, 2
Project Manager	1, 2
<u>Public Works and Building Director/City Engineer</u>	<u>1, 2, 3, 4</u>
Public Works Director/City Engineer	1, 2, 3, 4
Public Works Superintendent	3, 4
Public Works Supervisor	3, 4
Recreation and Community Services Director	1, 2, 3, 4
Recreation Supervisor	1, 2
Senior Accountant	1, 2, 4
Senior Building Inspector	3

Disclosure for the following positions is regulated by State law:

City Attorney

City Manager

City Treasurer

Mayor and Council

Planning Commissioner

Contract Employees: If a designated position is filled by a contract employee (full or part-time) the contract employee has a filing obligation.

Successor Agency to Dissolved Redevelopment Agency

Members of Suisun City Council Acting as Successor Agency to the Redevelopment Agency of the City of Suisun City and any employees or consultants providing assistance to the Agency are declared to be designated employees, and shall have disclosure requirements identical to the requirements they have in their capacity and positions as council members, employees, or consultants of the City of Suisun City.

Consultants*

- * Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The City Manager/Executive Director may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager/Executive Director’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

AGENDA TRANSMITTAL

MEETING DATE: December 6, 2016

CITY AGENDA ITEM: Council Adoption of Resolution No. 2016-____: Reaffirming the Necessity of the Development Impact Fees, and Accepting the Annual Report on Development Impact Fees.

FISCAL IMPACT: There would be no fiscal impact associated with the adoption of the proposed Resolution.

BACKGROUND: AB 1600 (codified as California Government Code Section 66000 *et seq.*) requires that local agencies prepare annual reports on all development impact fees collected to finance “public facilities” if those fees were established, increased, or imposed on or after January 1, 1989. It does not include fees charged for processing development applications, development agreements, or reimbursement agreements. The report is due 180 days after the close of each fiscal year and requires that a report concerning each fee fund be made available to the public.

To be in full compliance with State Law, the City must:

- Spend or commit development impact fees within five years of collecting them; or
- Adopt a resolution that makes a finding that a reasonable relationship remains between the current need for the fees and the purpose for which they were originally proposed.

The City currently collects three different categories of impact fees which are described in the attached report. One of the Municipal Facilities Fee has been fully expended. Below are the findings for the two impact fees that require accumulation beyond five years to complete projects:

- Off-Site Street Improvement Program (OSSIP) Fee - A portion of the Off-Site Street Improvement Program fees collected have not yet been spent within five years of collection. These revenues have been set aside to design and construct the planned improvements which have not yet been accomplished. This is to ensure that the projects can benefit from the economies of scale of a few larger projects, rather than a piecemeal approach consisting of numerous smaller projects. It will also ensure that there will be fewer disruptions of the select street system during construction.
- Park Improvement Program Fee – A portion of the Park Improvement Program fees collected have not yet been spent within five years of collection. These revenues have been set aside to design and construct the planned improvements which have not yet been accomplished. These fees have been collected based on the concept of providing a consistent level of service to the community. Population in the City is projected to equal 31,374 in 2025, an increase of 1,184 persons. When applied to the current level of service, it will require 3.8 additional acres of improved park land, according to the ongoing development impact fee study. Funds are being accumulated to provide this level of service to the community in the future.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Elizabeth N. Luna, Accounting Services Manager
 Ronald C. Anderson, Jr. Assistant City Manager
 Suzanne Bragdon, City Manager

The City recently hired TischlerBise to update the development impact fee study. The study is expected to be completed by the end of the year. A copy of this report of required information will be available at the Finance Department by December 31, 2016, thereby satisfying the law's requirement that the report be available to the public by that date. In addition, public contact will be made through posting of the City Council Agenda on the City's official website.

STAFF RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2016-____: Reaffirming the Necessity of the Development Impact Fees, and Accepting the Annual Report on Development Impact Fees.

ATTACHMENTS:

1. Resolution No. 2016-____: Reaffirming the Necessity of the Development Impact Fees, and Accepting the Annual Report on Development Impact Fees.

RESOLUTION NO. 2016-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
REAFFIRMING THE NECESSITY OF THE DEVELOPMENT IMPACT FEES AND
ACCEPTING THE ANNUAL REPORT ON DEVELOPMENT IMPACT FEES**

WHEREAS, the City of Suisun City imposes fees to mitigate the impact of development pursuant to Government Code section 66000 *et seq.*; and

WHEREAS, said fees collected are deposited into a special revenue and separate capital accounts for each type of improvement funded by development fees; and

WHEREAS, the City maintains separate funds for off-site street improvement program fees, park development program fees, and municipal facilities fees; and

WHEREAS, the City is required within 180 days after the last day of each fiscal year to make available to the public information for the fiscal year regarding these fees pursuant to Government Code section 66006; and

WHEREAS, the documents reflecting the balance in each development impact fee fund or account, accrued interest in said fund or account and the amount of expenditure by public facility for the fiscal year have been made available for public review as required by Code Section 66006, a copy of which is attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Suisun City hereby as follows:

Section 1. That the recitations above are true and correct.

Section 2. That the following findings are made pursuant to California Government Code Section 66001:

- A. The Off-Site Street Improvement Program fee has been accumulated beyond five years to achieve economies of scale for projects in the adopted Capital Improvement Program. The fees collected are being accumulated to build large projects rather than being used in a piecemeal fashion.
- B. Park Development Program fees are accumulated beyond five years to achieve the standard level of service based on projected demand in the next 10 years. Population in the City is projected to equal 31,374 in 2025, an increase of 1,184 persons. When applied to the current level of service, it will require 3.8 additional acres of improved park land, according to the ongoing development impact fee study.

BE IT FURTHER RESOLVED that the Annual Report on Development Impact Fees attached hereto as Exhibit A and incorporated by this reference is hereby accepted by the City Council.

PASSED AND ADOPTED by a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 6th of December 2016, by the following vote:

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

WITNESS my hand and the seal of the City of Suisun City this 6th day of December 2016.

Linda Hobson, CMC
City Clerk

Exhibit A

Annual Report on Development Impact Fees, Per Government Code 66000
AB 1600 Statement
Analysis of Changes in Fund Balance

	OSSIP Fund (120)	Parks Dev. Fund (300)	Capital Imprvt. Fund (320)
Beginning Fund Balance, 07/01/2015	\$ 4,460,777	\$ 1,160,206	\$ 91,253
REVENUE			
Developer Fees	\$ 178,899	\$ 130,848	\$ 83,992
WalMart Contribution			-
RPTTF-Payment for Civic Center Reimbursement Agreement	\$ -	\$ -	\$ 350,000
Investment Income (at market value)	\$ 55,834	\$ 7,000	\$ 786
Miscellaneous/Return of Unused Funds	\$ 139,975	\$ -	\$ 3,030
Total Revenues	\$ 374,708	\$ 137,848	\$ 437,808
EXPENDITURES			
Impact Fee Study	\$ 19,100	\$ 14,000	\$ 8,900
Civic Center Debt Service	\$ -	\$ -	\$ -
Returned to RDA- Civic Center Debt Payment	\$ -	\$ -	\$ -
Train Station Improvement	\$ 3,500	\$ -	\$ -
Facility Repairs for City Hall		\$ -	\$ 44,939
Railroad Extension/Marina to Main	\$ 45,500	\$ -	\$ -
Walter/Pintail Rehab 2014 (return of unused funds)	\$ -	\$ -	\$ -
Lawler Park	\$ -	\$ 846,537	\$ -
Landscaping County Gap Closure Trail	\$ -	\$ -	\$ -
Hall Park Improvements	\$ -	\$ -	\$ -
Fire Truck Acquisition	\$ -	\$ -	\$ 544,432
Field Equipment for Fire Truck/Supplies	\$ -	\$ -	\$ 13,328
Driftwood Drive Safe Route to School	\$ 50,000	\$ -	\$ -
Peterson Road- Travis Air Force Gate Entrance	\$ 289,100	\$ -	\$ -
Highway 12 Right of Way Closeout Record of Survey	\$ 6,652	\$ -	\$ -
Cost Allocation	\$ -	\$ 18,000	\$ -
Interest Expense	\$ -	\$ -	\$ -
Total Expenditures	\$ 413,852	\$ 878,537	\$ 611,599
Excess Revenue Over/(Under)			
Expenditures	\$ (39,144)	\$ (740,689)	\$ (173,791)
Ending Fund Balance , 06/30/2016	\$ 4,421,633	\$ 419,517	\$ (82,538)

Five Year Revenue Test Using First In First Out Method

Fees collected in FY2012	\$ 22,548	\$ 1,704	\$ 2,544
Fees collected in FY2013	\$ 38,416	\$ 28,184	\$ 18,000
Fees collected in FY2014	\$ 769,460	\$ 125,056	\$ 102,432
Fees collected in FY2015	\$ 4,977	\$ 3,594	\$ 2,356
Fees collected in FY2016	\$ 178,899	\$ 130,848	\$ 83,992
Tota Revenue for Last Five Years	\$ 1,014,300	\$ 289,386	\$ 209,324

Result: A resolution has been adopted to make a finding that there remains a reasonable relationship between the current need for the **Off-Site Street Improvement** and **Park Development** fees and the purpose for which they were originally proposed to continue fee collection.

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AGENDA TRANSMITTAL

MEETING DATE: December 6, 2016

CITY AGENDA ITEM: Council Adoption of Resolution No. 2016-__: Adopting the 12th Amendment to the Annual Appropriation Resolution No. 2015-79 to Appropriate Funding in Various Programs Citywide to Meet Actual Fiscal Year 2015-16 Obligations.

FISCAL IMPACT: There would be no fiscal impact as the funds are currently available in retained earnings, grant funds or unanticipated revenues already received for a specific purpose.

BACKGROUND: At the conclusion of a fiscal year, variances between estimated and actual expenditures are identified, and an amendment to the appropriations resolution is brought to the Council to make adjustments necessary to reflect actual obligations incurred. The budget amendments being proposed for the FY 2015-16 budget fall into two primary categories:

- Appropriating retained earnings to fund actual expenses that exceeded estimates, such as additional Police Department overtime made necessary primarily for training of newly hired officers, and
 - Appropriating new unanticipated revenues, either by grants or donations, to fund specific activities, such as a new grant to remove derelict vessels from the Marina.
-

STAFF REPORT: The first category of adjustments is necessary to appropriate funding on hand to address expenses that exceeded estimates in the FY 16 budget. These transfers are:

- General Fund - \$35,500 to fund unanticipated Police Department overtime, the majority of which resulted from leave balance payouts for departing officers, maternity / paternity leaves and field training of newly hired officers.
- Housing Authority Section 8 Operating Fund - \$116,200 to correct for an overly conservative expense estimate that reflected the level of actual payments experienced during FY 15. In FY 15, Housing and Urban Development curtailed the funding to underwrite the Section 8 vouchers, which resulted in expenditures for the FY 16 budget to be projected to that lower amount.
- Downtown Waterfront Specific Plan Grant Fund - \$110,200 to fund expenses associated with the Downtown Waterfront Specific Plan Update from grant funds and the required City match.
- CFD No. 3 Fund - \$300 to fund additional advertising required for Community Facilities District operations.
- Civic Center Debt Service Fund - \$200 to fund fees and charges for the Civic Center Debt Service Fund.

PREPARED BY:

Ronald C. Anderson, Jr., Assistant City Manager

REVIEWED/APPROVED BY:

Suzanne Bragdon, City Manager

The second category of adjustments is necessary to appropriate new revenues to fund specific programs or for specific purposes. These transfers are:

- Vessel Grant Fund - \$13,300 to appropriate funds from the Surrendered and Abandoned Vessel Exchange (SAVE) Program, including the required City match;
- Boating Safety Grant Fund - \$700 to appropriate Boating Safety Grant fund for minor field equipment;
- Fire Donations Fund - \$600 to appropriate a Fire Department donation for major facility repairs.

RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2015-__: Adopting the 12th Amendment to the Annual Appropriation Resolution No. 2015-79 to Appropriate Funding in Various Programs Citywide to Meet Actual Fiscal Year 2015-16 Obligations.

ATTACHMENTS:

1. Resolution No. 2015-__: Adopting the 12th Amendment to the Annual Appropriation Resolution No. 2015-79 to Appropriate Funding in Various Programs Citywide to Meet Actual Fiscal Year 2015-16 Obligations.

RESOLUTION NO. 2016-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
ADOPTING THE 12TH AMENDMENT TO THE ANNUAL APPROPRIATION
RESOLUTION NO. 2015-79 TO APPROPRIATE FUNDING IN VARIOUS PROGRAMS
CITYWIDE TO MEET ACTUAL FY 2015-16 OBLIGATIONS**

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

THAT Section 010 of Part III of the Annual Appropriation Resolution No. 2014-46 be and is hereby amended as follows:

		<u>Increase/ (Decrease)</u>
TO:	POLICE DEPARTMENT	\$ 35,500
	Police Operations	
	TOTAL Section 010	<u>\$ 35,500</u>

THAT Section 027 of Part III of the Annual Appropriation Resolution No. 2014-46 be and is hereby amended as follows:

		<u>Increase/ (Decrease)</u>
TO:	FIRE DEPARTMENT	\$ 600
	Fire Donations/ Equipment	
	TOTAL Section 142	<u>\$ 600</u>

THAT Section 138 of Part III of the Annual Appropriation Resolution No. 2014-46 be and is hereby amended as follows:

		<u>Increase/ (Decrease)</u>
TO:	DEVELOPMENT SERVICES	\$ 110,200
	Downtown Waterfront Specific Plan	
	TOTAL Section 138	<u>\$ 110,200</u>

THAT Section 142 of Part III of the Annual Appropriation Resolution No. 2014-46 be and is hereby amended as follows:

		<u>Increase/ (Decrease)</u>
TO:	POLICE DEPARTMENT	\$ 700
	Police Operations	
	TOTAL Section 142	<u>\$ 700</u>

THAT Section 183 of Part III of the Annual Appropriation Resolution No. 2014-46 be and is hereby amended as follows:

		<u>Increase/ (Decrease)</u>
TO:	RECREATION & COM. SVCS.	\$ 13,300
	Vessel Grant	
	TOTAL Section 138	<u>\$ 13,300</u>

THAT Section 225 of Part III of the Annual Appropriation Resolution No. 2014-46 be and is hereby amended as follows:

		<u>Increase/ (Decrease)</u>
TO:	ADMINISTRATIVE SERVICES DEPARTMENT	\$ 200
	Debt Service	
	TOTAL Section 225	<u>\$ 200</u>

THAT Section 469 of Part III of the Annual Appropriation Resolution No. 2014-46 be and is hereby amended as follows:

		<u>Increase/ (Decrease)</u>
TO:	BUILDING & PUBLIC WORKS	\$ 300
	Suisun City CFD No. 3	
	TOTAL Section 142	<u>\$ 300</u>

THAT Section 932 of Part III of the Annual Appropriation Resolution No. 2014-46 be and is hereby amended as follows:

		<u>Increase/ (Decrease)</u>
TO:	DEVELOPMENT SERVICES DEPARTMENT	\$ 116,200
	HA Housing Choice Vouchers	
	TOTAL Section 142	<u>\$ 116,200</u>

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

		<u>Sources</u>	<u>Uses</u>
<u>General Fund</u>			
Revenues:			
A/C No. 010-74120-2350	Parking Fines	\$ 18,500	\$ -
A/C No. 010-98200-1990	Emergency Reserves	\$ 17,000	\$ -
Appropriations:			
A/C No. 010-90200-2350	Overtime	\$ -	\$ 18,500
A/C No. 010-90200-2350	Overtime	<u>\$ -</u>	<u>\$ 17,000</u>
	Total General Fund	<u>\$ 35,500</u>	<u>\$ 35,500</u>
<u>Fire Donations Fund</u>			
Revenues:			
A/C No. 027-70101-0000	Beginning Balance	\$ 600	\$ -
Appropriations:			
A/C No. 027-93140-2630	Major Fac. Repairs	<u>\$ -</u>	<u>\$ 600</u>
	Total Fire Donations Fund	<u>\$ 600</u>	<u>\$ 600</u>
<u>Downtown Waterfront Specific Plan Grant Fund</u>			
Revenues:			
A/C No. 138-76950-3473	Grants / Other	\$ 90,600	\$ -
A/C No. 138-81010-3474	From General Fund	\$ 19,600	\$ -

Appropriations:

A/C No. 138-93310-3473	Prof. Studies / Other	\$ -	\$ 90,600
A/C No. 138-90160-3473	Salary Transfers	<u>\$ -</u>	<u>\$ 19,600</u>
Total Downtown Waterfront Specific Plan Grant Fund		<u>\$ 110,200</u>	<u>\$ 110,200</u>

Boating Safety Grant Fund

Revenues:

A/C No. 142-76230-2405	Boating Safety Grant	\$ 700	\$ -
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Appropriations:

A/C No. 142-93121-2405	Field Equipment over \$5k	<u>\$ -</u>	<u>\$ 700</u>
Total Boating Safety Grant Fund		<u>\$ 700</u>	<u>\$ 700</u>

Vessel Grant Fund

Revenues:

A/C No. 183-76950-8931	Grants / Other	\$ 10,100	\$ -
A/C No. 183-81909-8931	From Marina Ops	\$ 3,200	\$ -

Appropriations:

A/C No. 183-91430-8931	Contract Srvc/Equip	\$ -	\$ 10,100
A/C No. 183-91430-8931	Contract Srvc/Equip	<u>\$ -</u>	<u>\$ 3,200</u>
Total Vessel Grant Fund		<u>\$ 13,300</u>	<u>\$ 13,300</u>

Civic Center Debt Service Fund

Revenues:

A/C No. 225-70101-0000	Beginning Balance	\$ 200	\$ -
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Appropriations:

A/C No. 225-94310-7470	Debt Fees & Chg's	<u>\$ -</u>	<u>\$ 200</u>
Total Civic Center Debt Service Fund		<u>\$ 200</u>	<u>\$ 200</u>

Suisun City CFD No. 3 Fund

Revenues:

A/C No. 469-72110-6469	MAD/PAD/CFD	\$ 300	\$ -
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Appropriations:

A/C No. 469-91330-6469	Advertising	<u>\$ -</u>	<u>\$ 300</u>
Total Suisun City CFD No. 3 Fund		<u>\$ 300</u>	<u>\$ 300</u>

HA Section 8 Operating Fund

Revenues:

A/C No. 932-76410-3455	HUD/Sec. 8 Vouchers	\$ 116,200	\$ -
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Appropriations:

A/C No. 932-91910-3455	Housing Assistance Payments	<u>\$ -</u>	<u>\$ 116,200</u>
Total Suisun City CFD No. 3 Fund		<u>\$ 116,200</u>	<u>\$ 116,200</u>

ADOPTED AND PASSED at a regular meeting of the City Council of the City of Suisun City duly held on the 6th day of December, 2016 by the following vote:

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

WITNESS my hand and seal of the said City this 6th day of December 2016.

Linda Hobson, CMC
City Clerk

AGENDA TRANSMITTAL

MEETING DATE: December 6, 2016

CITY AGENDA ITEM: Highway 12 Advance Warning Device Grant:

- a. Council Adoption of Resolution No. 2016-___: Authorizing the City Manager to Execute the Master Agreement, Program Supplemental Agreements and Any Amendments with the California Department of Transportation for State Route Highway 12 Advance Warning Devices Project, Federal Project No. HSIPL-5032(031); and
- b. Council Adoption of Resolution No. 2016-___: Adopting the 5th Amendment to the Annual Appropriation Resolution No. 2016-48 to Appropriate Funds for the State Route Highway 12 Advance Warning Device Project.

FISCAL IMPACT: The State Route Highway 12 Advance Warning Devices Project (Project) would have no fiscal impact on the General Fund. City staff has applied for and been awarded two Highway Safety Improvement Project (HSIP) grants from the California Department of Transportation. The amount awarded for the State Route Highway 12 Advance Warning Devices Project is \$162,000. There is a required match of \$18,000 which will be supplied by the OSSIP Fund. The total Project budget is \$180,000.

STAFF REPORT: The State Route Highway 12 Advance Warning Devices Project (Project) will install two flashing, advanced warning devices including vehicular detection devices on eastbound Highway 12 between Pennsylvania Avenue and Marina Boulevard (see Attachment 2). The goal of this Project is to reduce or eliminate the number of read-end accidents that occur at the intersection of eastbound Highway 12 and Marina Boulevard.

Staff received a letter from the California Department of Transportation requiring that the City pass the associated resolution in order to receive funds and to be able to proceed with the Project.

RECOMMENDATION: It is recommended that the City Council adopt:

1. Resolution No. 2016-___: Authorizing the City Manager to Execute the Master Agreement, Program Supplemental Agreements and Any Amendments with the California Department of Transportation for State Route Highway 12 Advance Warning Devices Project, Federal Project No. HSIPL-5032(031); and
2. Resolution No. 2016-___: Adopting the 5th Amendment to the Annual Appropriation Resolution No. 2016-48 to Appropriate Funds for the State Route Highway 12 Advance Warning Device Project.

ATTACHMENTS:

1. Resolution No. 2016-___: Authorizing the City Manager to Execute the Master Agreement, Program Supplemental Agreements and Any Amendments with the California Department of Transportation for State Route Highway 12 Advance Warning Devices Project, Federal Project No. HSIPL-5032(031).

PREPARED BY:

REVIEWED BY:

APPROVED BY:

Nick Lozano, Associate Engineer

Tim McSorley, Building & Public Works Director

Suzanne Bragdon, City Manager

2. Project Location Map – State Route Highway 12 Advance Warning Devices Project.
3. Resolution No. 2016-___: Adopting the 5th Amendment to the Annual Appropriation Resolution No. 2016-48 to Appropriate Funds for the State Route Highway 12 Advance Warning Device Project.

RESOLUTION NO. 2016-____

**A RESOLUTION OF THE SUISUN CITY COUNCIL OF THE CITY OF SUISUN CITY
AUTHORIZING THE CITY MANAGER TO EXECUTE THE MASTER AGREEMENT,
PROGRAM SUPPLEMENTAL AGREEMENTS AND ANY AMENDMENTS
WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR
THE STATE ROUTE HIGHWAY 12 ADVANCE WARNING DEVICES PROJECT,
FEDERAL PROJECT NO. HSIPL-5032(031)**

WHEREAS, the City of Suisun City has been awarded a Highway Safety Improvement Project (HSIP) Grant for the State Route Highway 12 Advance Warning Devices Project (Project) in the amount of \$162,000; and

WHEREAS, this Project will install two (2) advanced warning devices and two (2) vehicle detection sensors on eastbound Highway 12 between Pennsylvania Avenue and Marina Boulevard; and

WHEREAS, before Federal Funds will be made available to the City of Suisun City (City), the City and the California Department of Transportation must enter into a Master Agreement which may include a future Program Supplemental Agreement and/or Amendments.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Suisun City authorizes the City Manager to execute the Master Agreement with the California Department of Transportation, as well as any future Program Supplement Agreements and Amendments, and authorizes the City Manager to take any and all actions necessary and appropriate to implement this Resolution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Suisun City, duly held on the 6th day of December 2016 by the following vote:

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

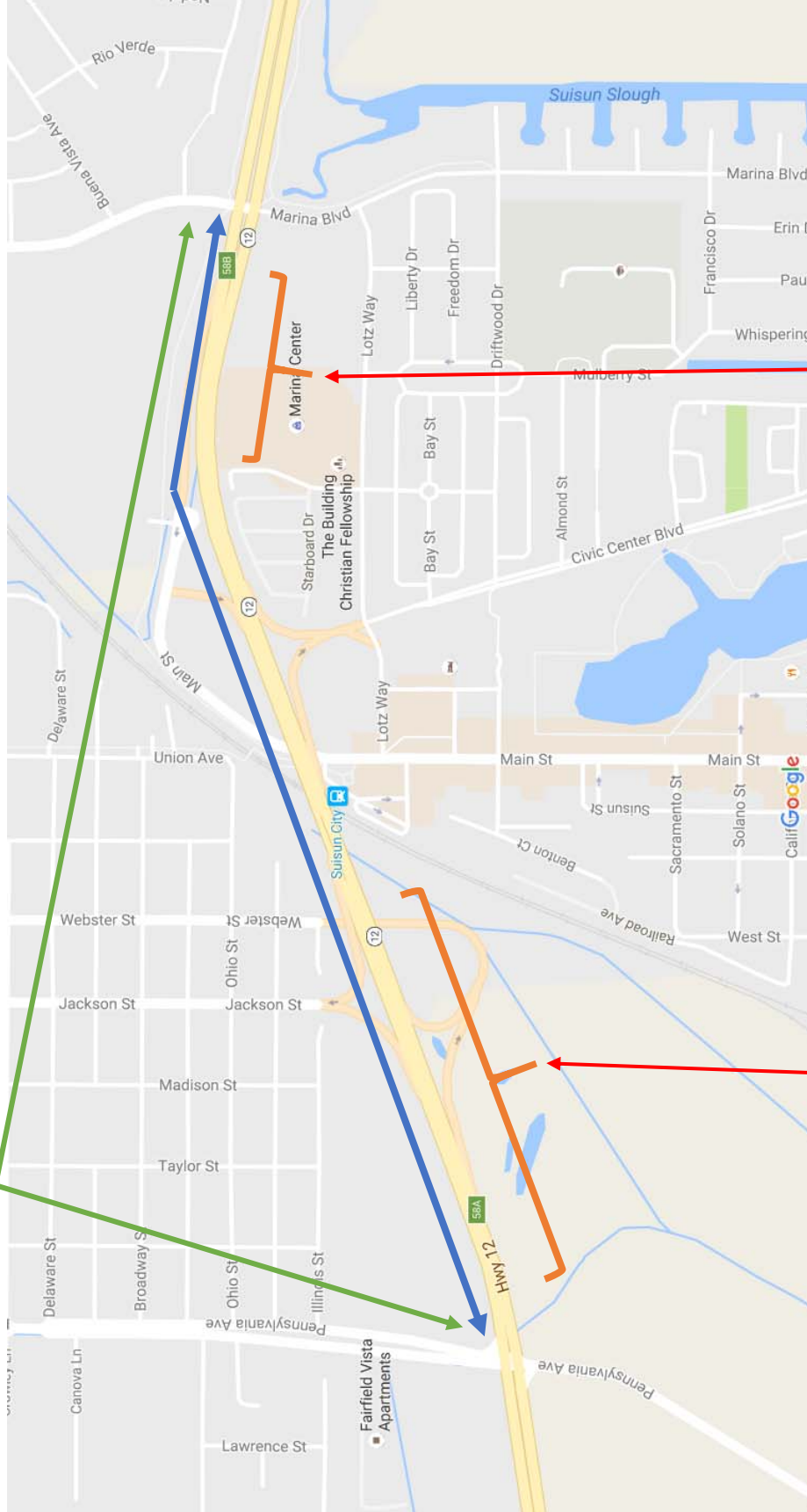
WITNESS my hand and the seal of said City this 6th day of December 2016.

Linda Hobson, City Clerk

LOCATION MAP

State Route Highway 12 Advance Warning Devices Project

Project Boundaries – Eastbound Highway 12 between Pennsylvania Ave. and Marina Blvd.



Two (2) Advanced Warnings Signs –
Message per MUTCD Code –
Eastbound Highway 12

Two (2) vehicle detection sensors –
Feeding information back to Advanced Warning Signs –
Eastbound Highway 12

RESOLUTION NO. 2016-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
ADOPTING THE 5TH AMENDMENT TO THE ANNUAL APPROPRIATION
RESOLUTION NO. 2016-48 TO APPROPRIATE FUNDS FOR THE STATE ROUTE
HIGHWAY 12 ADVANCE WARNING DEVICES PROJECT**

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

THAT Section 115 of Part III of the Annual Appropriation Resolution No. 2016-48 be and is hereby amended as follows:

		<u>Increase/ (Decrease)</u>
TO:	BUILDING & PUBLIC WORKS DEPARTMENT	\$ 180,000
	Capital Improvements	
	TOTAL Section 115	<u>\$ 180,000</u>

THAT Section 120 of Part III of the Annual Appropriation Resolution No. 2016-48 be and is hereby amended as follows:

		<u>Increase/ (Decrease)</u>
TO:	BUILDING & PUBLIC WORKS DEPARTMENT	\$ 18,000
	Capital Improvements	
	TOTAL Section 120	<u>\$ 18,000</u>

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

		<u>Sources</u>	<u>Uses</u>
<u>Transportation Capital Projects Fund</u>			
Revenues:			
A/C No. 115-76590-9985	Federal Transportation Grant	\$ 162,000	\$ -
A/C No. 115-81120-9985	Transfer from Fund 120	\$ 18,000	\$ -
Appropriations:			
A/C No. 115-96210-9985	CIP Design	\$ -	\$ 40,000
A/C No. 115-96310-9985	CIP Construction	\$ -	\$ 120,000
A/C No. 115-96315-9985	CIP In-House Labor	\$ -	\$ 18,000
A/C No. 115-96510-9985	CIP Other Expenses	<u>\$ -</u>	<u>\$ 2,000</u>
Total Transportation Capital Projects Fund		<u>\$ 180,000</u>	<u>\$ 180,000</u>

OSSIP Fund

Revenues:

A/C No. 120-70101-6510	Fund Balance	\$ 18,000	\$ -
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Appropriations:

A/C No. 120-85115-6510	Transfer to Fund 115	\$ -	\$ 18,000
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Total OSSIP Fund	\$ 18,000	\$ 18,000
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THAT the purpose is to appropriate funds for the State Route 12 Advance Warning Device Project.

ADOPTED AND PASSED at a regular meeting of the City Council of the City of Suisun City duly held on the 6th day of December, 2016 by the following vote:

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

WITNESS my hand and seal of the said City this 6th day of December 2016.

Linda Hobson, CMC
City Clerk

AGENDA TRANSMITTAL

MEETING DATE: December 6, 2016

CITY AGENDA ITEM: Sunset and Walters Intersection Improvements Project:

- a. Council Adoption of Resolution No. 2016-___: Authorizing the City Manager to Execute the Master Agreement, Program Supplemental Agreements and Any Amendments with the California Department of Transportation for Sunset Avenue & Walters Road Improvements Project, Federal Project No. HSIPL-5032(030); and
- b. Council Adoption of Resolution No. 2016-___: Adopting the 6th Amendment to the Annual Appropriation Resolution No. 2016-48 to Appropriate Funds for the Sunset Avenue & Walters Road Improvements Project.

FISCAL IMPACT: The Sunset Avenue & Walters Road Improvements Project (Project) would have no fiscal impact on the General Fund. City staff has applied for and been awarded two Highway Safety Improvement Project (HSIP) grants from the California Department of Transportation. The amount awarded for the Sunset Avenue & Walters Road Improvements Project is \$224,100. There is a required match of \$24,900 which will be supplied by the OSSIP Fund. The total Project amount is \$249,000.

STAFF REPORT: The Sunset Avenue & Walters Road Improvements Project (Project) will install countdown pedestrian head modules at existing traffic signals on Sunset Avenue and on Walters Road. Along with the countdown pedestrian modules the Project will install “Signal Ahead” advance warning signs to compliment the countdown pedestrian modules along Sunset Avenue between Highway 12 and the UPRR railroad tracks between Suisun City and Fairfield, and along Walters Road between Highway 12 and McClellan Drive. A total of five intersections on Sunset Avenue and five intersections on Walters Road will be upgraded with countdown pedestrian modules. Each intersection will receive two “Signal Ahead” signs on each side of the street as vehicles approach each signal intersection. (See Attachment 2 – Project Map.)

The primary focus of the Project is the intersection of Sunset Avenue and eastbound (old) Railroad Avenue. This T-intersection is currently signalized and located approximately 200 feet south of the active railroad track that separates Suisun City from Fairfield. When a train is present, the signal at this intersection indicates an all-red phase in all directions. A more desirable scenario would allow for traffic movement of the vehicles wishing to turn southbound onto Sunset Avenue from eastbound (old) Railroad Avenue. The Project will accomplish this intersection improvement.

Staff received a letter from the California Department of Transportation requiring that the City pass the resolution associated with this staff report in order to receive funds and to be able to proceed with the Project.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Nick Lozano, Associate Engineer
 Tim McSorley, Building & Public Works Director
 Suzanne Bragdon, City Manager

RECOMMENDATION: It is recommended that the City Council adopt:

1. Resolution No. 2016-___: Authorizing the City Manager to Execute the Master Agreement, Program Supplemental Agreements and any Amendments with the California Department of Transportation for Sunset Avenue & Walter Road Improvements Project, Federal Project No. HSIPL-5032(030); and
2. Resolution No. 2016-___: Adopting the 6th Amendment to the Annual Appropriation Resolution No. 2016-48 to Appropriate Funds for the Sunset Avenue & Walters Road Improvements Project.

ATTACHMENTS:

1. Resolution No. 2016-___: Authorizing the City Manager to Execute the Master Agreement, Program Supplemental Agreements and any Amendments with the California Department of Transportation for Sunset Avenue & Walter Road Improvements Project, Federal Project No. HSIPL-5032(030).
2. Project Location Map – Sunset Avenue & Walters Road Improvements Project.
3. Resolution No. 2016-___: Adopting the 6th Amendment to the Annual Appropriation Resolution No. 2016-48 to Appropriate Funds for the Sunset Avenue & Walters Road Improvements Project.

RESOLUTION NO. 2016-____

**A RESOLUTION OF THE SUISUN CITY COUNCIL OF THE CITY OF SUISUN CITY
AUTHORIZING THE CITY MANAGER TO EXECUTE THE MASTER AGREEMENT,
PROGRAM SUPPLEMENTAL AGREEMENTS AND ANY AMENDMENTS
WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE
SUNSET AVENUE & WALTERS ROAD IMPROVEMENTS PROJECT,
FEDERAL PROJECT NO. HSIPL-5032(030)**

WHEREAS, the City of Suisun City has been awarded a Highway Safety Improvement Project Grant for the Sunset Avenue & Walter Road Improvements Project (Project) in the amount of \$224,100; and

WHEREAS, this Project will cover five (5) intersections on Sunset Avenue between Highway 12 and the UPRR railroad track and five (5) intersections on Walters Road between Highway 12 and McClellan Drive installing a countdown pedestrian module at each intersection, and “Signal Ahead” signs on both sides of the street at each intersection for a total of ten (10) signs; and

WHEREAS, before Federal Funds will be made available to the City of Suisun City (City), the City and the State of California Department of Transportation must enter into a Master Agreement which may include future Program Supplemental Agreements and/or Amendments.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Suisun City authorizes the City Manager to execute the Master Agreement with the State of California Department of Transportation, as well as any future Program Supplement Agreements and Amendments, and authorizes the City Manager to take any and all actions necessary and appropriate to implement this Resolution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Suisun City, duly held on the 6th day of December 2016 by the following vote:

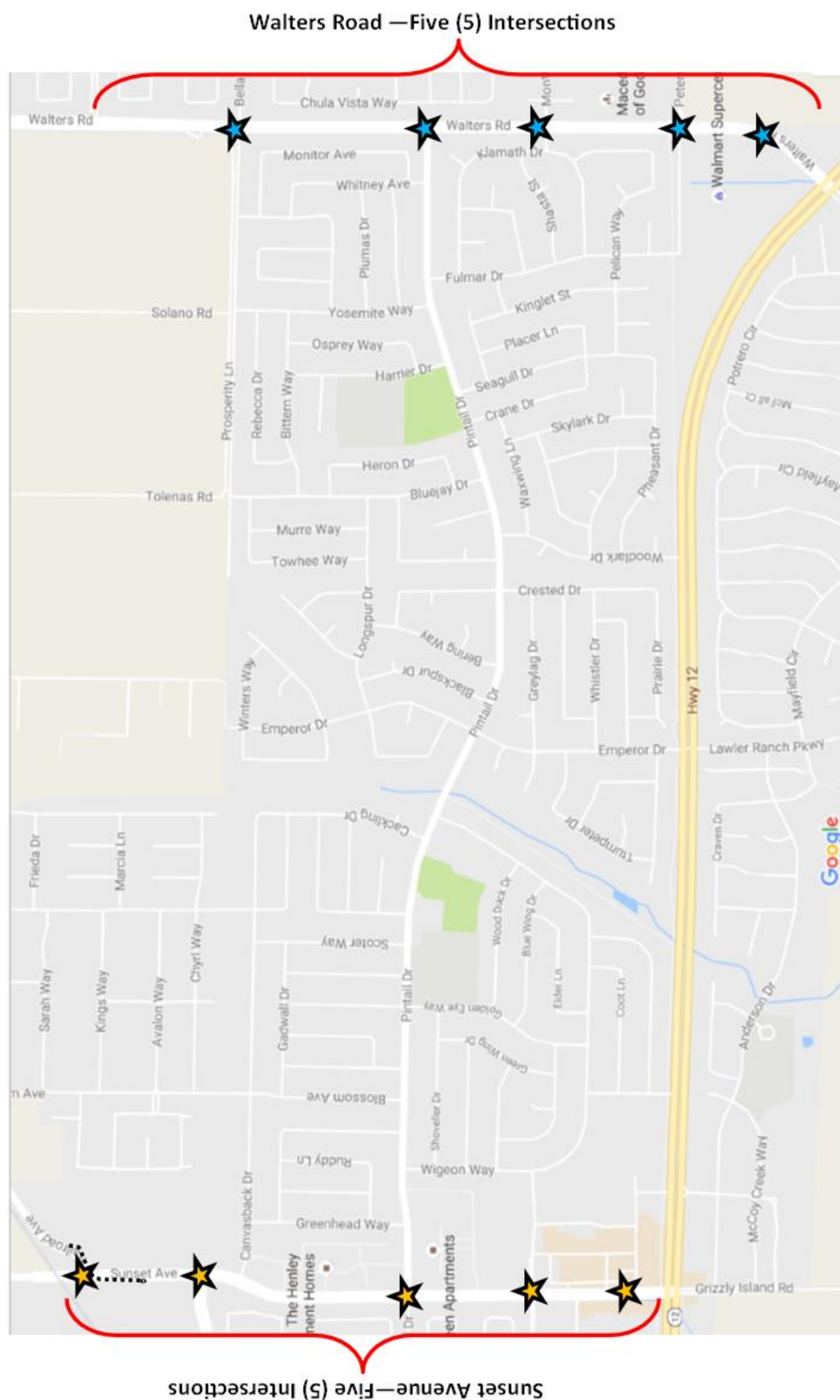
AYES: Council Members: _____
NOES: Council Members: _____
ABSENT: Council Members: _____
ABSTAIN: Council Members: _____

WITNESS my hand and the seal of said City this 6th day of December 2016.

Linda Hobson, City Clerk

LOCATION MAP

Sunset Avenue & Walters Road Improvements Project



Five (5) intersections along Walters Road – Each intersection receives a countdown pedestrian module (5 total) and two “Signal Ahead” signs on each side of the street (10 total).

Five (5) intersections along Sunset Avenue –
Each intersection receives a countdown pedestrian module (5 total) and two “Signal Ahead” signs on each side of the street (10 total).

RESOLUTION NO. 2016-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
ADOPTING THE 6TH AMENDMENT TO THE ANNUAL APPROPRIATION
RESOLUTION NO. 2016-48 TO APPROPRIATE FUNDS FOR THE SUNSET AVENUE &
WALTERS ROAD IMPROVEMENTS PROJECT**

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

THAT Section 115 of Part III of the Annual Appropriation Resolution No. 2016-48 be and is hereby amended as follows:

		<u>Increase/ (Decrease)</u>
TO:	BUILDING & PUBLIC WORKS DEPARTMENT	\$ 249,000
	Capital Improvements	
	TOTAL Section 115	<u>\$ 249,000</u>

THAT Section 120 of Part III of the Annual Appropriation Resolution No. 2016-48 be and is hereby amended as follows:

		<u>Increase/ (Decrease)</u>
TO:	BUILDING & PUBLIC WORKS DEPARTMENT	\$ 24,900
	Capital Improvements	
	TOTAL Section 120	<u>\$ 24,900</u>

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

		<u>Sources</u>	<u>Uses</u>
<u>Transportation Capital Projects Fund</u>			
Revenues:			
A/C No. 115-76590-9986	Federal Transportation Grant	\$ 224,100	\$ -
A/C No. 115-81120-9986	Transfer from Fund 120	\$ 24,900	\$ -
Appropriations:			
A/C No. 115-96210-9986	CIP Design	\$ -	\$ 47,000
A/C No. 115-96310-9986	CIP Construction	\$ -	\$ 181,000
A/C No. 115-96315-9986	CIP In-House Labor	\$ -	\$ 19,000
A/C No. 115-96510-9986	CIP Other Expenses	<u>\$ -</u>	<u>\$ 2,000</u>
Total Transportation Capital Projects Fund		<u>\$ 249,000</u>	<u>\$ 249,000</u>

OSSIP Fund

Revenues:

A/C No. 120-70101-6510	Fund Balance	\$ 24,900	\$ -
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Appropriations:

A/C No. 120-85115-6510	Transfer to Fund 115	\$ -	\$ 24,900
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Total OSSIP Fund	\$ 24,900	\$ 24,900
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THAT the purpose is to appropriate funds for the Sunset & Walters Improvements Project.

ADOPTED AND PASSED at a regular meeting of the City Council of the City of Suisun City duly held on the 6th day of December, 2016 by the following vote:

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

WITNESS my hand and seal of the said City this 6th day of December 2016.

Linda Hobson, CMC
City Clerk

AGENDA TRANSMITTAL

MEETING DATE: December 6, 2016

CITY AGENDA ITEM: City Council Adoption of Resolution No. 2016 -____: Accepting the Annual Safe & Sane Fireworks Report for 2016, and Adopting Certain Findings and the Policy Directives to Implement the Sales and Use of Safe & Sane Fireworks for 2017 as Provided in Chapter 8.04 of the Suisun City Code.

FISCAL IMPACT: Failure to approve the proposed resolution could result in the loss of approximately \$60,000 to fund the 2018 Fourth of July Celebration, as well as \$25,000 to enforce the sale and use of Safe & Sane Fireworks.

BACKGROUND: Exhibit 1 of Attachment 1 is the Annual Safe & Sane Fireworks Report. Attachment 1 is the annual resolution to regulate the sales of Safe & Sane Fireworks. Specifically, certain dates, times, are required to be specified in a City Council Resolution.

In 2013, Title 8, Chapter 8.04 – (“Fireworks.”) was modified to insure that future Safe & Sane fireworks sales periods may be approved by resolution without the need for technical changes every year to the City Ordinance.

STAFF REPORT: The Annual Safe & Sane Fireworks Report (**Exhibit 1 of Attachment 1**) details that collections by each of the three selected non-profit organizations over the past five years. The 2016 collections were the lowest over the period, but the Fourth of July was on a Monday this year. The summary is presented below:

Year Day of the Week	2012 Wed.	2013 Thurs.	2014 Fri.	2015 Sat.	2016 Mon.
TOTAL	<u>\$ 54,138.88</u>	<u>\$ 49,175.73</u>	<u>\$ 57,262.70</u>	<u>\$ 59,262.61</u>	<u>\$ 46,061.00</u>

Attachment 1 is the Resolution which establishes the applicable dates for applying the Fireworks Ordinance to the 2017 Season. The changes include the following:

- The period for accepting applications will be January 3, 2017, through February 6, 2017.
 - The date and time for the lottery will be February 15, 2017, at 10:00 AM.
 - The date for execution of the fireworks wholesaler distribution agreement will be May 30, 2017.
 - The date for submission of the public education plan will be May 30, 2017.
 - It shall be unlawful to discharge any "Safe and Sane Fireworks" except during the hours of 9:00 am to 10:00 pm June 28, 2017, through July 4, 2017.
 - All unsold fireworks and accompanying litter shall be cleared from the location by 5:00 p.m. three (3) days after the fireworks sales period ends, (July 7, 2017).
 - These changes are made to accommodate calendar changes in 2017.
-

PREPARED BY:

REVIEWED/APPROVED BY:

Michael O'Brien, Fire Chief
Suzanne Bragdon, City Manager

STAFF RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2016 -____: Accepting the Annual Sane & Sane Fireworks Report for 2016, and Adopting Certain Findings and the Policy Directives to Implement the Sales and Use of Safe & Sane Fireworks for 2017 as Provided in Chapter 8.04 of the Suisun City Code.

ATTACHMENTS:

1. Resolution No. 2016 -____: Accepting the Annual Sane & Sane Fireworks Report for 2016, and Adopting Certain Findings and the Policy Directives to Implement the Sales and Use of Safe & Sane Fireworks for 2017 as Provided in Chapter 8.04 of the Suisun City Code.

RESOLUTION NO. 2016-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
ACCEPTING THE ANNUAL SAFE & SANE FIREWORKS REPORT FOR 2016, AND
ADOPTING CERTAIN FINDINGS AND THE POLICY DIRECTIVES TO
IMPLEMENT THE SALES AND USE OF SAFE AND SANE FIREWORKS FOR 2017
AS ALLOWED BY TITLE 8, CHAPTER 8.04 OF THE SUISUN CITY CODE**

WHEREAS, the Suisun City Code has been amended to permit the sales of Safe and Sane Fireworks, and to regulate other fireworks-related activities; and

WHEREAS, the sale of Safe and Sane Fireworks has benefitted the City of Suisun City by providing local Nonprofit Organizations, who work for the benefit of the community, with an opportunity to raise funds; and

WHEREAS, the Council has requested that staff provide an annual report of the collections; and

WHEREAS, the City Council deems it necessary to adopt Certain Findings for the sale and use of Safe and Sane Fireworks; and

WHEREAS, the City Council deems it necessary to adopt Policy Directives for the sales and use of Safe and Sane Fireworks.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Suisun City hereby accepts the Annual Safe & Sane Fireworks Report for 2016 attached hereto as Exhibit 1 and incorporated herein by this reference; and

BE IT FURTHER RESOLVED that the City Council hereby finds that Fireworks stands are categorically exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guidelines section 15311 as minor accessory structures appurtenant to existing commercial, industrial, or institutional facilities; and

BE IT FURTHER RESOLVED that the City Council hereby adopts the following Policy Directives:

1. **Number of permits.** Three (3) Fireworks Sales Permits will be made available for the sale of Safe and Sane Fireworks in the City of Suisun City.
2. **Locations of fireworks stands.** Fireworks stand locations will be approved by the City Manager.
3. **Fireworks stands.** Fireworks stands may be put in place by the permittee no earlier than 8:00 a.m. on June 21.

Signs for fireworks sales shall be displayed no earlier than seven days (June 21) before the approved start of sales, June 28, and must be removed four (4) days after the fireworks sales period ends. (July 8)

All unsold fireworks and accompanying litter shall be cleared from the location by 5:00 p.m. three (3) days after the fireworks sales period ends, (July 7).

The fireworks stand shall be removed from the temporary location by 12:00 p.m. on July 10.

4. **Permissible hours of use.** It shall be unlawful to discharge any "Safe and Sane Fireworks" except during the hours of 9:00 am to 10:00 pm June 28 through **July 4**.

5. **Permissible hours of sale.** Dates and Hours of the sale of "Safe and Sane Fireworks" shall begin no earlier than 12:00 noon on June 28 and shall not continue after 9:00 pm on July 4 of the same year. Sale of fireworks shall be permitted only from 12:00 noon to 9:00 pm on June 28 and from 9:00 am to 9:00 pm daily June 29 through July 3, and 9:00 am to 9:00 pm on July 4.

6. **Filing Application for Firework sales on July 4th.** Applications will be accepted from January 3, until **February 6, 2017**, until 5:00 pm.

7. **Permittee selection process.** The process for selection of permittees to hold and use Fireworks Sales Permits shall be consistent with the following policy directives:

a. Only Qualified Applicants, as that term is defined in section 8.04.010 of the Municipal Code, shall be eligible to submit an application for a permit. Applicants are qualified on the basis of the following criteria:

- i. Organizations that have proved they are qualified by documentation of charitable nonprofit status with the State and IRS 501 3c. The organization bylaws or Articles of incorporation shall state organized for a charitable, educational, religious, or scientific purposes, and, a nonprofit organization.
- ii. Charitable organizations "Primarily Serving Suisun City Residents and Businesses," as that phrase is defined in the Municipal Code, and are organized primarily to benefit youth, schools, veterans, or local businesses in Suisun City shall be given preference in the first lottery drawing.
- iii. The organization has at least 10 members that will staff the booth and a plan to keep the booth open for the full sales period.
- iv. Organizations with less than 10 members shall produce an agreement with another nonprofit organization for a joint application.

b. The lottery shall take place at a time, place, and manner determined by the Fire Chief in accordance with the administrative rules and procedures adopted by the Fire Chief. In **2017**, the lottery will be held on **February 15, 2017**, at 10:00 am in the Council Chambers.

- i. If three or less organizations with the above preference apply, these organizations will be drawn in a lottery to determine selection for available permits.
- ii. The choice of fireworks stand sites will be drawn separately after the permits have been determined.

ii. After the authorized number of permits has been awarded, the remaining qualified applicants shall be drawn in a second lottery as alternates. Each alternate, according to the order drawn, shall be offered a permit if one of the original permittees cannot meet the requirements of this Chapter or if a permittee voluntarily surrenders its permit.

8. Fireworks Wholesaler—Distribution agreement.

a. All fireworks wholesalers, who seek to do business in the City and supply and contract with applicants for fireworks booth permits in the City, shall enter into and execute a fireworks wholesaler distribution agreement with the City no later than **May 5, 2017**.

9. Fireworks Wholesaler Public Education Plan.

a. Each fireworks distributor/wholesaler supplying one or more nonprofit organizations who are permittees under this chapter, shall submit a public education plan to the City by no later than 5:00 pm on **May 30, 2017**.

7. **City Manager to administer fireworks program.** The City Manager is hereby directed to administer the Suisun City Fireworks Program; the City Council of the City of Suisun City authorizes the City Manager to execute any and all necessary documents pertaining to implementation of the Sales and the Use of Safe and Sane Fireworks in the City Suisun City.

PASSED AND ADOPTED at a regular meeting of the Suisun City Council, duly noticed and held on Tuesday the 6th day of December 2016 by the following vote:

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

WITNESS my hand and the seal of said City this 6th day of December 2016.

Linda Hobson, CMC
City Clerk

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ANNUAL REPORT ON THE SALE OF SAFE & SANE FIREWORKS

Background

In May of this year, the City Council approved changes to the fireworks funding agreements with the Fireworks Wholesalers that allowed the Non-Profits to retain a bit more profit for their efforts. The City also gained surcharge funds for enforcement efforts.

Safe and Sane Fireworks Ordinance

The Safe and Sane Fireworks Ordinance was adopted to achieve that following three goals:

- To establish an ongoing funding source to ensure that the Fourth of July Celebration not be lost due to the punitive actions of the state to eliminate the Redevelopment Agency.
- To establish an ongoing funding source for non-profit organizations to sustain and enhance their services to the community.
- To facilitate the enjoyment by the community of safe and sane fireworks by enhancing public safety services during the period that these fireworks may be sold and used.

The wholesalers and the City have worked cooperatively to make these interests possible.

Wholesaler Agreement

The Wholesaler Agreement is a stand-alone contract between the City and the fireworks wholesaler, who supplies and manages the non-profit organizations. The agreement is not a part of the City Fireworks Ordinance (8.04.050) or the annual Resolution adopting certain findings and policy directives for the sale of Safe and Sane Fireworks. This contractual relationship between the Wholesaler and the City recognizes the importance of the Fourth of July Celebration to the sale of "safe and sane fireworks."

The City does not have contracts with the non-profit seller groups; only the wholesalers do. Some of the provisions related to the Council's interests and adjusted in this year's Wholesaler Agreement include:

- The Wholesaler pays \$3,500 to the City of Suisun City for "Premier Event Sponsorship."
- The Wholesaler pays for certain non-profit organization operating expenses totaling \$3,305.
- Sales taxes (7.625%) and the public safety surcharge (8.0%) are deducted from the gross receipts. Then the wholesaler takes 50% of the remainder, and then the City takes 50% and the non-profit organizations take 50% of the net.
- The City's net 50% is essentially consideration for contracting with the City to put on the July 4th community event for the subsequent July 4th event.
- The non-profit organizations deduct their operating costs not covered by the wholesaler from their share of the net receipts to determine their profits.

2016 Lottery

The 2016 lottery was held on February 19, 2016 with the following results:

2016 LOTTERY DRAWING RESULTS

Drawing Number	Site Selection	Non-Profit Organization	Wholesaler
1	Backed out due to lack of staffing	Macedonia Church of God & Christ	T-N-T Fireworks
2	Sunset Center	Crystal Music Boosters	T-N-T Fireworks
3	Marina & Hwy 12	Suisun American Little League	T-N-T Fireworks
4	Walmart	North Bay Panthers Youth Sports Organization	T-N-T Fireworks
5	N/A	Alooma Temple No. 212 Ancient Egyptian Order Nobles of the Mystic Shrine (Shriners)	T-N-T Fireworks
6	N/A	Fairfield-Suisun Bobby Sox	T-N-T Fireworks

Non-Profit Organization Net Proceeds

The following table displays the proceeds generated by each non-profit organization over the past five years:

NON-PROFIT NET RECEIPTS FROM SALES

Non-Profit Organization	2012 Wed.	2013 Thurs.	2014 Fri.	2015 Sat.	2016 Mon.
Suisun BID & Titans	\$ 15,750.14	\$ -	\$ -	\$ -	\$ -
Suisun Am. Little League	\$ 19,887.00	\$ 21,909.09	\$ -	\$ -	\$ 20,513.00
Sea Otters	\$ 18,501.74	\$ -	\$ -	\$ -	\$ -
Vikings	\$ -	\$ 10,567.20	\$ -	\$ -	\$ -
Titans	\$ -	\$ 16,699.44	\$ -	\$ -	\$ -
Alooma Temple (Shriners)	\$ -	\$ -	\$ 14,562.97	\$ -	\$ -
Macedonia Church	\$ -	\$ -	\$ 16,560.50	\$ 14,289.05	\$ -
Devil Dogs	\$ -	\$ -	\$ 26,139.23	\$ -	\$ -
First Christian Church	\$ -	\$ -	\$ -	\$ 16,859.05	\$ -
North Bay Panthers	\$ -	\$ -	\$ -	\$ 28,114.51	\$ 8,894.00
Crystal Music Boosters	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 16,654.00</u>
TOTAL	<u><u>\$ 54,138.88</u></u>	<u><u>\$ 49,175.73</u></u>	<u><u>\$ 57,262.70</u></u>	<u><u>\$ 59,262.61</u></u>	<u><u>\$ 46,061.00</u></u>

Non-Profit Organization Debrief on August 4, 2016

The three groups and representatives from TNT met to discuss the sales period. The following comments are from that meeting:

- Overall the Non Profits were very happy with the enhanced split of the net proceeds with the City.
- They thought the surcharge was too much and may have affected sales.
- The Suisun American Little League was happy with the split.
- The sales flyer and map were good. The groups still had a lot of questions why fireworks could not be used in Fairfield.

- The sites were good. The SALL asked if the Marina & 12 site stand could be turned 180 degrees to help protect from the wind. This can be determined by the Wholesaler.
- The groups did experience a few counterfeit bills, and they all saw fraud credit cards with mag stripe that had been swapped or faked. This resulted in some loss of profits.
- Their plans for the profit:
 - Panthers will purchase football and cheer uniforms.
 - The Little League is working on a tot playground.
 - Crystal Music will be use the funds for busing and entry fees for events and instrument repairs.

AGENDA TRANSMITTAL

MEETING DATE: December 6, 2016

CITY AGENDA ITEM: Council Adoption of Resolution No. 2016 - ____: Approving an Extension of the Approved Tentative Subdivision Map Application No. TSM07-03, for a 16-Unit Subdivision located at the Northeast Corner of Civic Center Boulevard and Lotz Way.

FISCAL IMPACT: Ultimate development of this project, which is required to annex into Community Facilities District No. 2, would generate \$812.06 per lot, amounting to approximately \$12,993 annually to cover basic municipal service costs for such things as police and fire protection. In addition, a CFD tax zone would cover direct public costs for the maintenance of public landscaping and storm drainage improvements that would directly serve the project that do not exist yet.

BACKGROUND: On January 15, 2008, the City Council adopted Resolution Nos. 2008-11 and 2008-12, which approved Tentative Subdivision Map Application No. TSM07-03 and Planned Unit Development No. PUD07-01 for the property at the northeast corner of Civic Center Boulevard and Lotz Way, which is commonly referred to as “Main Street West Parcel 10.” Findings and Conditions of Approval (as well as a Planned Unit Development application) were approved for a 16-unit Single-Family Residential Subdivision.

The applicant (Main Street West Partners) has requested an extension of two-years to the life of the tentative map which is currently set to expire on January 2017. This extension would provide the developer with the time necessary to prepare the final map and associated construction documents to proceed with construction.

STAFF REPORT: As authorized by the Subdivision Map Act, the entitled tentative subdivision map has a life of two years, which would have expired in January 2010. However, during the great recession, a number of legislative bills were passed that automatically extended the life of approved maps. According to Title 17 of the Suisun City Code and the Subdivision Map Act, a tentative map extension is allowed for up to two years if an application to extend the map is submitted prior to the expiration date, which is in this case, is January 15, 2017. Under these provisions of the Suisun City Code and Subdivision Map Act, the developer has requested a two-year extension of the tentative map, extending it to January 15, 2019.

The City Council may extend the tentative map for any time period between 60 days and up to two years. Staff recommends that the full two-year extension is warranted given that the proposed project remains consistent with the new General Plan and Waterfront District Specific Plan.

Since the approval of the project in 2008 (including Tentative Subdivision Map), there have been no changes to applicable land use documents that would contradict the approval of the project. The 2015 comprehensive update of the City’s General Plan and November 2016 adoption of the

PREPARED BY:

John Kearns, Associate Planner

REVIEWED BY:

Jason Garben, Development Services Director

APPROVED BY:

Suzanne Bragdon, City Manager

Waterfront District Specific Plan assumed the previously approved project would proceed, and no new policies, goals, objectives or action items were adopted that would prohibit the previously approved project from maintaining consistency with the updated General Plan. Additionally, there have been no changes in the character of the site, its surroundings or changes to community infrastructure or resources that would impact this project.

If the Council chooses to deny the extension request, the map would expire, and would require re-entitlement of the property, which adds time, cost and effort to the planned project. A denial of the extension requires findings related to public health, welfare, and safety. These findings would be difficult to make given that the map was approved in 2008, and circumstances have not changed relating to consistency with the General Plan or Waterfront District Specific Plan and infrastructure availability.

RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2016-__: Approving an Extension of the Approved Tentative Subdivision Map Application No. TSM07-03, for a 16-Unit Subdivision located at the Northeast Corner of Civic Center Boulevard and Lotz Way.

ATTACHMENTS:

1. Resolution No. 2016-__: Approving an Extension of the Approved Tentative Subdivision Map Application No. TSM07-03, for a 16-Unit Subdivision located at the Northeast Corner of Civic Center Boulevard and Lotz Way.
2. Letter from Applicant.

RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY APPROVING AN EXTENSION OF THE APPROVED TENTATIVE SUBDIVISION MAP APPLICATION NO. TSM07-03, FOR A 16-UNIT SUBDIVISION LOCATED AT THE NORTHEAST CORNER OF CIVIC CENTER BOULEVARD AND LOTZ WAY

WHEREAS, on January 15, 2008 the City of Suisun City approved a tentative map for a 1.54 acres of property located at the northeast corner of Civic Center Boulevard and Lotz Way. The approved map subdivided the property into 16 residential lots; and

WHEREAS, Section 17.16.230 of the Suisun City Code establishes the life of approved tentative maps as 24 months; and

WHEREAS, through legislation such as AB 208 and AB 116, the California legislature granted automatic map extensions to qualifying tentative maps, resulting in an expiration date of January 15, 2017 for this map; and

WHEREAS, the applicant has requested a 24-month extension allowed by Suisun City Code Section 17.16.230; and

WHEREAS, the City Council may choose to grant an extension of time between 60 days and 24-months to the approved tentative map; and

WHEREAS, the previously approved tentative map is still valid and a 24-month extension can be granted; and

WHEREAS, the time extension is exempt from environmental review pursuant to CEQA Guidelines Section 15061(b) (3) in that a mitigated negative declaration was approved in conjunction with the previously approved project, including the tentative map, and the act of granting a time extension would not result in any environmental impacts or physical effects on the environment; and

WHEREAS, the permitting of the project will be subject to all new codes in effect at the time of permit issuance, including new building codes and stormwater regulations; and

WHEREAS, the City Council finds there have been no changes to the provisions of the General Plan, any applicable specific plan or this land use code applicable to the project. The 2015 comprehensive update of the City's General Plan as well as the recent update of the Waterfront District Specific Plan assumed the previously approved project would proceed and there were no new policies, goals, objectives or action items adopted which would prohibit the previously approved project from maintaining consistency with either document; and

WHEREAS, the City Council finds there have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan or Waterfront District Specific Plan or other standards of this land use code apply to the project; and

WHEREAS, the City Council finds there have been no changes to the capacities of community infrastructure or resources, including but not limited to, water supply, sewage treatment or disposal facilities, roads or schools so that there is no longer sufficient remaining capacity to serve the project as approved and conditioned.

WHEREAS, the City Council finds that the health, safety, and welfare of the citizens of the City of Suisun City will not likely be jeopardized by the granting of this extension.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Suisun City finds the above recitals to be true and correct, and hereby approves a twenty-four (24) month extension to the tentative map for the property at the northeast corner of Civic Center Boulevard and Lotz Way, subject to compliance with all previously approved map (Exhibit A) and adopted Conditions of Approval (Exhibit B).

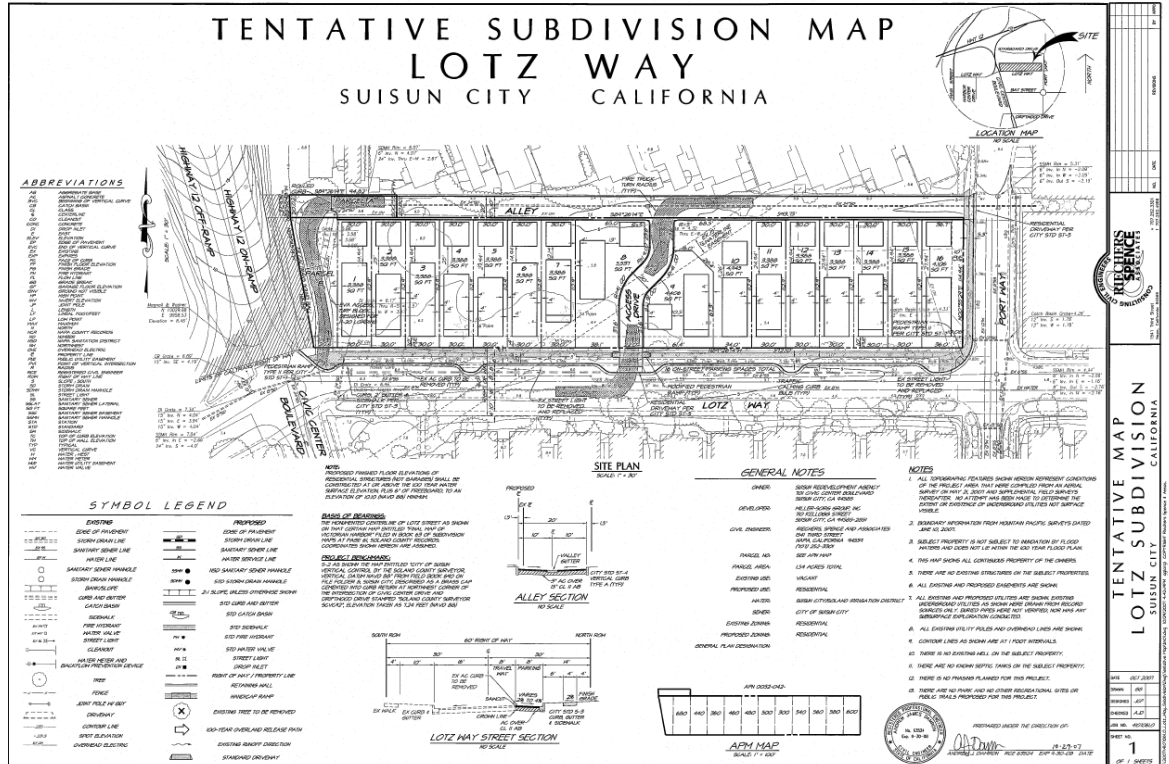
PASSED AND ADOPTED by the City Council of the City of Suisun City at a regular meeting thereof held on Tuesday, the 6th of December, 2016, by the following vote:

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

WITNESS my hand and the seal of the City of Suisun City this 6th of December 2016.

Linda Hobson, CMC
City Clerk

EXHIBIT A TENTATIVE SUBDIVISION MAP (TSM 07-03)



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EXHIBIT B
CONDITIONS OF APPROVAL –TENTATIVE SUBDIVISION MAP (SM 07-03)
MAIN STREET WEST PARCEL 10 HOUSING PROJECT
APPROVED BY CITY COUNCIL

DEVELOPMENT IMPACT FEES

- DIF-1 Pursuant to the City of Suisun City Resolution No. 94-6 dated February 1, 1994, the project applicant or heirs shall pay fees as identified in the 1993 Update to Park Improvement Program and New Construction Fees and Off-Site Street Improvement Program dated December 30, 1993, or those fees in effect at the time of building permit issuance.

GENERAL

- G-1 The applicant or applicants successor in interest shall indemnify, defend and hold harmless the City of Suisun City it's agents, officers, and employees from any and all claims, actions or proceedings against the City of Suisun City, its agents, officers, and employees to attach, set aside, void or annul, any approval by the City of Suisun City and its advisory agency, appeal board, or legislative body concerning this application which action is brought within applicable statutes of limitations. The City of Suisun City shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the City fails to do so, the applicant or applicant's successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans, or other documents pertaining to this application.
- G-2 The uses shall be constructed in accordance with the information presented and shall conform to all requirements of the City of Suisun City Code including but not limited to the Uniform Building Code as adopted by the City of Suisun City.
- G-3 The Mitigation Monitoring Program as recommended by Planning Commission Resolution No. 2007- dated December 11, 2007 are incorporated as conditions of project approval.
- G- 4 The applicant or applicant's successor in interest shall fund and be responsible for the implementation of all conditions relating to the Main Street West Parcel 10 Housing Development including but not limited to the conditions established for the Tentative Subdivision Map and Preliminary Development Plan Approval, and the Mitigation Monitoring and Reporting Program.
- G-5 As required by Community Redevelopment Law of the State of California, Section 33413 (b-2-A-I), replacement housing inclusionary requirements, the private project shall make provisions for affordable housing units and insure affordability for 45 years as required by state law, prior to filing of the map. Said provisions shall be subject to the approval of the Economic Development Director and Community Development Director.
- G-6 Final landscape plans to be reviewed and approved by the Community Development Director and Public Works Director.

COMMUNITY DEVELOPMENT DEPARTMENT

- CDD-1 Community Development Director shall in accordance with Section 18.63 review the Precise Development Plan for Planned Development Permit 07-01, Main Street West Parcel 10 Housing Development Plan and when appropriate shall notify the application in writing that the Precise Plan is in compliance with the approved Preliminary Development Plan. Should the Precise Plan not be in compliance with the approved Preliminary Development Plan, the Community Development Director shall schedule a hearing before the City Council for their review and approval.
- CDD-2 No operations conducted on the premises shall cause an un-reasonable amount of noise, odor, dust, mud, smoke, vibration or electrical interference detectable off the premises.
- CDD-3 Prior to issuance of building permits, the Applicant will fund and participate in the formation and establishment of a Community Facilities District in compliance with City Council Resolution No. 2005 – 69 entitled Clarified Cost-Recovery Policy for New Development, dated October 4, 2005 or the annexation into Community Facilities District No. 2, to fund police services, fire services, paramedical services, services for the maintenance of parks, parkways and open space (landscaping), services for the maintenance of storm drains, city wide services as well as zone maintenance for, including but not limited to, landscaping, storm drainage, replacement fund and administration costs.
- CDD-4 No chain link fencing shall be utilized within the project, unless specified in the Mitigated Negative Declaration as a mitigation measure.
- CDD-5 The Community Development Director may approve minor modifications to the project, and implement the project and mitigation measures as deemed appropriate.

PUBLIC WORKS DEPARTMENT

- PW-1 The Applicant agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against the City by reason of its approval of Applicant's project.
- PW-2 All work performed shall conform to these conditions as well as all City ordinances, rules, standard specifications and details, design standards, and any special requirements imposed by the City Engineer. Any deviation from the aforementioned documents shall require review and written approval by the City Engineer.
- PW-3 The Improvement Plans shall include a General Note that: any revisions to the approved Improvement Plans and/or City Standards, including those due to field conditions, shall require review and written approval by the City Engineer. The Applicant shall have the revised plans prepared by the Project Civil Engineer and shall have the revised plans submitted for review and approval by the City Engineer. Any revisions to the Improvement Plans resulting from these or other conditions contained herein shall be subject to written approval of the City Engineer.

- PW-4 When submitting Improvement Plans, the engineer's estimate of costs for the public improvements necessary to accommodate the project shall be included. This estimate shall show quantities as well as unit prices used to obtain the final cost of each item.
- PW-5 The Applicant shall pay all public works fees as established by the City Public Works Fee Schedule at the time of submittal of Improvement Plans. The Applicant shall also pay Suisun-Solano Water Authority (SSWA) plan check and inspection fees within 30 calendar days upon receipt of invoice from the Solano Irrigation District (SID). The invoice will be for actual expenses incurred by SID for providing plan checking and inspection services for the project. At the time of submittal of Improvement Plans, Applicant shall pay a deposit of \$350 to be applied towards SSWA fees.
- PW-6 After City Council approval of Tentative Map, Applicant shall submit six copies of Final Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Public Works Department. The submittal shall include a title report, closure calculations, and all appropriate fees. Final Map must be approved by City Council and recorded by the Applicant prior to building permit issuance.
- PW-7 The Applicant shall dedicate required street right-of-way by Final Map or approved instrument prior to start of construction.
- PW-8 The Applicant shall dedicate, as required, on-site easements for new utilities by means of Final Map or approved instrument prior to start of construction.
- PW-9 The Applicant shall obtain all necessary permits from all applicable agencies prior to development.
- PW-10 All work within the public right-of-way, which is to be performed by the Applicant, the general contractor, and all subcontractors shall be included within a single City Encroachment Permit issued by the City Public Works Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- PW-11 The Applicant shall prepare a notice, subject to the review by the City Engineer, that lists all construction mitigation requirements, permitted hours of construction, and identifies a contact person as well as the Applicant who will respond to complaints related to the proposed construction. The notice shall be mailed to property owners and residents within a 300-foot radius from the subject site at least five (5) days prior to the start of construction.
- PW-12 A sign shall be posted on the property in a manner consistent with the public hearing sign requirements, which shall identify the address and phone number of the Applicant and/or applicant for the purposes of responding to questions and complaints during the construction period. Said sign shall also indicate the hours of permissible construction work.
- PW-13 Any existing wells shall be abandoned per County of Solano Health Department standards prior to development of the property. Owner shall submit documentation to the Public Works Director that this condition has been satisfied prior to any construction on this project.
- PW-14 If any archaeological resources are found during the grading of the site or during performance of any work, work shall be halted, the City Engineer shall be notified and a certified archaeological firm shall be consulted for advice.

- PW-15 Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways and corners in order to allow an unobstructed view of oncoming traffic.
- PW-16 Any relocation or modification of any existing facilities necessary to accommodate subject project shall be at the Applicant's expense. It shall be the responsibility of the Applicant to coordinate all necessary utility relocations with the appropriate utility company.
- PW-17 If existing easements and utilities are located within the proposed lots, the utilities shall be relocated within the public streets or into appropriate easements, as required by the City Engineer.
- PW-18 Any existing frontage, or street, improvements, which in the opinion of the City Engineer, are currently damaged or become damaged as a part of the work shall be removed and replaced as required to the current City Standards, or as directed.
- PW-19 Immediately after demolition (and during construction), a security fence, the height of which shall be the maximum permitted by the Zoning Ordinance, shall be maintained around the perimeter of the lot. The lot shall be kept clear of all trash, weeds, etc... throughout the construction activity.
- PW-20 The Improvement Plans shall show the installation of and the Applicant include street signage and pavement markings and striping. All pavement markings and striping shall be thermoplastic or as required by City Standards.
- PW-21 The Solano Irrigation District (SID) and the Fairfield-Suisun Sewer District may have separate comments and conditions which shall be resolved or met.
- PW-22 Direct tapping of City or SSWA water mains is not permitted. Applicant shall install the required fittings in the existing or new main lines to accommodate the proposed water system. No existing water mains shall be shut down without specific permission of the City Engineer and the Solano Irrigation District.
- PW-23 Storm drainage shall comply with Solano County Hydrology and Drainage Design as described in the City Standards. The Applicant shall provide a hydrology and hydraulic study for the project.
- PW-24 The Applicant shall obtain all necessary permits for storm water discharges.
- PW-25 Applicants whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (State Water Resources Control Board Construction General Permit, 99-08-DWQ). Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.
- PW-26 Applicants whose projects disturb less than one acre of soil and are not part of a larger common plan of development shall prepare and implement an abbreviated Storm Water Pollution Prevention Plan prior to the start of construction.
- PW-27 The project shall use best management practices (BMPs) during construction to mitigate construction impacts and during post-construction to mitigate post-construction impacts to water quality.

- PW-28 The project shall comply with the requirements of the most current National Pollutant Discharge Elimination System (NPDES) permit issued to the Fairfield-Suisun Urban Runoff Management Program.
- PW-29 All projects creating, adding or replacing 43,560 square feet (1 acre) or more of impervious surface on the project site shall fill out completely and submit to the City the “New and Redevelopment Post Construction Stormwater Requirements Application”, attached to these conditions, no later than with development or grading plans.
- PW-30 Interior remodeling projects and routine maintenance or repair projects, and projects involving only construction of sidewalks, bicycle lanes, trails, bridge accessories, guardrails and landscape features are not required to complete the “New and Redevelopment Post Construction Stormwater Requirements Application”.
- PW-31 All projects creating, adding or replacing 43,560 square feet (1 acre) or more of impervious surface on the project site shall include the design and implementation of stormwater treatment measures.
- PW-32 After October 15, 2006, all projects creating, adding or replacing 10,000 square feet or more of impervious surface on the project site shall fill out completely and submit to the City the “New and Redevelopment Post Construction Stormwater Requirements Application”, attached to these conditions, no later than with development or grading plans.
- PW-33 After October 15, 2006, all projects creating, adding or replacing 10,000 square feet or more of impervious surface on the project site shall include the design and implementation of stormwater treatment measures.
- PW-34 To limit pollutant generation, discharge and runoff to the maximum extent practicable, the project shall include stormwater pollution control measures listed within the document entitled “Storm Water Pollution Control Measures List”. This list is provided within Appendix B of the document entitled “Storm Water Requirements for Development Projects- Packet for Project Applicants”.
- PW-35 The City shall designate which stormwater pollution control measures will be required as conditions of approval for the project. Each identified source of pollutants may have one or more appropriate control measures.
- PW-36 All stormwater treatment measures shall be adequately operated and maintained. To ensure operation and maintenance of stormwater treatment measures, the Applicant shall enter into a Stormwater Treatment Measures Maintenance Agreement with the City. This agreement is included in the document entitled “Storm Water Requirements for Development Projects- Packet for Project Applicants”.
- PW-37 Improvement Plans shall include an Erosion Control Plan (or Storm Water Pollution Prevention Plan –SWPPP) for any grading during the rainy season (October 15 to April 15). No work shall be allowed during the rainy season without an approved and implemented Erosion Control Plan.
- PW-38 Improvement Plans shall include a Grading Plan prepared by a registered Civil Engineer and shall comply with the requirements of the soils report for the project and the City’s Grading Ordinance prior to approval by the City Engineer. To the extent possible, the Grading Plan shall follow natural contours and maintain any existing native trees. In addition, the Grading Plan shall be prepared to the satisfaction of the

- City Engineer, and is to reflect a positive drainage to existing drain inlets as well as to proposed drain inlet.
- PW-39 Dust control shall be in conformance with City Standards and Ordinances. Vehicles hauling dirt or other construction debris from the site shall cover any open load with a tarpaulin or other secure covering to minimize dust emissions.
- PW-40 Improvement Plans shall include a grading plan prepared by a registered Civil Engineer and comply with the requirements of the soils report for the project and the City's Grading Ordinance prior to approval by the City Engineer. To the extent possible, the Grading Plan shall follow natural contours and maintain any existing native trees. Also, the Grading Plan is to be prepared to the satisfaction of the City Engineer, and is to reflect a positive drainage to existing drain inlets as well as to proposed drain inlet.
- PW-41 The maximum allowable slope in landscape areas shall be 3:1. The toe and top of slope shall not be closer than one foot from a wall, property line, or sidewalk. One-foot concrete mow strips shall be as required by the City Engineer.
- PW-42 Unless otherwise approved by the City Engineer, all existing sidewalks shall be kept clear and passable during the grading and construction phase of the project.
- PW-43 The Applicant shall provide the following easements: a) 10-foot public utility easement along the southerly frontage of the project site along the north side of Lotz Way, and b) 10-foot public utility easement along the easterly frontage of the project site along the west side of Port Way.
- PW-44 Improvement Plans shall show the reconstruction of and the Applicant shall reconstruct the alley with 3" AC over 15" AB over road stabilization fabric. The alley should terminate into a "hammerhead", or comparable improvement satisfactory to the Public Works Director to allow vehicles to adequately make a U-turn, at the westerly property limits. Width of paved travel ways in alley shall be 24' at the minimum.
- PW-45 Improvement Plans shall show the installation of and the Applicant shall install rolled curbs and 5' wide sidewalk along the south side of the alley from Port Way to the westerly property limits.
- PW-46 Improvement Plans shall show the installation of and the Applicant shall install a fence along the north side of the alley.
- PW-47 Improvement Plans shall show the removal of and the Applicant shall remove the existing curb along Lotz Way from Civic Center Boulevard to Driftwood Drive.
- PW-48 Improvement Plans shall show of and the Applicant shall 2" overlay of the following streets: a) full-width Lotz Way from Civic Center Boulevard to Josiah Circle, and b) Full-width Port Way from Lotz Way to new alley driveway.
- PW-49 Improvement Plans shall show the installation of and the Applicant shall install a 5' wide meandering sidewalk along the north side of Lotz Way from Civic Center Boulevard to Port Way.
- PW-50 Improvement Plans shall show the installation of and the Applicant shall install a City standard curb/gutter and sidewalk along the west side of Port Way from Lotz Way to the new alley driveway.
- PW-51 The minimum longitudinal slopes of gutter flow lines shall be 0.005.
- PW-52 Improvement Plans shall show the removal of and the Applicant shall remove existing street lights in the alley, Port Way and on the north side of Lotz Way.
- PW-53 The Improvement Plans shall show the installation of and the Applicant shall install decorative lighting fixtures along the southerly, easterly and northerly frontage of the

project site, as well as within the parcel directly west of the project site. The decorative lighting fixtures shall match the existing decorative street lighting fixtures in the Harbor Village subdivision. The Applicant shall provide a photometric analysis for lighting. The analysis is to be prepared and signed by a design professional.

- PW-54 Improvement Plans shall show the installation of and the Applicant shall install curb ramps at the following locations: a) Northeast and southeast corners of Lotz Way and Civic Boulevard, and b) All four corners at the intersection of Lotz Way and Port Way. The driveways and curb ramps shall comply with the State American Disability Act (ADA) regulations. New curb ramps shall utilize truncated domes (3'X4' Naviplate, "adobe" color).
- PW-55 The Improvement Plans shall show the installation of and the Applicant shall install landscaping and automatic irrigation system at the following locations: a) Along the north side of Lotz Way from Civic Center Boulevard to Port Way, b) Along the west side of Port Way from Lotz Way to the Alley, c) Along the north and south sides of the alley, and d) within the entire parcel immediately west of the project site. Trees shall be no smaller than 24" box trees. Landscaping along the north side of the alley shall consist of no less than seventeen 24" box trees. The Applicant shall re-use the existing palm trees within the project site as part of the new landscaping in this project.
- PW-56 No permanent structures shall be installed within easements. Permanent structures shall include, but not limited to buildings, block walls, street lights, and trees.
- PW-57 Improvement Plans shall show the undergrounding of and the Applicant shall underground all existing overhead lines within, through, over and around the project site, the parcel immediately west of project site, the alley, Port Way and the intersection of Lotz Way and Civic Center Boulevard.
- PW-58 Upon the approval of the Improvement Plans, the Applicant shall submit electronic AutoCAD files of the plans to the Public Works Department. Also, prior to the issuance of Certificate of Occupancy, the Applicant shall submit to the Public Works Department electronic AutoCAD files of the "as-built" Improvement Plans.
- PW-59 Improvement Plans shall show a north-south access drive no less than 20' wide through the middle of the project site. Access drive alignment shall be approved by the Public Works Director.

FIRE DEPARTMENT

- FD-1 Additional fire hydrants are to be provided throughout the development. The applicant will need to work with the Fire chief in determining the hydrant locations.
- FD-2 The roofs shall have a non-combustible covering.
- FD-3 If private, a condition in the CCRs shall specify that hydrant and system testing and maintenance will be the responsibility of the homeowners association.
- FD-4 If Public, there needs to be a determination if a MAD or SID will be responsible for maintenance and testing of the system.

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Real Estate Development
Commercial - Residential - Mixed-Use

John Kearns
Planner
City of Suisun City
701 Civic Center Blvd.
Suisun City, CA 94585

RE: Lotz Way-Parcel 10, Tentative Subdivision Map No. TSM 07-03
and Planned Unit Development No. PUD 07-01, for a 16 Unit Subdivision.
Request for Tentative Map Extension.


Dear John:

Following our recent conversation, this letter is to formally request an extension to the development rights associated with the Tentative Map approved for the Lotz Way-Parcel 10 Residential Development by the Suisun City Council, TSM 07-03.

Given the conditions faced by the residential markets in recent years we are requesting an extension for the maximum time allowable under the Subdivision Map Act.

I thank you in advance for your assistance in this matter and should you have any questions please do not hesitate to call me at 707-208-5695.

Sincerely,



Michael E. Rice
Managing Partner

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AGENDA TRANSMITTAL

MEETING DATE: December 6, 2016

JOINT AGENDA ITEM: Accept the Investment Report for the Quarter Ending September 30, 2016.

FISCAL IMPACT: None as this item is for information only.

BACKGROUND: Each quarter it is necessary to produce an Investment Report, showing how all City, Housing Authority, and Suisun-Solano Water Authority's available cash is invested, in terms of the type of investment, what institution it is invested in, and current value and interest earnings.

STAFF REPORT: The total cash and investments (par amount) equaled to \$30,757,139 for the period ending September 30, 2016, for which \$4,759,226 is restricted for debt service.

In terms of return on our investment, managed by PFM Asset Management LLC, the current yield to maturity at cost is 1.09% with an average life of 814 days. This compares favorably with the LAIF return of only 0.634% for the quarter. As can be seen in the Pie Chart, most of the cash is invested in federally insured CD's, US Treasuries or Agency Notes, all of which generate higher yields.

RECOMMENDATION: It is recommended that the Council/Authority accept the First Quarter Financial Officer's Investment Report.

ATTACHMENTS:

1. Financial Officer's Investment Report, September 30, 2016.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Elizabeth N. Luna, Accounting Services Manager
Ronald C. Anderson, Jr., Assistant City Manager
Suzanne Bragdon, City Manager

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City of Suisun City
Successor Agency, Housing Authority and Suisun-Solano Water Authority
FINANCIAL OFFICER'S INVESTMENT REPORT

September 30, 2016

Category of Investment	Name of Institution	Maturity Date	Par Amount	Market Value*	Amortized Cost	Curr Yield At Market	Est Annual Income
Checking Account	West America Bank	Demand Deposit	\$ 2,852,253	\$ 2,852,253	\$ 2,852,253	0.000%	-
Certificate of Deposit	Travis Credit Union	06/16/19	\$ 215,839	\$ 215,839	\$ 215,839	1.240%	2,676
State Investment-CITY	LAIF	Demand Deposit	\$ 3,187,725	\$ 3,187,725	\$ 3,187,725	0.634%	20,210
Total Cash Equivalents			\$ 6,255,817	\$ 6,255,817	\$ 6,255,817	0.366%	22,886
Bank of Tokyo-Commercial Paper	06538BK44	10/4/2016	\$ 400,000	\$ 399,982	\$ 399,970	0.890%	3,609
J.P. Morgan-Commercial Paper	46640PMT7	12/27/2016	\$ 400,000	\$ 399,344	\$ 399,004	1.040%	4,177
BNP Paribas -Commercial Paper	09659BN30	1/3/2017	\$ 400,000	\$ 399,069	\$ 398,924	1.040%	4,177
Bank of Montreal-Commercial Paper	06366GQ36	3/3/2017	\$ 400,000	\$ 398,294	\$ 398,249	1.040%	4,177
Total Commercial Paper			\$ 1,600,000	\$ 1,596,689	\$ 1,596,148	1.040%	16,141
Federal Agency Coll. Mort. Oblgtn	FNMA #3136A8G38	8/1/2017	\$ 263,852	\$ 263,820	\$ 264,074	1.246%	3,288
Federal Agency Coll. Mort. Oblgtn	FNMA #3136ANJY4	04/01/18	\$ 140,000	\$ 140,514	\$ 140,612	1.544%	2,170
Federal Agency Coll. Mort. Oblgtn	FNMA #3136AMTM1	09/01/18	\$ 112,368	\$ 112,360	\$ 112,368	0.642%	721
Federal Agency Coll. Mort. Oblgtn	FNMA #3136ANMF1	11/01/18	\$ 62,519	\$ 62,433	\$ 62,519	0.602%	376
Federal Agency Coll. Mort. Oblgtn	FHLMC#3137BNM24	03/01/19	\$ 116,782	\$ 117,704	\$ 117,745	1.725%	2,030
Federal Agency Coll. Mort. Oblgtn	FNMA #3136ASPX8	06/01/19	\$ 120,000	\$ 120,883	\$ 121,079	1.772%	2,142
Fannie Mae Series 2015-M13 ASQ2	FNMA #3136AQDQ0	09/01/19	\$ 200,000	\$ 200,992	\$ 201,457	1.638%	3,292
Total Federal Agency Collateralized Mortgage Obl.			\$ 1,015,522	\$ 1,018,705	\$ 1,019,856	1.376%	14,019
Federal Agency/Bond Note	31846V203	Demand Deposit	\$ 69,098	\$ 69,098	\$ 69,098	0.010%	69
Federal Agency/Bond Note	FHLMC #3137EADU0	01/27/17	\$ 300,000	\$ 300,093	\$ 299,916	0.500%	1,500
Federal Agency/Bond Note	FNMA #3135G0GY3	01/30/17	\$ 200,000	\$ 200,519	\$ 200,367	1.247%	2,500
Federal Agency/Bond Note	FHLB #3130ASEP0	05/30/17	\$ 885,000	\$ 885,151	\$ 884,760	0.625%	5,531
Federal Agency/Bond Note	FHLM #3137EADJ5	07/28/17	\$ 250,000	\$ 250,776	\$ 250,281	0.997%	2,500
Federal Agency/Bond Note	FHLM #3137EADL0	09/29/17	\$ 350,000	\$ 351,091	\$ 350,757	0.997%	3,500
Federal Agency/Bond Note	FNMA #3135G0PQ0	10/26/17	\$ 500,000	\$ 500,820	\$ 498,966	0.874%	4,375
Federal Agency/Bond Note	FHLM #3137EADP1*	03/07/18	\$ 302,476	\$ 302,713	\$ 302,713	0.874%	2,647
Federal Agency/Bond Note	FNMA #3135G0WJ8	05/21/18	\$ 250,000	\$ 250,222	\$ 248,727	0.874%	2,188
Federal Agency/Bond Note	FNMA #3135G0WJ8	05/21/18	\$ 425,000	\$ 425,377	\$ 423,800	0.874%	3,719
Federal Agency/Bond Note	FHLB #3130A8BD4	06/29/18	\$ 115,000	\$ 115,442	\$ 114,768	0.871%	1,006
Federal Agency/Bond Note	FHLB #3130A9AE1	10/01/18	\$ 700,000	\$ 699,691	\$ 699,545	0.875%	6,125
Federal Agency/Bond Note	FHLMC #3137EAD7	10/12/18	\$ 600,000	\$ 599,724	\$ 599,747	0.875%	5,250
Federal Agency/Bond Note	FNMA #313G0YT4	11/27/18	\$ 300,000	\$ 304,846	\$ 301,521	1.599%	4,875
Federal Agency/Bond Note	FNMA #3135G0J53	02/26/19	\$ 600,000	\$ 600,851	\$ 598,865	0.999%	6,000
Federal Agency/Bond Note	FHLMC #3137EAE81	07/19/19	\$ 600,000	\$ 597,905	\$ 598,642	0.878%	5,250
Federal Agency/Bond Note	FHLB #3130A8Y72	08/05/19	\$ 600,000	\$ 597,782	\$ 598,908	0.878%	5,250
Federal Agency/Bond Note	FHLB #3130A8Q55	07/14/21	\$ 600,000	\$ 595,592	\$ 596,501	1.133%	6,750
Total Federal Agency Bond/Note			\$ 7,646,574	\$ 7,647,695	\$ 7,637,884	0.903%	69,035
US Treasury Notes	#912828SJO	02/28/17	\$ 250,000	\$ 250,525	\$ 249,934	0.873%	2,188
US Treasury Notes	#912828SM3	03/31/17	\$ 590,000	\$ 591,476	\$ 590,226	0.998%	5,900
US Treasury Notes	#912828TGS	07/31/17	\$ 200,000	\$ 199,812	\$ 199,434	0.500%	1,000
US Treasury Notes	#912828UA6	11/30/17	\$ 350,000	\$ 349,727	\$ 347,771	0.626%	2,188
US Treasury Notes	#912828U21	04/30/18	\$ 60,000	\$ 59,902	\$ 59,823	0.626%	375
US Treasury Notes	#912828WD8	10/31/18	\$ 50,000	\$ 50,453	\$ 49,777	1.239%	625
US Treasury Notes	#912828WD8	10/31/18	\$ 300,000	\$ 302,719	\$ 298,657	1.239%	3,750
US Treasury Notes	#912828WD8	10/31/18	\$ 325,000	\$ 327,945	\$ 324,417	1.239%	4,063
US Treasury Notes	#912828A34	11/30/18	\$ 450,000	\$ 454,149	\$ 448,460	1.239%	5,625
US Treasury Notes	#912828B33	01/31/19	\$ 350,000	\$ 355,373	\$ 349,653	1.477%	5,250
US Treasury Notes	#912828TR1	09/30/19	\$ 250,000	\$ 250,762	\$ 247,720	0.997%	2,500
US Treasury Notes	#912828TR1	09/30/19	\$ 680,000	\$ 682,072	\$ 671,921	0.997%	6,800
US Treasury Notes	#912828F62	10/31/19	\$ 500,000	\$ 508,789	\$ 501,430	1.474%	7,500
US Treasury Notes	#912828F62	10/31/19	\$ 900,000	\$ 915,820	\$ 903,470	1.474%	13,500
US Treasury Notes	#912828UQ1	02/29/20	\$ 300,000	\$ 302,707	\$ 299,359	1.239%	3,750
US Treasury Notes	#912828UQ1	02/29/20	\$ 300,000	\$ 302,707	\$ 296,850	1.239%	3,750
US Treasury Notes	#912828VP2	07/31/20	\$ 250,000	\$ 258,818	\$ 252,653	1.932%	5,000
US Treasury Notes	#912828VP2	07/31/20	\$ 250,000	\$ 258,818	\$ 256,346	1.932%	5,000
US Treasury Notes	#912828VP2	07/31/20	\$ 250,000	\$ 258,818	\$ 257,757	1.932%	5,000
US Treasury Notes	#912828VP2	07/31/20	\$ 300,000	\$ 310,582	\$ 307,269	1.932%	6,000
US Treasury Notes	#912828VP2	07/31/20	\$ 400,000	\$ 414,109	\$ 411,540	1.932%	8,000
US Treasury Notes	#912828L32	08/31/20	\$ 350,000	\$ 354,293	\$ 356,012	1.358%	4,813
US Treasury Notes	#912828L32	08/31/20	\$ 400,000	\$ 404,906	\$ 404,366	1.358%	5,500
US Treasury Notes	#912828L32	08/31/20	\$ 575,000	\$ 582,053	\$ 585,790	1.358%	7,906
US Treasury Notes	#912828L32	08/31/20	\$ 600,000	\$ 607,360	\$ 600,804	1.358%	8,250

City of Suisun City
Successor Agency, Housing Authority and Suisun-Solano Water Authority
FINANCIAL OFFICER'S INVESTMENT REPORT

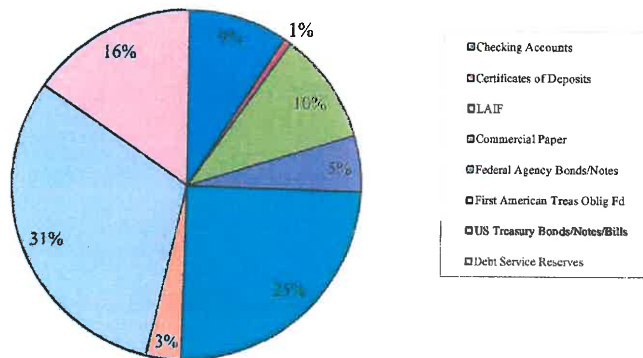
September 30, 2016

Category of Investment	Name of Institution	Maturity Date	Par Amount	Market Value*	Amortized Cost	Curr Yield At Market	Est Annual Income
US Treasury Notes	#912828N48	12/31/20	\$ 250,000	\$ 256,680	\$ 257,591	1.704%	4,375
Total US Treasury Bond/Note			\$ 9,480,000	\$ 9,611,375	\$ 9,529,028	1.338%	\$ 128,608
TOTAL POOLED INVESTMENTS			\$ 25,997,912	\$ 26,130,281	\$ 26,038,732	0.959%	\$ 250,689
Reserved for Bond/Debt Service							
Govt Sec Money Market-SSWA 1993	First Amer Treas Oblig Fd	Demand Deposit	\$ 130,826	\$ 130,826	\$ 130,826	0.000%	-
Govt Sec Money Market-SSWA 1993	US Treasury Certificate	SLG9CW8B9	\$ 17,754	\$ 17,754	\$ 17,754	0.240%	43
Govt Sec Money Market-SSWA 1993	US Treasury Certificate	SLG9CWBC7	\$ 655,599	\$ 655,599	\$ 655,599	0.530%	3,475
Govt Sec Money Market-SSWA 1993	First Amer Treas Oblig Fd	#31846V302	\$ 74,137	\$ 74,137	\$ 74,137	0.000%	-
Govt Sec Money Market-RDA/SA	First Amer Treas Oblig Fd	Demand Deposit	\$ 201	\$ 201	\$ 201	0.000%	-
Govt Sec Money Market-RDA/SA	First Amer Treas Oblig Fd	Demand Deposit	\$ 960,363	\$ 960,363	\$ 960,363	0.000%	-
Govt Sec Money Market-RDA/SA	First Amer Treas Oblig Fd	Demand Deposit	\$ 1,575,000	\$ 1,575,000	\$ 1,575,000	0.000%	-
Savings Acct-RDA Marina	West America Bank	Demand Deposit	\$ 397,823	\$ 397,823	\$ 397,823	0.079%	315
Marina Debt Service #3137EADPI*	Federal Agency/Bond Note	3/7/2018	\$ 947,524	\$ 948,267	\$ 946,787	0.874%	5,496
Total Debt Service Reserve Funds			\$ 4,759,226	\$ 4,759,969	\$ 4,758,489	0.196%	\$ 9,328
Grand Total			\$ 30,757,139	\$ 30,890,250	\$ 30,797,222	0.844%	\$ 260,017

Summary of Pooled Investments

	Amount
Checking Accounts	\$ 2,852,253
Certificates of Deposits	\$ 215,839
LAIF	\$ 3,187,725
Commercial Paper	\$ 1,596,148
Federal Agency Bonds/Notes	\$ 7,637,884
First American Treas Oblig Fd	\$ 1,019,856
US Treasury Bonds/Notes/Bills	\$ 9,529,028
Debt Service Reserves	\$ 4,758,489
Total	\$ 30,797,222

Allocation of City's Investments



* Market Valuation for Federal Agency Bonds/Notes and US Treasury Bonds/Notes is from City's Investment Advisor, PFM. Valuation for Debt Service Reserve funds is from the City's Trustee, US Bank.

City Treasurer's Statement:

I hereby certify that I have examined the records and find this report to be correct, that all investments are made in accordance with the investment policy, and the City will be able to meet its obligations for the next six months.

Attest by:

Michael J. McMurry
Michael J. McMurry, City Treasurer
Date: 11/21/16

Submitted by:

Elizabeth Luna
Elizabeth Luna, Accounting Services Mgr.

Date: 11/21/2016

A G E N D A

SPECIAL MEETING OF THE SUISUN CITY COUNCIL

TUESDAY, OCTOBER 18, 2016

5:30 P.M.

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

TELECONFERENCE NOTICE

Pursuant to Government Code Section 54953, Subdivision (b), the following Council meeting includes teleconference participation by Councilmember Jane Day from: 301 Morgan Street, Suisun City, CA 94585.

(Next Ord. No. – 741)

(Next City Council Res. No. 2 016 – 81)

Next Suisun City Council Acting as Successor Agency Res. No. SA2016 – 07)

(Next Housing Authority Res. No. HA2016 – 05)

ROLL CALL

Mayor Sanchez called the meeting to order at 5:30 PM with the following Council / Board Members present: Day, Hudson, Segala, and Sanchez. Council / Board Members absent: Wilson.

PUBLIC COMMENT None

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

PRESENTATIONS/APPOINTMENTS None

(Presentations, Awards, Proclamations, Appointments).

CONFLICT OF INTEREST NOTIFICATION Council Member Day Conflict with item 2.

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

CLOSED SESSION

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

City Council

1. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (1 potential case).

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

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

Property Under Negotiation: 715 Main Street, Suisun City, California, 94585

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

Negotiating Parties: Michael Klemme and Michael Mideiros

Under Negotiations: Real property terms and payment

5:32 PM – Mayor Sanchez recessed the City Council to closed session.

CONVENE OPEN SESSION

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

**7:00 PM – Mayor Sanchez reconvened the City Council and stated no decisions were made
in closed session.**

ADJOURNMENT

There being no further business, Mayor Sanchez adjourned the meeting at 7:00 PM.

Donna Pock, CMC
Deputy City Clerk

Council Member Wilson reported on the League of California Cities Annual Conference and a General Session presentation on the “Build a Better Block” movement and the possibility of transforming a block in Suisun City.

Mayor Sanchez reported he attended the League of California Cities Annual Conference and participated in a mobile workshop walking tour of the Long Beach City Hall construction project brought about by a private/public partnership. Also discussed at the conference was the issue of homelessness and transportation needs of cities. Attended Railvolution Conference in San Francisco and participated in a mobile workshop to Richmond to view new train that will service the area based on sales tax measure in Marin and Sonoma counties.

2. City Manager/Executive Director/Staff

City Manager reported Suisun City was featured as one community to be a mobile workshop for Railvolution Conference participants in San Francisco. Focus was on pedestrian oriented neighborhoods great for biking, walking, train, bus, and easy network to BART and ferry.

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

3. Introduction of new Suisun City Employees in the Development Services Department, Planning Specialists Kirsten Horton and Stephanie Wen - (Garben).

Development Services Director Garben introduced Planning Specialists Kirsten Horton and Stephanie Wen.

4. Presentation of Proclamation to Pete Dominguez, Suisun City Employee, Retiring after 34 Years of Service 1982 – 2016.

Mayer Sanchez read and Council Member Segala presented the proclamation to Pete Dominguez.

5. Presentation of a Proclamation to the Recreation and Community Services Department Proclaiming October 23 - 31, 2016 as “Red Ribbon Week”.

Mayer Sanchez read and Council Member Hudson presented the proclamation to Recreation and Community Services Development Director Lofthus.

6. Achievement for Excellence in Financial Reporting – (Luna).

- a. Presentation of Certificate of Achievement for Excellence in Financial Reporting to Finance Department Staff.
- b. Presentation of Award of Financial Reporting Achievement to Elizabeth Luna, Senior Accountant.

Mayer Sanchez read and Council Member Wilson presented the Certificate of Achievement and Award of Financial Reporting Achievement to Accounting Services Manager Luna.

CONSENT CALENDAR

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

City Council

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, OCTOBER 18, 2016

7:00 P.M.

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

NOTICE

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

ROLL CALL

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

Pledge of Allegiance was led by Mayor Sanchez.

Invocation was given by City Manager Bragdon.

PUBLIC COMMENT None

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

Council / Board Member Wilson arrived at 7:04 p.m.

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. Mayor/Council - Chair/Boardmembers

Council Member Segala reported on the Inspire: Dreams Start Now Interactive Career Fair that hosted over 1600 8th graders showing career path options; attended Public Safety Academy Fund Raiser; and reminded everyone of the upcoming Alzheimer's Walk on the waterfront.

Council Member Hudson reported on the Fairfield-Suisun Sewer District Board Executive Committee meeting and the upcoming grand opening of the Lystec Facility at the Sewer District; attended the League of California Cities Annual Conference including a theme on homelessness and insights, solutions and tools to work with.

7. Council Adoption of Resolution No. 2016-81: Accepting the Train Depot Improvement Project as Complete, and Authorizing the City Manager to Record the Notice of Completion for the Project – (McSorley).
8. Council Adoption of Resolution No. 2016-82: Adopting the 4th Amendment to the Annual Appropriation Resolution No. 2016-48 to Appropriate Funds to Repair the City's Street Sweeper – (McSorley).

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

9. Council/Agency/Authority Approval of the Minutes of the Regular and/or Special Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on August 8, 2016, August 16, 2016, and September 6, 2016 – (Hobson).

Joint City Council / Suisun City Council Acting as Successor Agency

10. Council/Agency approval of the August 2016 Payroll Warrants in the amount of \$347,931.26. Council/Agency Approval of the August 2016 Payable Warrants in the amount of \$719,504.94 – (Finance).

Council Member Segala asked to pull item 7 from Consent Calendar.

Motioned by Council Member Hudson and seconded by Council Member Wilson to approve Consent Calendar Items 8-10. Motion carried unanimously by the following roll call vote:

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

Motioned by Council Member Segala and seconded by Council Member Day to approve Item 7. Motion carried by the following roll call vote:

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

PUBLIC HEARINGS

City Council

11. PUBLIC HEARING

Council Introduction of Ordinance and Waive Reading of Ordinance No. 741: Adopting the Waterfront District Specific Plan and a Finding of Consistency with the Approved 2035 General Plan and its Certified Environmental Impact Report (EIR) - (Garben).

Motioned by Council Member Day and seconded by Council Member Segala to require Conditional Use Permit for everything on Main Street, through Planning Commission and then Council. Motion failed by the following roll call vote.

AYES: Council Members Day, Segala

NOES: Council Members Hudson, Wilson, Sanchez

Motioned by Council Member Wilson and seconded by Council Member Hudson to approve Permitted Retail/Services not including shops that sell age restricted items. Conditional Use Permit Retail/Services that includes age restricted items. Motion carried by the following roll call vote.

AYES: Council Members Day, Hudson, Segala, Wilson

NOES: Council Members Sanchez

Mayor Sanchez opened the hearing.

Sonja Rodriguez and Amit Pal commented on the proposed ordinance.

Mayor Sanchez closed the hearing.

James Bezek and Bill Emlen, representing Solano County, commented on Section 2.1.1 of Council amendment below.

Motioned by Council Member Hudson and seconded by Council Member Wilson to Introduce and Waive Reading of Ordinance No. 741 with the following amendments.

- Within Section 2.1.1 “Planning Districts: Western Marina Boulevard and Highway 12”, add “Future development of District 1 should anticipate working cooperatively and collaboratively with the County of Solano and the City of Fairfield to ~~define~~ **explore** opportunities to enhance regional flood controls and storm water improvements.
- List “Convenience Markets” as conditionally permitted in all commercial districts.
- Strikeout “Bed and Breakfast Inn” from “Administrative Review” in Downtown Mixed Use as it is already listed as “Permitted” (Table 3.7).
- Within the second paragraph of Section 3.1.2(B), add “and in addition, stand-alone residential projects may comply with the allowed used specified for the RMD zone” to the first sentence.
- Add “not including age-restricted goods or providing age-restricted services” to the table footnote definition of “Specialty Retail Shops” in Main Street Mixed Use and Downtown Mixed Use districts and add entire footnote to Downtown Commercial and Waterfront Commercial districts. Additionally, add “Shops selling age-restricted goods or providing age-restricted services” as a conditionally permitted use in the Main Street Mixed Use, Downtown Mixed Use, Downtown Commercial, and Waterfront Commercial districts

Motion carried by the following roll call vote.

AYES: Council Members Hudson, Segala, Wilson, Sanchez

NOES: Council Members Day

GENERAL BUSINESS

City Council

12. HEARING

Council Adoption of Resolution No. 2016-83: Placing Liens for Unpaid Waste Collection Service Charges on Certain Lands Situated in the City of Suisun City, County of Solano, State of California – (Anderson).

Mayor Sanchez opened the hearing.

No one spoke.

Mayor Sanchez closed the hearing.

Motioned by Council Member Day and seconded by Council Member Segala to approve City Council Resolution 2016-83. Motion carried by the following roll call vote:

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

Motioned by Council Member Hudson and seconded by Council Member Segala to adjourn meeting. Motion carried by the following roll call vote:

AYES: Council Members Day, Hudson, Segala, Wilson

NOES: Council Members Sanchez

13. Discussion and Direction – Consideration of Expanding Smoke Free Public Areas – (Loftus).

General Business Item 13 was not discussed.

ADJOURNMENT

Mayor Sanchez adjourned the meeting at 9:38 PM.

Donna Pock, CMC
Deputy City Clerk

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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 1, 2016

7:00 P.M.

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

NOTICE

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

ROLL CALL

Mayor Sanchez called the meeting to order at 7:00 PM with the following Council / Board Members present: Day, Hudson, Segala, Wilson, Sanchez
Pledge of Allegiance was led by Mayor Sanchez
Invocation was given by City Manager Bragdon.

PUBLIC COMMENT

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

Wendy Loomas, Project Manager and Robin Core, Solano Public Health, thanked the City for participating in the Partnership in Community Health.

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. Mayor/Council - Chair/Boardmembers
2. City Manager/Executive Director/Staff
 - a. Update – PICH Grant. – (Loftus)

Council Member Day thanked Police Department and Public Works for working to solve homeless problem on Cordelia Road, Railroad, and Pennsylvania and thanked the Fire Department for a great Halloween Parade.

Council Member Segala reported attending Military Recognition Dinner at Travis AFB, Listec opening at Sewer District, economic development sub-committee, and Alzheimer's walk. Thanked Fire Department for a wonderful Halloween Parade and asked staff to look into offering seniors and veterans discounts at the boat launch.

Council Member Hudson encouraged citizens to vote and to attend the Veterans Day Parade in Fairfield commented on Listec grand opening, and stated the Halloween Parade was awesome.

Council Member Wilson said Halloween Parade was great and the Firefighters Association did a good job, and encouraged everyone to vote.

Mayor Sanchez reported attending the swearing in of twenty eight new citizens, attended Solano Transportation, Sewer District, LAFCO conference in Santa Barbara, officiated two weddings, and mentioned Measure S.

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

3. Introduction and Swearing in of new Suisun City Police Officer Alexanderea Woody - (Mattos).

Police Chief Mattos introduced Officer Woody and City Clerk Hobson gave the oath of office.

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. 741: An Ordinance of the City Council of the City of Suisun City, Adopting the Waterfront District Specific Plan and a Finding of Consistency with the Approved 2035 General Plan and its Certified Environmental Impact Report (EIR) (Introduced and Reading Waived on October 18, 2016) - (Garben).
5. Council Reauthorization and Continuation of the Suisun City Historic Waterfront Business Improvement District – (Garben).
 - a. Council Adoption of Resolution No. 2016-84: Reauthorizing and Continuing the Suisun City Historic Waterfront Business Improvement District and the Assessment Levy for the District.
 - b. Council Adoption of Resolution No. 2016-85: Accepting the 2016 Annual Report, and Approving the Proposed Calendar Year 2017 Operating Budget for the Suisun City Historic Waterfront Business Improvement District.

Joint City Council / Suisun City Council Acting as Successor Agency

6. Council/Agency approval of the September 2016 Payroll Warrants in the amount of \$545,731.37. Council/Agency Approval of the September 2016 Payable Warrants in the amount of \$1,051,426.24 – (Finance).

Council Member Day requested Item 4 be pulled from Consent Calendar.

Council Member Hudson requested Item 5 be pulled from Consent Calendar.

Motioned by Council Member Hudson and seconded Council Member Wilson to approve Item 6 of the Consent Calendar. Motion carried unanimously by the following roll call vote:

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

Item 4

Motioned by Council Member Wilson and seconded Council Member Hudson to adopt Ordinance No. 741. Motion carried by the following roll call vote:

AYES: Council Members Hudson, Segala, Wilson, Sanchez

NOES: Council Member Day

Item 5

Motioned by Council Member Day and seconded Council Member Hudson to adopt Item 5 of the Consent Calendar, Resolutions No 84 and No 85. Motion carried unanimously by the following roll call vote:

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

PUBLIC HEARINGS

GENERAL BUSINESS

City Council

7. Discussion and Direction Regarding One Bay Area Grant Cycle 2 (OBAG-2) Projects – (McSorley).

Laura Cole Rowe was in favor of the project.

George Guynn stated the City shouldn't collect for or be a part of BID.

Council Member Segala staff look at the drainage in the engineer design.

ADJOURNMENT

There being no further business, Mayor Sanchez adjourned the meeting at 8:07 PM.

Linda Hobson, CMC
City Clerk

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AGENDA TRANSMITTAL

MEETING DATE: December 6, 2016

CITY AGENDA ITEM: Consider Agreements with the California Board of Equalization to Administer Measure S:

- a. Council Adoption of Resolution No. 2016-__: Authorizing the City Manager to Execute Agreements with the State Board of Equalization for Implementation of a Local Transactions and Use Tax; and
- b. Council Adoption of Resolution No. 2016-__: Authorizing the Examination of Transactions and Use Tax Records.

FISCAL IMPACT: Measure S levies a 1.0% Transactions and Use Tax (Measure S) on purchases within the City for a period of 10 years beginning April 1, 2017, and is estimated to generate approximately \$1.8 million annually. The State Board of Equalization (BOE), the organization that currently collects the City's Sales Tax, would also collect the Measure S for the City. The BOE passes on its costs to set up its system to collect the Measure S through a one-time charge of not more than \$175,000, which is the statutory maximum. The ongoing cost of administering the tax is determined annually by the BOE and the State Department of Finance as part of the State Budget adoption, and that charge is deducted from tax proceeds collected prior to forwarding the proceeds to the City.

BACKGROUND: On July 26, 2016, the City Council adopted Resolution 2016-64, which approved the language of a general Transactions and Use Tax (Measure S) ordinance, and directed it be placed before the City's voters for approval, as required by Article XIIC of the California Constitution, in the November 8, 2016, general election.

The tax ordinance proposed a 1.0% transactions and use tax that would be effective for 10 years, and would generate approximately \$1.8 million annually for deposit in the City's General Fund. The funds would be subject to an annual audit and review by the General Tax Oversight Committee.

The tax ordinance was designated Measure S on the ballot, and required 50% plus one vote approval. The Solano County Registrar of Voters reports that Measure S won voter approval with 69.02% of the votes cast.

STAFF REPORT: The California State Revenue and Taxation Code and the recently approved City Transactions and Use Tax Ordinance (Measure S) require the City to contract with the California Board of Equalization (BOE) for the administration and operation of the tax ordinance.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Scott Corey, Management Analyst II
 Ronald C. Anderson, Jr., Assistant City Manager
 Suzanne Bragdon, City Manager

City staff has been in contact with BOE staff to discuss timelines and procedures regarding the administration of Measure S. The BOE outlined the following benchmarks:

- February 1, 2017 – Submit all required agreements and documents.
- April 1, 2017 – Measure S tax becomes operative.
- July 2017 – First quarterly installment of Measure S proceeds is remitted to the City.

Two agreements are required by the BOE to allow orderly administration of Measure S:

- Agreement for Preparation to Administer and Operate Measure S – This agreement allows the BOE to prepare all the policies, processes, documents, and reports necessary to collect, tally and remit the 1.0% local district tax. Under the California Revenue and Taxation Code (§7272), the State cannot charge more than the actual direct and indirect costs of this work, not to exceed \$175,000. This short-term agreement expires when the preparatory work is completed.
- Agreement for State Administration of Measure S – This is an ongoing agreement that allows the BOE to administer and operate the 1.0% local district tax. An annual fee to cover the direct and indirect costs of this work is determined by a formula based primarily on the size or percentage of the tax, the number of vendors paying the tax and the overall amount collected, as well as other factors. This formula and associated charge is determined through the State's annual budget process, and the City's assessment is deducted from the proceeds of the taxes collected prior to remittance to the City.

The first resolution attached approves these agreements and authorizes the City Manager to execute them. A second resolution required by the BOE delineates the staff members and/or consultants permitted to review the confidential tax records.

City staff also has been in contact with HdL Companies, the City's sales tax consultant, on steps necessary to allow the company to track, report and forecast the 1.0% local district tax in addition to the City's regular sales taxes. Any required Council action will be brought forward at a future meeting.

RECOMMENDATION: It is recommended that the City Council adopt:

1. Resolution No. 2016-__: Authorizing the City Manager to Execute Agreements with the State Board of Equalization for Implementation of a Local Transactions and Use Tax; and
2. Resolution No. 2016-__: Authorizing the Examination of Transactions and Use Tax Records.

ATTACHMENTS:

1. Resolution No. 2016-__: Authorizing the City Manager to Execute Agreements with the State Board of Equalization for Implementation of a Local Transactions and Use Tax.
2. Resolution No. 2016-__: Authorizing the Examination of Transactions and Use Tax Records.

RESOLUTION NO. 2016-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE
STATE BOARD OF EQUALIZATION FOR IMPLEMENTATION OF A LOCAL
TRANSACTIONS AND USE TAX**

WHEREAS, on July 26, 2016, the City Council adopted Resolution 2016-64, which approved the language of a general transactions and use tax ordinance, and directed that it be placed before the City's voters for approval, as required by Article XIIC of the California Constitution, in the November 8, 2016, general election; and

WHEREAS, on November 8, 2016, said election was held, and the qualified electors of the City adopted Ordinance No. ____ entitled, "An Ordinance of the People of the City of Suisun City Adding Chapter 3.14 to the Suisun City Code Imposing a General Transaction and Use Tax to be Administered by the State Board of Equalization, Subject to Approval of a Majority of the Electors Voting on the Tax Measure at the General Municipal Election to be Held on Tuesday, November 8, 2016" by a vote of 6,495 Yes and 2,915 No, constituting 69.02% approval of the ordinance; and

WHEREAS, on December 6, 2016, the City Council certified the results of the November 8, 2016, Municipal Election, and the Mayor signed Ordinance No. ____ as Passed, Approved and Adopted by the People of the City of Suisun City, California voting in said election; and

WHEREAS, the State Board of Equalization (Board) administers and collects the transaction and use taxes for all applicable jurisdictions within the State; and

WHEREAS, the Board will be responsible to administer and collect the transaction and use tax for the City; and

WHEREAS, the Board requires that the City enter into a "Preparatory Agreement" and an "Administration Agreement" prior to implementation of said taxes; and

WHEREAS, the Board requires that the City Council authorize the agreements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Suisun City that the "Preparatory Agreement" attached as Exhibit A and the "Administrative Agreement" attached as Exhibit B are hereby approved; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute each agreement, and take any and all steps necessary to ensure that the transactions and use tax is activated as intended by the voters.

PASSED AND ADOPTED at a regular meeting of the Suisun City Council, duly noticed and held on Tuesday the 6th day of December 2016 by the following vote:

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

WITNESS my hand and the seal of said City this 6th day of December 2016.

Linda Hobson, CMC
City Clerk

**AGREEMENT FOR PREPARATION TO ADMINISTER AND OPERATE
CITY'S TRANSACTIONS AND USE TAX ORDINANCE**

In order to prepare to administer a transactions and use tax ordinance adopted in accordance with the provision of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, the City of Suisun City, hereinafter called *City*, and the STATE BOARD OF EQUALIZATION, hereinafter called *Board*, do agree as follows:

1. The Board agrees to enter into work to prepare to administer and operate a transactions and use tax in conformity with Part 1.6 of Division 2 of the Revenue and Taxation Code which has been approved by a majority of the electors of the City and whose ordinance has been adopted by the City.

2. City agrees to pay to the Board at the times and in the amounts hereinafter specified all of the Board's costs for preparatory work necessary to administer the City's transactions and use tax ordinance. The Board's costs for preparatory work include costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing forms, developing instructions for the Board's staff and for taxpayers, and other appropriate and necessary preparatory costs to administer a transactions and use tax ordinance. These costs shall include both direct and indirect costs as specified in Section 11256 of the Government Code.

3. Preparatory costs may be accounted for in a manner which conforms to the internal accounting and personnel records currently maintained by the Board. The billings for costs may be presented in summary form. Detailed records of preparatory costs will be retained for audit and verification by the City.

4. Any dispute as to the amount of preparatory costs incurred by the Board shall be referred to the State Director of Finance for resolution, and the Director's decision shall be final.

5. Preparatory costs incurred by the Board shall be billed by the Board periodically, with the final billing within a reasonable time after the operative date of the ordinance. City shall pay to the Board the amount of such costs on or before the last day of the next succeeding month following the month when the billing is received.

6. The amount to be paid by City for the Board's preparatory costs shall not exceed one hundred seventy-five thousand dollars (\$175,000) (Revenue and Taxation Code Section 7272.)

7. Communications and notices may be sent by first class United States mail. Communications and notices to be sent to the Board shall be addressed to:

State Board of Equalization
P.O. Box 942879, MIC: 27
Sacramento, California 94279-0027

Attention: Administrator,
Local Revenue Branch

Communications and notices to be sent to City shall be addressed to:

City Manager's Office
701 Civic Center Blvd.
Suisun City, CA. 94585

8. The date of this agreement is the date on which it is approved by the Department of General Services. This agreement shall continue in effect until the preparatory work necessary to administer City's transactions and use tax ordinance has been completed and the Board has received all payments due from City under the terms of this agreement.

CITY OF Suisun City

STATE BOARD OF EQUALIZATION

By _____
(Signature)

By _____
Administrator

Suzanne Bragdon

(Typed Name)
City Manager

(Title)

(Rev. 11/16)

**AGREEMENT FOR STATE ADMINISTRATION
OF CITY TRANSACTIONS AND USE TAXES**

The City Council of the City of Suisun City has adopted, and the voters of the City of Suisun City (hereafter called "City" or "District") have approved by the required majority vote, the City of Suisun City Transactions and Use Tax Ordinance (hereafter called "Ordinance"), a copy of which is attached hereto. To carry out the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code and the Ordinance, the State Board of Equalization, (hereinafter called the "Board") and the City do agree as follows:

**ARTICLE I
DEFINITIONS**

Unless the context requires otherwise, wherever the following terms appear in the Agreement, they shall be interpreted to mean the following:

1. "District taxes" shall mean the transactions and use taxes, penalties, and interest imposed under an ordinance specifically authorized by Revenue and Taxation code Section 7285.9, and in compliance with Part 1.6, Division 2 of the Revenue and Taxation Code.

2. "City Ordinance" shall mean the City's Transactions and Use Tax Ordinance referred to above and attached hereto, Ordinance No. _____, as amended from time to time, or as deemed to be amended from time to time pursuant to Revenue and Taxation Code Section 7262.2.

**ARTICLE II
ADMINISTRATION AND COLLECTION
OF CITY TAXES**

A. Administration. The Board and City agree that the Board shall perform exclusively all functions incident to the administration and operation of the City Ordinance.

B. Other Applicable Laws. City agrees that all provisions of law applicable to the administration and operation of the State Sales and Use Tax Law which are not inconsistent with Part 1.6 of Division 2 of the Revenue and Taxation Code shall be applicable to the administration and operation of the City Ordinance. City agrees that money collected pursuant to the City Ordinance may be deposited into the State Treasury to the credit of the Retail Sales Tax Fund and may be drawn from that Fund for any authorized purpose, including making refunds, compensating and reimbursing the Board pursuant to Article IV of this Agreement, and transmitting to City the amount to which City is entitled.

C. Transmittal of money.

1. For the period during which the tax is in effect, and except as otherwise provided herein, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City periodically as promptly as feasible, but not less often than twice in each calendar quarter.

2. For periods subsequent to the expiration date of the tax whether by City's self-imposed limits or by final judgment of any court of the State of California holding that City's ordinance is invalid or void, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City not less than once in each calendar quarter.

3. Transmittals may be made by mail or electronic funds transfer to an account of the City designated and authorized by the City. A statement shall be furnished at least quarterly indicating the amounts withheld pursuant to Article IV of this Agreement.

D. Rules. The Board shall prescribe and adopt such rules and regulations as in its judgment are necessary or desirable for the administration and operation of the City Ordinance and the distribution of the district taxes collected thereunder.

E. Preference. Unless the payor instructs otherwise, and except as otherwise provided in this Agreement, the Board shall give no preference in applying money received for state sales and use taxes, state-administered local sales and use taxes, and district transactions and use taxes owed by a taxpayer, but shall apply moneys collected to the satisfaction of the claims of the State, cities, counties, cities and counties, redevelopment agencies, other districts, and City as their interests appear.

F. Security. The Board agrees that any security which it hereafter requires to be furnished by taxpayers under the State Sales and Use Tax Law will be upon such terms that it also will be available for the payment of the claims of City for district taxes owing to it as its interest appears. The Board shall not be required to change the terms of any security now held by it, and City shall not participate in any security now held by the Board.

G. Records of the Board.

When requested by resolution of the legislative body of the City under section 7056 of the Revenue and Taxation Code, the Board agrees to permit authorized personnel of the City to examine the records of the Board, including the name, address, and account number of each seller holding a seller's permit with a registered business location in the City, pertaining to the ascertainment of transactions and use taxes collected for the City. Information obtained by the City from examination of the Board's records shall be used by the City only for purposes related to the collection of transactions and use taxes by the Board pursuant to this Agreement.

H. Annexation. City agrees that the Board shall not be required to give effect to an annexation, for the purpose of collecting, allocating, and distributing District transactions and use taxes, earlier than the first day of the calendar quarter which commences not less than two months after notice to the Board. The notice shall include the name of the county or counties annexed to the extended City boundary. In the event the City shall annex an area, the boundaries of which are not coterminous with a county or counties, the notice shall include a description of the area annexed and two maps of the City showing the area annexed and the location address of the property nearest to the extended City boundary on each side of every street or road crossing the boundary.

ARTICLE III
ALLOCATION OF TAX

A. Allocation. In the administration of the Board's contracts with all districts that impose transactions and use taxes imposed under ordinances, which comply with Part 1.6 of Division 2 of the Revenue and Taxation Code:

1. Any payment not identified as being in payment of liability owing to a designated district or districts may be apportioned among the districts as their interest appear, or, in the discretion of the Board, to all districts with which the Board has contracted using ratios reflected by the distribution of district taxes collected from all taxpayers.

2. All district taxes collected as a result of determinations or billings made by the Board, and all amounts refunded or credited may be distributed or charged to the respective districts in the same ratio as the taxpayer's self-declared district taxes for the period for which the determination, billing, refund or credit applies.

B. Vehicles, Vessels, and Aircraft. For the purpose of allocating use tax with respect to vehicles, vessels, or aircraft, the address of the registered owner appearing on the application for registration or on the certificate of ownership may be used by the Board in determining the place of use.

ARTICLE IV

COMPENSATION

The City agrees to pay to the Board as the Board's cost of administering the City Ordinance such amount as is provided for by law. Such amounts shall be deducted from the taxes collected by the Board for the City.

ARTICLE V

MISCELLANEOUS PROVISIONS

A. Communications. Communications and notices may be sent by first class United States mail to the addresses listed below, or to such other addresses as the parties may from time to time designate. A notification is complete when deposited in the mail.

Communications and notices to be sent to the Board shall be addressed to:

State Board of Equalization
P.O. Box 942879, MIC: 27
Sacramento, California 94279-0027

Attention: Administrator
Local Revenue Branch

Communications and notices to be sent to the City shall be addressed to:

City Manager's Office

701 Civic Center Blvd.

Suisun City, CA 94585

Unless otherwise directed, transmittals of payment of District transactions and use taxes will be sent to the address above.

B. Term. The date of this Agreement is the date on which it is approved by the Department of General Services. The Agreement shall take effect on April 1, 2017. This Agreement shall continue until December 31 next following the expiration date of the City Ordinance, and shall thereafter be renewed automatically from year to year until the Board completes all work necessary to the administration of the City Ordinance and has received and disbursed all payments due under that Ordinance.

C. Notice of Repeal of Ordinance. City shall give the Board written notice of the repeal of the City Ordinance not less than 110 days prior to the operative date of the repeal.

ARTICLE VI
ADMINISTRATION OF TAXES IF THE
ORDINANCE IS CHALLENGED AS BEING INVALID

A. Impoundment of funds.

1. When a legal action is begun challenging the validity of the imposition of the tax, the City shall deposit in an interest-bearing escrow account, any proceeds transmitted to it under Article II. C., until a court of competent jurisdiction renders a final and non-appealable judgment that the tax is valid.

2. If the tax is determined to be unconstitutional or otherwise invalid, the City shall transmit to the Board the moneys retained in escrow, including any accumulated interest, within ten days of the judgment of the trial court in the litigation awarding costs and fees becoming final and non-appealable.

B. Costs of administration. Should a final judgment be entered in any court of the State of California, holding that City's Ordinance is invalid or void, and requiring a rebate or refund to taxpayers of any taxes collected under the terms of this Agreement, the parties mutually agree that:

1. Board may retain all payments made by City to Board to prepare to administer the City Ordinance.

2. City will pay to Board and allow Board to retain Board's cost of administering the City Ordinance in the amounts set forth in Article IV of this Agreement.

3. City will pay to Board or to the State of California the amount of any taxes plus interest and penalties, if any, that Board or the State of California may be required to rebate or refund to taxpayers.

4. City will pay to Board its costs for rebating or refunding such taxes, interest, or penalties. Board's costs shall include its additional cost for developing procedures for processing the rebates or refunds, its costs of actually making these refunds, designing and printing forms, and developing instructions for Board's staff for use in making these rebates or refunds and any other costs incurred by Board which are reasonably appropriate or necessary to make those rebates or refunds. These costs shall include Board's direct and indirect costs as specified by Section 11256 of the Government Code.

5. Costs may be accounted for in a manner, which conforms to the internal accounting, and personnel records currently maintained by the Board. The billings for such costs may be presented in summary form. Detailed records will be retained for audit and verification by City.

6. Any dispute as to the amount of costs incurred by Board in refunding taxes shall be referred to the State Director of Finance for resolution and the Director's decision shall be final.

7. Costs incurred by Board in connection with such refunds shall be billed by Board on or before the 25th day of the second month following the month in which the judgment of a court of the State of California holding City's Ordinance invalid or void becomes final. Thereafter Board shall bill City on or before the 25th of each month for all costs incurred by Board for the preceding calendar month. City shall pay to Board the amount of such costs on or before the last day of the succeeding month and shall pay to Board the total amount of taxes, interest, and penalties refunded or paid to taxpayers, together with Board costs incurred in making those refunds.

CITY OF

STATE BOARD OF EQUALIZATION

By _____
(Signature)

By _____
Administrator

Suzanne Bragdon

(Typed Name)

City Manager

(Title)

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RESOLUTION NO. 2016-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
AUTHORIZING THE EXAMINATION OF TRANSACTIONS
AND USE TAX RECORDS**

WHEREAS, pursuant to Ordinance No. ____ of the City of Suisun City (the “District”) and Section 7270 of the California Revenue and Taxation Code, the City entered into a contract with the State Board of Equalization to perform all functions incident to the administration and operation of the Transactions and Use Tax Ordinance; and

WHEREAS, the District deems is desirable and necessary for authorized representatives of the District to examine confidential transactions and use records of the State Board of Equalization pertaining to transactions and use taxes collected by the Board for the District pursuant to that contract; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Board of Equalization record and establishes criminal penalties for the unlawful disclosure of information contained in or derived from the transaction and use tax records of the Board.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Suisun City as follows:

Section 1. That the City Manager, Assistant City Manager, Administrative Services Director, Accounting Services Manager, Development Services Director, and Management Analyst II, or other officer or employee of the District designated in writing by the City Manager to the State Board of Equalization (the “Board”) is hereby appointed to represent the District with authority to examine transactions and use tax records of the Board pertaining to transactions and use taxes collected for the District by the Board pursuant to the contract between the District and the Board. The information obtained by examination of Board records shall be used only for purposes related to the collection of the District’s transactions and use taxes by the Board pursuant to the contract.

Section 2. That the City Manager, Assistant City Manager, Administrative Services Director, Accounting Services Manager, Development Services Director, and Management Analyst II, or other officer or employee of the District designated in writing by the City Manager to the State Board of Equalization (the “Board”) is hereby appointed to represent the District with authority to examine those transactions and use tax records of the Board for purposes related to the following governmental functions of the District:

- a. Budget Planning
- b. Economic Development
- c. Transportation Planning

d. Fiscal Accounting

The information obtained by examination of Board records shall be used only for those governmental functions of the District listed above.

Section 3. That HdL Companies is hereby designated to examine the transactions and use tax records of the Board of Equalization pertaining to transactions and use taxes collected for the District by the Board. The person or entity designated by this section meets all of the following conditions:

- a. Has an existing contract with the District to examine those transactions and use tax records;
- b. Is required by that contract to disclose information contained in, or derived from those transactions and use tax records only to the officer or employee authorized under Section 1 (or Section 2) of this resolution to examine the information;
- c. Is prohibited by that contract from performing consulting services for a retailer during the term of that contract;
- d. Is prohibited by that contract from retaining the information contained in, or derived from those transactions and use tax records after that contract has expired.

BE IT FURTHER RESOLVED that the information obtained by examination of Board records shall be used only for purposes related to the collection of District's transactions and use taxes by the Board pursuant to the contracts between the District and the Board.

PASSED AND ADOPTED at a regular meeting of the Suisun City Council, duly noticed and held on Tuesday the 6th day of December 2016 by the following vote:

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

WITNESS my hand and the seal of said City this 6th day of December 2016.

Linda Hobson, CMC
City Clerk