

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



CITY COUNCIL MEETING

First and Third Tuesday
Every Month

A G E N D A

SPECIAL MEETING OF THE SUISUN CITY COUNCIL

TUESDAY, APRIL 2, 2019

6:00 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/Housing Authority meeting includes teleconference participation by Councilmember Jane Day from: 301 Morgan Street, Suisun City, CA 94585.

ROLL CALL

Council Members

PUBLIC COMMENT

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

CONFLICT OF INTEREST NOTIFICATION

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

CLOSED SESSION

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

Conference with Real Property Negotiators Pursuant to Government Code Section
54956.8 Real Property Identified by APN 0032-230-290 and APN 0032-230-280
Negotiating Party: City Manager and Development Services Director
Subject: Price and Terms of Payment
Parties Negotiating With: City of Fairfield

CONVENE OPEN SESSION

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

ADJOURNMENT

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

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

PLEASE NOTE:

1. The City Council/Agency/Authority hopes to conclude its public business by 11:00 P.M. Ordinarily, no new items will be taken up after the 11:00 P.M. cutoff and any items remaining will be agendaized for the next meeting. The agendas have been prepared with the hope that all items scheduled will be discussed within the time allowed.
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I, Donna Pock, Deputy City Clerk for the City of Suisun City, declare under penalty of perjury that the above agenda for the meeting of April 2, 2019 was posted and available for review, in compliance with the Brown Act.



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

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, APRIL 2, 2019

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. – 757)

(Next City Council Res. No. 2019 – 31)

Next Suisun City Council Acting as Successor Agency Res. No. SA2019 - 03)

(Next Housing Authority Res. No. HA2019 – 03)

ROLL CALL

Council / Board Members

Pledge of Allegiance

Invocation

PUBLIC COMMENT

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DEPARTMENTS: AREA CODE (707)

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

SUCCESSOR AGENCY 421-7309 FAX 421-7366

REPORTS: (Informational items only.)

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

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

City Council

3. Presentation of Proclamation to Parents Empowering Parents Proclaiming April 2019 as “National Autism Awareness Month” – (Lofthus).
4. Proclamation Proclaiming April 2019 as “Sexual Assault Awareness Month” – (Paulin).

CONSENT CALENDAR

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

City Council

5. Council Adoption of Ordinance No. 755: Approving a Special Sign Overlay District at the Northwest Corner of Highway 12 and Sunset Avenue (APNs 0173-010-380; 390, 400, 410, 420, and 430). (Introduced and Reading Waived on March 19, 2019) - (McNamara).
6. Council Adoption of Ordinance No. 756: Amending Suisun City Code Chapter 2.16 Parks and Recreation Commission (Introduced and Reading Waived on March 19, 2019) – (Lofthus).
7. Council Adoption of Resolution No. 2019-__: Authorizing the City Manager to Enter into an Tree Service Contract with A & E Arborist Tree Care for the Lawler Ranch Mexican Fan Palm Tree Trimming and Removal Project – (Medill).

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

8. Council/Agency/Authority Approval of the Minutes of the Regular and/or Special Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on February 9, 2019, March 5, 2019, March 12, 2019 and March 19, 2019 – (Hobson).

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

9. Council Introduction and Waive Reading of Ordinance No. __: Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties – (McNamara).
10. Council Adoption of Resolution No. 2019-__: Adopting a List of Projects for Fiscal Year 2019-20 and an Amended List of Projects for Fiscal Year 2018-2019 Funded by SB1: The Road Repair and Accountability Act of 2017 – (Medill).

11. Small Wireless Facilities – (Taylor/McNamara).

- a. Council Adoption of Urgency Ordinance No.: ___: An Interim Urgency Ordinance to Allow and Regulate Wireless Telecommunication Facilities in the Public Right-Of-Way and Corresponding Design Standards.
- b. Council Adoption of Resolution No. 2019-___: A Resolution of the City Council of the City of Suisun City, California, Approving City Council Policy 2019-01 Regarding Small Wireless Facilities.

PUBLIC COMMENT

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

ADJOURNMENT

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Office of the Mayor
Suisun City, California

Proclamation



WHEREAS, Autism is a complex developmental disability that typically appears during the first three years of life, impacting development in the areas of reasoning, social interaction, and communication; and

WHEREAS, more than 3.5 million Americans live with an Autism spectrum disorder; the incidence of autism in the United States is reported to be 1 in 59; and

WHEREAS, the prevalence of autism in children in the United States has increased by 119.4 percent from 2000 to 2010, and is the fastest-growing developmental disability, increasing on average of 10.5 percent per year; and

WHEREAS, autism can affect anyone and does not discriminate by geography, class or ethnicity; and

WHEREAS, there is no known single cause for autism, although researchers believe there is a link between genetics and the environment; and there is no cure, but early detection and behavioral intervention can greatly improve outcomes; and

WHEREAS, autism has wide-ranging implications for the entire family, and it is critically important to educate parents, teachers, childcare providers and healthcare professionals to recognize early signs of developmental delay; and

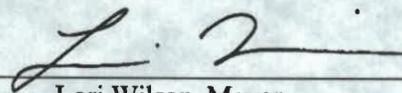
WHEREAS, the goal of Autism Awareness Month is to spotlight the prevalence of autism, foster understanding and generate interest and support for continued training, education and research to find the cause and the cure for this complex disability.

NOW, THEREFORE, I, Lori Wilson, Mayor of the City of Suisun City, do hereby proclaim the month of April 2019 as:

“AUTISM AWARENESS MONTH”

in the City of Suisun City, and encourage residents to learn more about autism and what they can do to support individuals on the autism spectrum and their families.

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



Lori Wilson, Mayor

ATTEST: 

DATE: April 2, 2019



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Office of the Mayor
Suisun City, California

Proclamation



WHEREAS, sexual assault affects women, children, and men of all racial, cultural, and economic backgrounds; and

WHEREAS, in addition to the immediate physical and emotional costs, sexual assault may also have associated consequences of post-traumatic stress disorder, substance abuse, depression, homelessness, eating disorders and suicide; and

WHEREAS, sexual assault can be devastating for not only the survivor, but also for the family and friends of the survivor, including their community; and

WHEREAS, no one person, organization, agency, or community can eliminate sexual assault on their own, but we can work together to educate our entire population about what can be done to prevent sexual assault, support victims/survivors and their significant others and increase support for agencies providing services to victims/survivors; and

WHEREAS, Sexual Assault Awareness Month provides an excellent opportunity for citizens to learn more about preventing sexual violence before it can start and to show support for the numerous organizations and individuals who provide critical advocacy, services, and assistance to sexual assault survivors; and

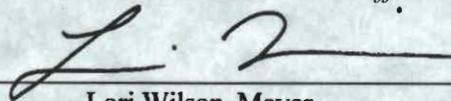
WHEREAS, the City of Suisun City strongly supports the efforts of national, state, and local partners, and of every citizen to actively engage in public and private efforts to prevent sexual violence. We believe all community members must be a part of the solution to end sexual violence and support one another to create a safer community for all.

NOW, THEREFORE, BE IT RESOLVED, that I, Lori Wilson, by virtue of the authority vested in me as Mayor of the City of Suisun City in the State of California, do hereby proclaim April 2019 as

“SEXUAL ASSAULT AWARENESS MONTH”



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



Lori Wilson, Mayor

ATTEST: 

DATE: April 2, 2019

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AGENDA TRANSMITTAL

MEETING DATE: April 2, 2019

CITY AGENDA ITEM: Adopting Ordinance No. 755: An Ordinance of the City Council of the City of Suisun City Approving a Special Sign Overlay District at the Northwest Corner of Highway 12 and Sunset Avenue (APNs 0173-010-380; 390, 400, 410, 420, and 430) (Introduced and Reading Waived on March 19, 2019).

FISCAL IMPACT: The project, if approved, would provide better advertisement for businesses within the SSOD. This is likely to provide a positive economic impact on the shopping center and the land uses within the proposed district and provide for increased sales within the District.

BACKGROUND/STAFF REPORT: On March 19, 2019, the City Council held a Public Hearing to consider both a Special Sign Overlay District (SSOD) as well as a 60' pylon sign at the northwest corner Highway 12 and Sunset Avenue for the Heritage Park Shopping Center. Following the City Council taking public comment and hearing from the applicant, the City Council took two actions 1.) They voted 5-0 in favor of introducing and waiving the reading of the ordinance; and 2.) They voted 3-2 in favor of approval of the submitted plans for a 60' pylon sign. With the adoption of the ordinance on April 2, it would then take effect 30 days later which would allow the applicant to prepare and submit construction drawings to the City for a building permit.

RECOMMENDATION: It is recommended that the City Council Adopt Ordinance No. 755 entitled as follows:

1. An Ordinance of the City Council of the City of Suisun City Approving a Special Sign Overlay District (SSOD) at the Northwest Corner of Highway 12 and Sunset Avenue (APNs 0173-010-380; 390, 400, 410, 420, and 430).

ATTACHMENTS:

1. Ordinance No. 755: An Ordinance of the City Council of the City of Suisun City Approving a Special Sign Overlay District (SSOD) at the Northwest Corner of Highway 12 and Sunset Avenue (APNs 0173-010-380; 390, 400, 410, 420, and 430).

PREPARED BY:
REVIEWED BY:
APPROVED BY:

John Kearns, Senior Planner
 Tim McNamara, Development Services Director
 Joe Dingman, Acting City Manager

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ORDINANCE NO. 755

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY,
APPROVING A SPECIAL SIGN OVERLAY DISTRICT AT THE NORTHWEST
CORNER OF HIGHWAY 12 AND SUNSET AVENUE**

WHEREAS, the Chapter 18.44.040 (Ord. No. 743, § 3, 3-21-2017; Ord. No. 748, § 4, 5-15-2018) of the Suisun City Municipal Code allows for Special Sign Overlay Districts to be established; and

WHEREAS, the Planning Commission at its regular meeting on February 26, 2019, did hold a public hearing to consider the application and, following public comment and due consideration, did vote to recommend the City Council approve the requested Special Sign Overlay District; and

WHEREAS, notice of the City Council’s public hearing to consider the application was published in the *Daily Republic* on or before March 9, 2019, consistent with State Law and the Suisun City Code; and

WHEREAS, the City Council at its regular meeting on March 19, 2019, did hold a public hearing to consider the application and, following public comment and due consideration, introduced and waived first reading of Ordinance No. 755.

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

SECTION 1. The City Council of the City of Suisun City hereby approves the Special Sign Overlay District (Ordinance No. 755), consistent with the boundaries included in Exhibit A.

SECTION 2. This Ordinance shall be effective 30 days following its adoption by the City Council. A summary of this Ordinance shall, within fifteen (15) days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the City Councilmembers voting for and against it.

PASSED, APPROVED, AND ADOPTED as an Ordinance at a regular meeting of the City

1 Council of the City of Suisun City, California, on this ___ day of ___ 2019.

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Lori Wilson
Mayor

5 **CERTIFICATION**

6 I, Linda Hobson, City Clerk of the City of Suisun City, California, do hereby certify
7 that the foregoing Ordinance was introduced at a regular meeting of the City Council on March
8 19, 2019 and passed, approved, and adopted by the City Council of the City of Suisun City at a
regular meeting held on the ___ day of ___ 2019 by the following vote:

9

AYES: Councilmembers:

10 **NOES:** Councilmembers:

ABSENT: Councilmembers:

11 **ABSTAIN:** Councilmembers:

12

WITNESS my hand and the seal of said City this ___ day of _____ 2019.

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Linda Hobson, CMC
City Clerk

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Exhibit A

Heritage Park Sign District

The City of Suisun makes no representations about the suitability of the information provided for any purpose. All information and related graphics are provided "as is" without warranty of any kind.

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AGENDA TRANSMITTAL

MEETING DATE: April 2, 2019

CITY AGENDA ITEM: Adopting Ordinance No. 756: Amending Section 2.16 of the Suisun City Code to Update Parks and Recreation Commission.

FISCAL IMPACT: There would be no fiscal impact at this time.

BACKGROUND: The Parks and Recreation Commission currently serve as an advisory body to the Suisun City Council. Their objective is to make recommendations to the Recreation, Parks, and Marina Department Director as well as the City Council regarding, parks, recreation facilities, recreation programs, operational policies, grants, and personnel needs. Over the past year there have been changes to the department previously known as Recreation and Community Services. Those changes included the development of a new department title, Recreation, Parks, and Marina Department (RPM). There is a desire by the City Council and the community to have an emphasis placed on the Arts in Suisun City. This would include but not be limited to the performing arts, public art, visual art, musical art, spoken word, literary art, and other art forms that would enhance the community.

STAFF REPORT:

At the March 19, 2019 City Council meeting, the City Council held a public hearing on an amendment to section 2.16 of the Suisun City Code to update the Parks and Recreation Commission.

The public hearing was opened and closed with public comments taken. The ordinance and supporting resolution were introduced and reading waived.

Following City Council adoption, the amended ordinance would take effect in 30 days.

STAFF RECOMMENDATION: Adopt Ordinance No. 756: Amending Section 2.16 of the Suisun City Code to Update Parks and Recreation Commission

ATTACHMENTS:

1. Ordinance No.-756: Amending Section 2.16 of the Suisun City Code to Update Parks and Recreation Commission

PREPARED BY:

Kris Lofthus, Recreation, Parks, and Marina Director

REVIEWED AND APPROVED BY:

Joe Dingman, Acting City Manager

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ORDINANCE NO. 756

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY,
CALIFORNIA, AMENDING THE PARKS AND RECREATION COMMISSION
SECTION 2.16 OF THE SUISUN CITY CODE**

WHEREAS, The Parks and Recreation Commission currently serve as an advisory body to the Suisun City Council. Their objective is to make recommendations to the Recreation, Parks, and Marina Department Director as well as the City Council regarding, parks, recreation facilities, recreation programs, operational policies, grants, and personnel needs.; and

WHEREAS, The Suisun City Council has an interest to incorporate “Arts” as part of the mission of the Recreation, Parks, Marina, and Arts Commission (RPMA); and

WHEREAS, Amending the name from the Parks and Recreation Commission to Recreation, Parks, Marina, and Arts Commission (RPMA); and

WHEREAS, Amending the affiliated department from Recreation and Community Services Department to Recreation, Parks, and Marina Department; and

WHEREAS, Amending the title of the staff liaison from Recreation and Community Services Director to Recreation, Parks, and Marina Director; and

WHEREAS, Amending the membership from five (5) members to seven (7) members; and

WHEREAS, Updating terms and vacancies to keep the staggered terms equitable, having four terms expire on odd years with the remaining three appointments expiring in the next successive odd year; and

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY
FINDS AND ORDAINS AS FOLLOWS:**

SECTION 1. Amendment of Code: (Parks and Recreation Commission) of the Suisun City Code is hereby amended by revising Chapter 2.16, entitled "Parks and Recreation Commission" to read in its entirety as follows:

Chapter 2.16 –RECREATION, PARKS, MARINA, AND ARTS COMMISSION

ARTICLE I. - DEPARTMENT

2.16.010 - Established—Director.

A department of recreation, parks, and marina is established to be administered by the director of recreation, parks, and marina, who shall attend all commission meetings and act as lead staff in

support of the commission in an ex-officio, non-voting status, under the direct supervision of the city manager, and governed through the establishment of policies recommended by the recreation, parks, marina, and arts commission and approved by city council.

ARTICLE II. - COMMISSION

2.16.020 - Established—Membership.

There is established a commission consisting of seven persons appointed by the mayor and approved by the city council.

2.16.030 - Qualifications.

All members of the recreation, parks, marina, and arts commission shall be residents of the city and possess a desire to serve the community.

2.16.040 - Compensation. All members of the commission shall receive compensation as determined by the city council.

2.16.050 - Terms—Vacancies.

Members of the commissions shall serve terms of four years from last appointment year. Commissioners must re-apply for appointment if wanting to be considered for successive terms. Terms shall be staggered where four appointments shall be made, on odd years, after January 5th with the remaining three appointments in the next successive odd year after January 5th. Vacancies on the commission shall be filled for the unexpired term by appointment of the mayor with city council approval.

2.16.060 - Organization.

The members of the commission shall meet and organize by electing one of its members as chairman and such other officers as may be necessary bi-annually thereafter on even years. Terms shall expire on the first Wednesday in February of each even year. Elections shall be held at the first meeting in January of each even year.

2.16.070 - Meetings.

One regular meeting of the parks and recreation commission shall be scheduled on the first Wednesday of each month, starting at seven p.m. Additional meetings may be scheduled by the chairman, and/or as directed by city council, on the third Wednesday of the month or as the chairman and/or city council determines necessary. All meetings must be posted seventy-two hours in advance and held in a public place.

2.16.080 - Records.

The lead staff shall be responsible for preparing and maintaining documentation of all business, minutes, findings, correspondence and other matters coming before the commission.

2.16.090 - Failure to attend meetings.

If any commissioner fails to attend three meetings of the commission scheduled in any fiscal year without any such absence being excused by the commission, his or her office as commissioner shall automatically and immediately become vacant.

2.16.100 - Powers and duties.

- A. It is the power and duty of the recreation, parks, marina, and arts commission to:
- B. Make recommendations to the director of recreation, parks, and marina and public works regarding parks, recreation programs, grants, operational policies as applicable to parks and recreation, the marina, community art and cultural affairs, and recreational facilities under direction of either department;
- C. Make recommendations to the city council on matters pertaining to all aspects of public parks and facilities, public recreation, open space, public right-of way beautification projects, community art and cultural affairs, and personnel needed to assist the directors and commission;
- D. Assist in the planning, development and review of recreational facilities, public parks, public recreation, community art and cultural affairs, and services managed or provided by or offered through the recreation, parks, and marina and public works departments to meet the needs of the community;
- E. Work with the recreation, parks, and marina and public works department staff to identify unmet community services needs and to provide recommendations to development strategies to meet those needs;
- F. Provide a forum for the public to express their views related to public parks and recreation, parks, and marina department programs and services, and other related issues. Promote interest, cooperation, and support among public and private organizations and agencies and local residents for the city's recreation programs;
- G. Interpret and convey, when applicable, the recreation, parks, and marina and public works department's policies and functions concerning programs for parks, recreation, and to encourage city residents to participate and/or utilize city programs, parks, facilities and services;
- H. Encourage cooperative programming between the recreation, parks, and marina department and other public and private organizations to enhance the efficiency and effectiveness of services provided;
- I. Make periodic inspections of parks and recreation facilities to report to the directors for corrections of unmet needs;
- J. Perform such other powers and duties as the city council may, by ordinance, resolution, or motion confer upon the commission;
- K. Provide an annual commission report to the city council.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

AGENDA TRANSMITTAL

MEETING DATE: April 2, 2019

CITY AGENDA ITEM: Council Adoption of Resolution No. 2019-__: Authorizing the City Manager to Enter into an Agreement with A & E Arborist Tree Care for the Lawler Ranch Mexican Fan Palm Tree Trimming and Removal Project.

FISCAL IMPACT: There would be no impact on the General Fund. Funds are available from within the Lawler Ranch Landscape and Lighting District to cover the cost of this Project. Any additional tree work would be paid for by the individual Landscaping and Lighting District (LLD) in which the work would be performed. The contract amount for Lawler Ranch Mexican Fan Palm Tree Trimming & Removal Project (Project) is \$138,725. A total of \$290,000 has been set aside in Major Facilities Repairs to cover the cost associated with District maintenance and upgrade projects, including this Project.

BACKGROUND: The Lawler Ranch Landscaping and Lighting District contains a total 203 Mexican Fan palm trees. Palm trees are scattered along the District's Highway 12 corridor (the bulk of the trees), at its two entrances, and along the entry streets (up to the first four-way stop sign at each entrance). These trees require routine systematic pruning to remove dead fronds, roughly every two (2) to four (4) years.

STAFF REPORT: The palm trees in the Lawler Ranch LLD are scattered along the District's Highway 12 corridor (the bulk of the trees), at its two entrances, and along the entry streets (up to the first four-way stop sign at each entrance). These trees require systematic pruning to remove dead fronds. The last full pruning of the Highway 12 corridor was in 2007. Palm trees at the two entrances were trimmed in 2017. Staff has received numerous comments from residents of the District indicating that this Project is very important to the residents of Lawler Ranch.

This Project will trim 185 and remove 18 Mexican Fan palm trees. See Attachment 2 for a Project Map. The Engineer's Estimate for this Project was \$265,000. The lowest responsible bid received is \$138,725. This Project will be 100% paid for out the District's fund.

The City advertised a Bid Package for this Project on January 25, 2019. This Bid Package was advertised on our website, and staff contacted three (3) individual tree care companies. A bid opening was conducted on March 7, 2019 at 2:05pm. The City received six (6) bid packages for this Project. A table listing the received bid results is provided on the following page.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Amanda Dum, Management Analyst I
 Matthew Medill, Public Works Director | City Engineer
 Joe Dingman, Acting City Manager

COMPANY	BID AMOUNT	NOTES
Arborist Now	\$126,814	Bid package was incomplete. Disqualified.
A & E Arborist Tree Care	\$138,725	Winning bid package.
West Coast Arborist	\$192,450	
The Profession Tree Care Co.	\$197,500	
Brightview Tree Care	\$262,000	
New Image Landscape	\$311,052	

Given that the Engineer's Estimate for this Project was \$265,000 and the winning bid came in at \$138,725, which is \$126,275 less than the Engineer's Estimate, Staff is asking that the City Council authorize the City Manager to issue a contact change order not to exceed an additional \$60,000 to allow A&E Arborists to trim all trees within the District's boundaries. The total of the main Project with 10% contingency (\$152,598) plus the additional tree work (\$60,000) comes in a total of \$212,598 which is \$52,403 under the Engineer's Estimate. The lower than expected Project contract cost allows the City the opportunity to deliver the needed additional tree maintenance services to the District in a cost effective manner.

STAFF RECOMMENDATION: It is recommended that the City Council adopt resolution No. 2019-__: Authorizing the City Manager to Enter into an Agreement with A & E Arborist Tree Care for the Lawler Ranch Mexican Fan Palm Tree Trimming and Removal Project.

ATTACHMENTS:

1. Resolution No. 2019-__: Authorizing the City Manager to Enter into an Agreement with A & E Arborist Tree Care for the Lawler Ranch Mexican Fan Palm Tree Trimming and Removal Project.
2. Project Location Map.
3. Foundation for Fair Contracting letter dated March 22, 2019 and Contractor's email response March 25, 2019.

RESOLUTION NO. 2019-___

A RESOLUTION OF CITY COUNCIL OF THE CITY OF SUISUN CITY AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT ON BEHALF OF THE CITY WITH A&E ARBORISTS TREE CARE FOR THE LAWLER RANCH MEXICAN FAN PALM TREE TRIMMING AND REMOVAL PROJECT

WHEREAS, as part of the development of the Lawler Ranch Landscaping and Lighting District Mexican Fan palm trees were planted along the District’s Highway 12 corridor and up to the first four-way intersection at both entrances, and these types of palm trees require periodic maintenance to ensure tree health and for visual aesthetics;

WHEREAS, the City has advertised and requested bids from responsible professional tree service companies for the Lawler Ranch Mexican Fan Palm Tree Trimming and Removal Project with an Engineer’s Estimate of \$265,000; and

WHEREAS, six (6) sealed bids were received by the City before 2:00 pm on the March 12, 2019 and all sealed bids were opened and read aloud and reviewed to ensure complete submission of all bid required items; and

WHEREAS, A&E Arborists Tree Care, provided the lowest responsive bid of \$138,725.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Suisun City authorizes the City Manager to enter into an agreement on behalf of the City with A&E Arborists Tree Care, for the Lawler Ranch Mexican Fan Palm Tree Trimming and Removal Project, and to take any and all necessary and appropriate actions to implement this contract including authorize Project a Project contingency of 10% for a total Project amount of \$152,597. The City Council of the City of Suisun City further authorizes the City Manager to approve a contract change order to include trimming of all trees within the Lawler Ranch Landscaping and Lighting District for an amount not to exceed \$60,000.

PASSED AND ADOPTED at a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 2nd day of April 2019, 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 2nd day of April 2019.

Linda Hobson, CMC
City Clerk

Exhibit A

Lawler Ranch Mexican Fan Palm Tree Trimming & Removal Project – FY2018-19

Project Area Map & Tree Count





VIA EMAIL – JDingman@suisun.com

March 22, 2019

Joe Dingman
City of Suisun City
701 Civic Center Blvd.
Suisun City, CA 94585

RE: BID ADVISORY
BIDDER: A & E ARBORISTS AND TREE CARE
AWARDING AGENCY: CITY OF SUISUN CITY
PROJECT: PALM TREE TRIMMING AND REMOVAL
FFC CASE NO.: 692FA

Dear Mr. Dingman:

Please accept this letter as a formal bid advisory against the above-noted contractor and request that A & E Arborists and Tree Care (A & E) bid be rejected. We also respectfully request this formal advisory is entered as a matter of public record and circulated to the City Council.

The bid provided to your offices by A & E signifies that the contractor would not be able to successfully perform its duties on the above project, while fulfilling its obligations with the Rules and Regulations Governing the Payment of Prevailing Wages, at the bid amount provided due to the following:

- A & E's bid is significantly lower than the other bidders on this project which indicates a failure to account for the proper prevailing wage rate and include all items in the bid packet. If awarded the project, this contractor would need to submit multiple costly change orders to complete the project in accordance with the specifications **and/or** compromise prevailing wage laws/standards. This gives A & E an unfair advantage in its bidding practices against its competitors and puts Suisun City in a compromised legal position.

Please contact our office with questions, comments, or clarifications. Thank you for maintaining the highest standards at City of Suisun City.

Sincerely,

Jesse Jimenez
Director of Field Operations

Case: 692FA
cc: Interested Parties

FOUNDATION FOR FAIR CONTRACTING
3807 Pasadena Avenue, Suite 150 – Sacramento, CA 95821
(916) 487-7871 – Fax (916) 487-0306
www.ffccalifornia.com

RE: BID ADVISORY
BIDDER: A & E ARBORISTS AND TREE CARE
AWARDING AGENCY: CITY OF SUISUN CITY
PROJECT: PALM TREE TRIMMING AND REMOVAL
FFC CASE NO.: 692FA

INTERESTED PARTIES

City of Suisun City – City Council

- Lori Wilson – Mayor – Email: lwilson@suisun.com
- Mike Segala – Mayor Pro Tem – Email: msegala@suisun.com
- Jane Day – Councilmember – Email: jday@suisun.com
- Anthony Adams – Councilmember – Email: aadams@suisun.com
- Wanda Williams – Councilmember – Email: wwilliams@suisun.com

City of Suisun City – City Staff

- Linda Hobson – City Clerk – lhobson@suisun.com

Amanda Dum

From: A&E Arborists <aearborists@gmail.com>
Sent: Monday, March 25, 2019 9:23 AM
To: Amanda Dum
Subject: Re: Suisun City Project - Bid Protest

Hi Amanda,

Thanks for the email and sorry to have missed your call.

Regarding your question concerning Prevailing Wage, please know that when bidding we were fully aware of the need to pay Prevailing Wage to all our crew members and are committed to doing so. We can show you past records, if needed of our Certified Payroll for similar Public Contracts and will certainly provide our records on this project. I will follow up with a call later today and please feel free to call at any time if you have any further questions on this matter.

May I ask who is the Foundation for Fair Contracting? I have not heard of them previously.

Thanks again,

Alex Anaya
Project Manager
A&E ARBORISTS TREE CARE
Professional Tree Care & Land Management
(530) 790-5312 | aearborists@gmail.com | aearborists.com
"Beautifying California one tree at a time."

On Mon, Mar 25, 2019 at 9:02 AM Amanda Dum <adum@suisun.com> wrote:

Hi Alex,

I wanted to let you know that we received a protest letter from the Foundation for Fair Contracting regarding your bid. They are stating that your bid is not bid with Prevailing Wage included. Prevailing Wage is a requirement for all work done for the City.

Will you please confirm your bid included Prevailing Wage for all crew members working on this project? Please respond as quickly as you are able.

I called this morning and was put through to Andrew's voicemail. I am not sure if this is your email as well, which is why I am following up with this email.

Thank you,

Amanda

From: Amanda Dum
Sent: Tuesday, March 19, 2019 11:26 AM
To: A&E Arborists <ae Arborists@gmail.com>
Subject: RE: follow up

Good morning Alex,

I appreciate you sending me a follow-up email.

Again, as soon as I hear something, I will stop and email you.

Thank you,

Amanda Dum

(707) 421-7345

From: A&E Arborists <ae Arborists@gmail.com>
Sent: Tuesday, March 19, 2019 11:23 AM
To: Amanda Dum <adum@suisun.com>
Subject: follow up

Hi Amanda,

Good talking to you today. Thank you for sending info when you have it available.

We look forward to working with you.

Thanks again,

Alex Anaya

Project Manager

A&E ARBORISTS TREE CARE

Professional Tree Care & Land Management

(530) 790-5312 | ae Arborists@gmail.com | ae Arborists.com

"Beautifying California one tree at a time."

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MINUTES

SPECIAL MEETING OF THE SUISUN CITY COUNCIL

SATURDAY, FEBRUARY 9, 2019

9:30 A.M.

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

NOTICE

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

ROLL CALL

Mayor Wilson called the meeting to order at 9:30 AM with the following Council / Board Members present: Adams, Day, Segala, Williams, 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).

CONFLICT OF INTEREST NOTIFICATION NONE

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

CLOSED SESSION

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

City Council

1. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code Section 54957(b)(1).

Title: City Manager

9:31 AM – Mayor Wilson recessed the meeting to Closed Session.

CONVENE OPEN SESSION

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

11:22 AM – Mayor Wilson reconvened the meeting and stated no action was taken in Closed Session.

ADJOURNMENT

There being no further business, Mayor Wilson adjourned the meeting at 11:22 AM.

Linda Hobson, CMC
City Clerk

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MINUTES

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

TUESDAY, MARCH 5, 2019

6:30 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/Housing Authority meeting includes teleconference participation by Councilmember Jane Day from: 301 Morgan Street, Suisun City, CA 94585.

ROLL CALL

Mayor Wilson called the meeting to order at 6:33 PM with the following Council / Board Members present: Day, Williams, Wilson. Council/Board Member Adams and Segala were absent.

PUBLIC COMMENT - None

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

CONFLICT OF INTEREST NOTIFICATION - None

(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 Suisun City Council Acting as Successor Agency to the Redevelopment Agency will hold a Closed Session for the purpose of:

Successor Agency

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8 Real Property Identified by APN's, 0032-091-170, 0032-091-180, 0032-091-190 and 0032-091-200 located at the southwest corner of Civic Center and Driftwood Drive.

Negotiating Party: City Manager and Development Services Director

Subject: Price and Terms of Payment

Parties Negotiating With: Main Street West Partners

6:35 PM – Council/Board Members Adams and Segala arrived.

6:35 PM – Mayor Wilson recessed the meeting to Closed Session.

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

CONVENE OPEN SESSION

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

6:55 PM – Mayor Wilson reconvened the meeting and stated no action was taken in Closed Session.

ADJOURNMENT

There being no further business, Mayor Wilson adjourned the meeting at 6:55 PM.

Linda Hobson, CMC
City Clerk

MINUTES

REGULAR MEETING OF THE SUISUN CITY COUNCIL

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

AND HOUSING AUTHORITY

TUESDAY, MARCH 5, 2019

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 Wilson called the meeting to order at 7:00 PM with the following Council / Board Members present: Adams, Day, Segala, Williams, Wilson.

Pledge of Allegiance was led by Council Member

Invocation was given by Interim City Manager Ramirez.

PUBLIC COMMENT

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

Monica Brown, Solano County Supervisor District 2, requested applicants for Napa/Solano Area Agency on Aging Advisory Council.

Ruth Forney thanked Mike Phillips, 1st Manager of Wal-Mart, and John Tawasky, current Manager of Wal-Mart for their community involvement.

Pam Pracht complimented Wal-Mart but stated trucks were staying for days in the parking lot. And suggested the City patrol the area more often.

Raymond Klein suggested the City do a video to explain Measure S and requested a records request for all records pertaining to disaster preparedness and evacuation procedures.

George Guynn expressed concern about MTC and affordable housing, better paying jobs, and City's plan for road improvements.

Victor Bardallo asked City to help with license for ice cream truck.

Lawrence Woods suggested working together to be a stronger City and no need to reinvent the wheel.

CONFLICT OF INTEREST NOTIFICATION

(Any items on this agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be ide

Council Member Adams recused himself from Item 4.

REPORTS: (Informational items only.)

1. a. Council/Boardmembers
- b. Mayor/Chair

Item 2 was discussed after Item 11.

2. City Manager/Executive Director/Staff
 - a. Lighting and Landscape Maintenance Assessment Districts, Community Facilities Districts, and Tax Zones Update – (Medill).
 - b. Pacific Gas and Electric Company Notice of Chapter 11 – (Ramirez).

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

City Council

3. Approving Appointments to the General Tax Oversight Committee:
 - a. one appointment for unscheduled vacancy, term ending April 2020
 - b. one appointment for unscheduled vacancy, term ending April 2022

Mayor Wilson appointed Barbara Pisching and Tamara Colden to the General Tax Oversight Committee.

Motioned by Council Member Segala and seconded by Council Member Day to confirm the two appointments to the General Tax Oversight Committee. Motion carried unanimously by the following roll call vote:

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

City Clerk Hobson gave the Oath of Office for Barbara Pisching and Tamara Colden.

4. Approving Appointment to Solano Transportation Authority Safe Routes to School Task Force.

Mayor Wilson appointed Council Member Williams to Solano Transportation Authority Safe Routes to School Task Force.

Motioned by Council Member Segala and seconded by Council Member Adams to confirm the appointment to the Solano Transportation Authority Safe Routes to School Task Force. Motion carried unanimously by the following roll call vote:

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

5. Presentation to Former Police Chief Tim Mattos in Recognition of over 10 Years of Service to

Suisun City.

Mayor Wilson read and Council Member Segala and Mayor Wilson presented the Proclamation to Chief Mattos.

8:15 PM – Mayor Wilson recessed the meeting for refreshments.

8:31 PM -Mayor Wilson reconvened the meeting.

CONSENT CALENDAR

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

City Council

6. Council Adoption of Resolution No. 2019-15: Confirming the Discontinuation of the Iconic Waterfront District Sign Project and authorization for the City Manager to move the remaining funds into the General Fund Reserve- (McNamara).
7. Council Adoption of Resolution No. 2019-16: Accepting the Marina Fire Suppression System Replacement Project as Complete and Authorizing the City Manager to Record the Notice of Completion for the Project – (Medill/Lofthus).
8. Council Adoption of Resolutions Approving Labor Memorandum of Understanding and Other Compensation Schedule.
 - a. Council Adoption of Resolution No. 2019-17: Approving the Memorandum of Understanding (MOU) with the Suisun City Police Officers’ Association (SCPOA) and Authorizing the City Manager to Execute it on Behalf of the City – (Dingman).
 - b. Council Adoption of Resolution No. 2019-18: Approving the City of Suisun City Schedule of Salary and Benefits for Executive Management and Confidential Employees, and Authorizing the City Manager to Execute it on Behalf of the City – (Ramirez).
9. Council Adoption of Resolution No. 2019-19: Authorizing the City Manager to Execute an Inspection Services Agreement on Behalf of the City with Ashria Hospitality, LLC, to Perform Senior Inspection Services for the Holiday Inn Express Project, With an Initial Deposit Amount of \$30,000– (McNamara).

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

10. Council/Agency/Authority Approval of the Minutes of the Regular and/or Special Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on February 19, 2019 – (Hobson).

Mayor Wilson added to the February 19, 2019 7:00 PM Minutes under Public Comment regarding Niles Ryan and Lia Wiggins that Mayor Wilson asked staff to bring back an updated noise ordinance and corrected the spelling of the newly appointed City Manager Greg Folsom on the February 19, 2019 5:30 PM Minutes.

Motioned by Council Member Day and seconded by Council Member Addams to approve Consent Calendar with the above corrections to the February 19, 2019 Minutes.

Motion carried unanimously by the following roll call vote:

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

PUBLIC HEARINGS**City Council****11. PUBLIC HEARING - (Continued from February 19, 2019)**

Cannabis Request for Application: Based on tonight's discussion and provided the City Council does not modify the direction of any of the key steps or actions intended in the current resolutions. - (McNamara/Kearns).

- a. Council Adoption of Resolution No. 2019-__: Approving the Following Documents to Establish a Request for Applications Process for Review and Selection of a Recommended Operator for a Cannabis Storefront Retailer/Dispensary Pursuant to Suisun City Code Section 18.49.160(B): (1) Request for Applications Guidelines and Procedures; (2) Supplemental Security Requirements – Cannabis Storefront Retailer/Dispensary; and (3) Notice of Request for Applications – Storefront Retailer/Dispensary.
- b. Council Adoption of Resolution No. 2019-__: Adopting Fees Applicable to Cannabis Storefront Retailer Permittees and Applicants Pursuant to any Request for Application Process for Cannabis Storefront Retailers Initiated by the City Pursuant to Chapter 18.49, "Cannabis Regulatory Program," of the Suisun City Code.

City Attorney Taylor explained the \$50,000 deposit would be held as a security deposit to insure performance and would be held for two years, however, the term of the license is for one year.

Mayor Wilson opened the continued public hearing. No one and Mayor Wilson closed the public hearing.

Mayor Wilson then did a consensus of the following items that were approved by three or more council members:

Performance deposit

Directed staff to research with a wide net to see what other cities are doing in regard to the performance deposit with detail for the basis

Surveillance - supplemental security measures as noted in staff report

Buffer – staff will work with police department, schools, and STA regarding safe school routes and what buffer zone could be created

Council to set tax rate and directed staff to research the rate in the surrounding areas

Living wage to stay with staff bringing back what the standard is for living wage

Notification requirements – when application is received notification would be given to all properties with 300 feet and notice of when council would be reviewing said application

Mayor Wilson went back to Item 2 and 1

2. City Manager/Executive Director/Staff
 - a. Lighting and Landscape Maintenance Assessment Districts, Community Facilities Districts, and Tax Zones Update – (Medill).
 - b. Pacific Gas and Electric Company Notice of Chapter 11 – (Ramirez).

1. a. Council/Boardmembers
- b. Mayor/Chair

Mayor Wilson announced she would be revising the Agenda to have public comment after the scheduled agenda items and created an ad hoc committee for the fire issue and appointed Council Member Segala and herself to be on that committee. Mayor Wilson also suggested Items 12 and 13 were time sensitive and would be scheduled for a meeting on March 12.

Council Member Day reported a lot of trash on Cordelia Road, homeless moving into Cordelia Road and problems arising around funeral parlor and suggested meeting be closed in memory of the people lost in Alabama.

Council Member Segala discussed the weeds growing around the Senior Center and suggested Public works clean up the area and requested meeting be closed in memory of Bobby Brazel, former Suisun City street sweeper.

GENERAL BUSINESS

City Council

12. Discussion and City Manager Authorization: Fire Marshal/Inspection Services for Suisun City and Compliance with Senate Bill (SB) 1205 - (Vincent).
13. Council Adoption of Resolution No. 2019-20: Appointing Greg Folsom as City Manager of Suisun City with an effective start date of April 2, 2019– (Ramirez).

Motioned by Council Member Segala and seconded by Council Member Williams to adopt Resolution No. 2019-22. Motion carried unanimously by the following roll call vote: AYES: Council Members: Adams, Day, Segala, Williams, Wilson

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

14. Fiscal Year 2018-19 Mid-Year Fiscal Review – (Dingman/Corey).
 - a. Presentation of the Financial Position of the City through the FY 2018-19 Mid-Year Budget Update; and
 - b. Adoption of Budget Amendment Resolutions:
 1. Council Adoption of Resolution No. 2019-__: Adopting the 3rd Amendment to the Annual Appropriation Resolution No. 2018-68 to Appropriate Mid-Year Budget Adjustments for Additional Costs in Various Accounts Organization Wide.
 2. Agency Adoption of Resolution No. SA 2019-__: Adopting the 1st Amendment to Resolution No. SA 2018-01 to Appropriate Mid-Year Budget Adjustments Related to Employee Memorandum of Understanding Implementation.
 3. Authority Adoption of Resolution No. HA 2019-__: Adopting the 1st Amendment to Resolution No. HA 2018-02 to Appropriate Mid-Year Budget Adjustments Related to Employee Memorandum of Understanding Implementation.

ADJOURNMENT

There being no further business, Mayor Wilson adjourned the meeting at 11:03 PM in memory of Bobby Brazel and the victims of the Alabama tornados

Linda Hobson, CMC
City Clerk

MINUTES

**REGULAR MEETING OF THE
SUISUN CITY COUNCIL**

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

AND HOUSING AUTHORITY

TUESDAY, MARCH 12, 2019

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. – 755)

(Next City Council Res. No. 2019 – 21)

Next Suisun City Council Acting as Successor Agency Res. No. SA2019 - 01)

(Next Housing Authority Res. No. HA2019 – 02)

ROLL CALL

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

Pledge of Allegiance was led by Council Member Day

Invocation was given by Interim City Manager Ramirez.

PUBLIC COMMENT

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

George Guynn stated there would be a meeting of the mayors of Solano County on March 20 at the Hilton where two mayors will be appointed to serve on the CASA Committee and another meeting in Vallejo at the same time. He suggested this be postponed and thought the State would eventually take over.

Mayor Wilson stated Mr. Guynn should address his concerns to CASA and it wasn't appropriate to discuss this matter at the City Council Meeting..

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. a. Council/Boardmembers
- b. Mayor/Chair

Council Member Adams reported attending the Housing Summit and stated there was discussion on rezoning property within a quarter of a mile of a transit station

Council Member Williams reported touring the land trust offices, attending the Housing Summit, thanked Police Chief Paulin and Public Works for moving the homeless encampment behind the brewery and thanked Matt in Public Works for cleaning up debris on Main Street and on Railroad Avenue and stated the City was looking into providing an Agenda Forecast and she had given the other council members a copy of an Agenda Forecast from the City of Burbank.

Council Member Segala requested meeting be closed in memory of Geri Lawler, a former longtime and dedicated staff member.

Mayor Wilson reported going to the State with Mayor Price, Mayor Rowlett and Supervisor Sprer along with staff from STA to discuss CASA and attended a Celebration of Women’s History Month.

- 2. City Manager/Executive Director/Staff

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

CONSENT CALENDAR

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

Suisun City Council Acting as Successor Agency/Housing Authority

- 3. Successor Agency Adoption of Resolution No. SA 2019-01: Approving the Repayment Schedule for the Low and Moderate Income Housing Funds for Purposes of the Supplemental Educational Revenue Augmentation Fund (SERAF) as part of the Recognized Obligation Payment Schedule 19/20 (ROPS) for the Period of July 1, 2019 through June 30, 2020 – (Rahman/Luna).

**Motioned by Council Member Williams and seconded by Council Member Adams to approve Consent Calendar. Motion carried unanimously by the following roll call vote:
AYES: Council Members: Adams, Day, Segala, Williams, Wilson**

PUBLIC HEARINGS

GENERAL BUSINESS

City Council

- 4. Discussion and City Manager Authorization: Fire Marshal/Inspection Services for Suisun City and Compliance with Senate Bill (SB) 1205 - (Vincent).

Consensus of Council was to send all businesses a letter of notification for the next discussion.

Wayne Day expressed concern about increasing fees for businesses and the businesses have not been informed.

Thomas Kamin gave his history with the building and fire departments and recommended the City follow the law, bring it back to the fire department and hire someone with expertise who could handle other things in the department.

**Motioned by Council Member Day and seconded by Council Member Segala to approve Option 3 that was recommended by staff to defer item for forty-five days to receive further information. Motion carried unanimously by the following roll call vote:
AYES: Council Members: Adams, Day, Segala, Williams, Wilson**

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

5. Fiscal Year 2018-19 Mid-Year Fiscal Review – (Dingman/Corey).
 - a. Presentation of the Financial Position of the City through the FY 2018-19 Mid-Year Budget Update; and
 - b. Adoption of Budget Amendment Resolutions:
 1. Council Adoption of Resolution No. 2019-21: Adopting the 3rd Amendment to the Annual Appropriation Resolution No. 2018-68 to Appropriate Mid-Year Budget Adjustments for Additional Costs in Various Accounts Organization Wide.
 2. Agency Adoption of Resolution No. SA 2019-02: Adopting the 1st Amendment to Resolution No. SA 2018-01 to Appropriate Mid-Year Budget Adjustments Related to Employee Memorandum of Understanding Implementation.
 3. Authority Adoption of Resolution No. HA 2019-02: Adopting the 1st Amendment to Resolution No. HA 2018-02 to Appropriate Mid-Year Budget Adjustments Related to Employee Memorandum of Understanding Implementation.
 - c. Council Adoption of Resolution No. 2019-22: Amending Salary Resolution No. 2019-05 to Implement Primary Financial provisions of memorandum of Understanding and City Manager Employment Agreement.

**Motioned by Council/Board Member Adams and seconded by Council/Board Member Williams to adopt Resolutions No. 2019-21, No. SA 2019-03, No. HA 2019-02, No. 2019-05 excluding the Community Development Support which will be deferred to first meeting in April. Motion carried unanimously by the following roll call vote:
AYES: Council Members/Board: Adams, Segala, Day, Williams, Wilson**

PUBLIC COMMENT

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

ADJOURNMENT

There being no further business, Mayor Wilson adjourned the meeting at 10:19 PM in memory of Geri Lawler.

Linda Hobson, CMC
City Clerk

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MINUTES

SPECIAL MEETING OF THE SUISUN CITY COUNCIL

TUESDAY, MARCH 19, 2019

6:30 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/Housing Authority meeting includes teleconference participation by Councilmember Jane Day from: 301 Morgan Street, Suisun City, CA 94585.

ROLL CALL

Mayor Wilson called the meeting to order at 6:32 PM with the following Council / Board Members present: Adams, Day, Segala, Williams, Wilson.

PUBLIC COMMENT - None

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

CONFLICT OF INTEREST NOTIFICATION - None

(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 Suisun City Council will hold a Closed Session for the purpose of:

1. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (1 potential case).

6:31 PM – Mayor Wilson recessed the meeting to Closed Session.

CONVENE OPEN SESSION

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

6:59 PM – Mayor Wilson reconvened the meeting and stated no action was taken in Closed Session.

ADJOURNMENT

There being no further business, Mayor Wilson adjourned the meeting at 7:05 PM.

Linda Hobson, CMC
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, MARCH 19, 2019

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. – 755)

(Next City Council Res. No. 2019 – 23)

Next Suisun City Council Acting as Successor Agency Res. No. SA2019 - 03)

(Next Housing Authority Res. No. HA2019 – 03)

ROLL CALL

Mayor Wilson called the meeting to order at 7:07 PM with the following Council / Board Members present: Adams, Day, Segala, Williams, Wilson.

Pledge of Allegiance was led by Council Member Williams

Invocation was given by Interim City Manager Ramirez.

PUBLIC COMMENT

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

George Guynn thanked the City Manager for his comment about the length of the council meetings and expressed concern about the fireworks in the neighborhoods on the 4th of July, stated there would be a meeting in Vallejo tomorrow night regarding CASA.

Dr. Raymond Klein stated at a later date he would be asking the City Council to ban all fireworks and stated he had received a letter from the City regarding his request for City documents on emergency procedures; the letter stated the City would not be able to comply within the ten-days and requested the City supply these documents at no charge. City Manager Ramirez clarified the City had to notify the person requesting the documents within ten-days and advised the City had been working on the plan and wanted to give him the most updated plan. Mayor Wilson advised Mr. Klein the City has a reasonable charge for copies to be made and advised the public they could come down to review the documents and only make copies of the documents pertinent to the

request. Mayor Wilson said these documents are scheduled to be posted to the website later this year.

Thomas Lombardo lives in the unincorporated area of Tolenas and expressed concern about the potholes on Solano, Olive, and Tolenas. Public Works Director Medill stated it was on the list for 2019 program for council approval, but only on the part that is considered Suisun City.

Douglas Burk showed a flash drive that would show the potholes and lack of drainage on the roads in south Dover Terrace.

Mayor Wilson with the consent of the Council directed staff to create a policy in regard to flash drives being used in City computers to insure the safety of City computers. City Manager Ramirez advised the road maintenance report was scheduled for April 2 City Council Meeting.

Steve Orly stated Wal-Mart was a problem because of minimum wages, pushes local businesses to close, and creates trash outside the parking lot.

Gary Gel stated he had sent a letter regarding the road problems on Gadwell.

Ebony Antwine has a non-profit in Solano County called Broken by Violence April 7-13 is National Crime Victims Week and is having a fund raiser on April 13 at the Lounge \$25.00, to bring awareness and gathering resources for crime victims.

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. a. Council/Boardmembers

Council Member Adams expressed concern about the water level climbing and climate change.

Council Member Williams stated she and Mayor Wilson had been a panelist at Solano College in honor of Women's History Month focused on nonviolence; on March 30 the Cleanup Team is scheduled cleanup the County bike tails and will meeting behind Wal-Mart at 8:00 AM; attended the Northern Realtors Open House; and suggested upgrading the City website be included in the budget.

Council Member Segala expressed concern about the trash between Wal-Mart fence and Highway 12 fence and the shopping center and the eight-acre parcel; and reported the Air Show at Travis is scheduled for March 30-31.

Mayor Wilson reported participating on two panels for Women's History month; Women's History Month luncheon; Meals on Wheels and suggested citizens should volunteer; Northern Realtors Open House on Salute to Government and was asked to have staff do a presentation on upcoming development, on March 30 Fairfield/Suisun Chamber of Commerce is doing their

annual State of the City where Suisun and Fairfield's mayors and city managers will be presenting the State of the City; and April 6 All Things Aren't Fair Art Fair at the Kroc Center from 10-2; and reminded staff to keep the noise and covered trash cans for businesses ordinance on their radar .

b. Mayor/Chair

1) Support of Senate Bill 5 (Beall/McGuire) - Local-State Sustainable Investment Incentive Program.

2) Report by Kevin Flanagan, Division Manager, Republic Services, on the 2019 Community Drop Off Day Schedule.

2. City Manager/Executive Director/Staff

a. Informational update on the Traffic Committee accomplishments in first quarter of 2019 – (Lozano/Medill).

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

3. Introduction of new Suisun City Employee Monica Bugaoan-Abakan, Recreation Coordinator - (Lofthus).

CONSENT CALENDAR

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

City Council

4. Council Adoption of Resolution No. 2019-23: Authorizing the City Manager to Enter into a Construction Contract on the City's Behalf with W. Bradley Electric, Inc. for the Sunset Avenue and Railroad Avenue Turn Signal and Audible Countdown Pedestrian Crosswalk Timers Project – (Medill).

5. Suisun City Marina Fuel System Upgrade – (Lofthus).

a. Council Adoption of Resolution No. 2019-24: Adopting the 4th Amendment to the Annual Appropriation Resolution No. 2018-68 to Appropriate Funds for the Marina Fuel System Upgrade Project; and

b. Council Adoption of Resolution No. 2019-25: Approving the Marina Fuel System Upgrade Project, and Authorizing the City Manager to Enter into an Agreement with Remediation Risk Management dba Triton Construction to Install the Improvements

6. Council Adoption of Resolution No. 2019-26: Rejecting all bids for Landscape Maintenance Contract Services for the Landscaping and Lighting Districts for Fiscal Year 2019-20 - (Medill).

7. Fiscal Year 2017-18 Year End Budget Amendments – (Dingman/Corey).

a. Council Adoption of Resolution No. 2019-27: Adopting the 16th Amendment to the Annual Appropriation Resolution No. 2017-44 to Appropriate Funding in Various Programs Citywide to Meet Actual Fiscal Year 2017-18 Obligations Pursuant to Audit Determinations.

b. Successor Agency Board Adoption of Resolution No. SA 2019-04: Adopting the 1st Amendment to the Annual Appropriations Resolution No. 2017-03 to Appropriate Funding

to Meet Fiscal Year 2017-18 Obligations Pursuant to Audit Determinations.

- c. Housing Authority Board Adoption of Resolution No. HA 2019-03: Adopting the 3rd Amendment to the Annual Appropriation Resolution No. HA 2017-01 to Appropriate Additional Funding to Meeting Actual Fiscal Year 2017-18 Obligations Pursuant to Audit Determinations.

Joint City Council / Suisun City Council Acting as Successor Agency

8. Council/Agency Approval of the February 2019 Payroll Warrants in the Amount of \$557,908.56. Council/Agency Approval of the February 2019 Payable Warrants in the Amount of \$920,583.91– (Finance).

Council Member Williams pulled Item 6 and Council Member Segala pulled Item 7.

Motioned by Council Member Adams and seconded by Council Member Day to approve Consent Calendar Items 4, 5 and 8. Motion carried unanimously by the following roll call vote:

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

Item 6

Motioned by Council Member Williams and seconded by Council Member Day to adopt Resolution No. 2019-26. Motion carried unanimously by the following roll call vote:

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

Item 7

Motioned by Council Member Segala and seconded by Council Member Williams to adopt Resolutions No. 2019-26, SA 2019-04, and HA 2019-02. Motion carried unanimously by the following roll call vote:

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

PUBLIC HEARINGS

City Council

9. PUBLIC HEARING

Request to Establish the Heritage Shopping Center Special Sign Overlay District (SSOD) at the Northwest Corner of Highway 12 and Sunset Avenue and to Approve a Pylon Sign at the Heritage Park Shopping Center – (McNamara/Kearns).

- a. Council Introduction and Waive Reading of Ordinance No.755: Approving a Special Sign Overlay District at the Northwest Corner of Highway 12 and Sunset Avenue (APNs 0173-010-380; 390, 400, 410, 420, and 430).
- b. Council Adoption of Resolution No. 2019-27: Approving a 60-Foot-Tall Pylon Sign at the Heritage Park Shopping Center (APN 0173-010-430).

Mayor Wilson opened the public hearing.

George Guynn expressed concern about the height of sign.

Deborah expressed concern about the dimensions of the sign and trees.

Roxanne Rodriguez expressed concern of the width of the base and the walkway.

Gary Gale owner of gas station, stated sign would benefit everyone.

Dr. Raymond Klein and Mike Zeiss didn't feel the sign would be blocking anything.

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

Consensus of Council was to bring back for discussion limiting the number of 60-foot signs.

Motioned by Council Member Segala and seconded by Council Member Williams to introduce and waive the reading the reading of Ordinance No. 755. Motion carried by the following roll call vote:

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

Motioned by Council Member Williams and seconded by Mayor Wilson to adopt Resolution No. 2019-27. Motion carried by the following roll call vote:

AYES: Council Members: Adams, Williams Wilson

NOES: Council Members Day, Segala

10. PUBLIC HEARING

Council Introduction and Waive Reading of Ordinance No. ____: - Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties – (McNamara).

Mayor Wilson opened the public hearing.

Michael Kucsera recommended Council approve recommendations from staff. Nancy Lee Liebscher, of old town, recommended the plan be doable and not so restrictive. Patricia Madison, of Victorian Harbor, is in favor of the staff's recommendations.

Michael Zeiss, of Victorian Harbor, recommended passage of this ordinance.

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

Consensus of the Council was to continue Item 10 to April 2.

11. PUBLIC HEARING - Parks and Recreation Commission – (Lofthus).

a. Council Introduction and Waive Reading of Ordinance No.756: Amending Section 2.16 of the Suisun City Code to Update Parks and Recreation Commission; and

b. Council Adoption of Resolution No. 2019-28: Approving Compensation for Members of the Parks and Recreation Commission (Recreation, Parks, Marina, and Arts Commission).

Mayor Wilson opened the public hearing.

Roxanne Rodriguez asked why a commissioner would get paid. Mayor Wilson explained that commissioners have authority and act on behalf of the City Council.

Hearing no comments, Mayor Wilson closed the public hearing.

**Motioned by Council Member Segala and seconded by Council Member Adams to introduce and waive the reading the reading of Ordinance No. 756 and adopt Resolution No. 2019-28. Motion carried unanimously by the following roll call vote:
AYES: Council Members Day, Segala, Williams, Wilson**

GENERAL BUSINESS

City Council

12. Council Adoption of Resolution No. 2019-29: Accepting the 2018 Annual Progress Report of the Suisun City General Plan and Housing Element - (McNamara/Kearns).

**Motioned by Council Member Adams and seconded by Council Member Williams to adopt Resolution No. 2019-29. Motion carried unanimously by the following roll call vote:
AYES: Council Members: Adams, Day, Segala, Williams, Wilson**

13. Council Adoption of Resolution No. 2019-30: Approving a Priority List of Community Events for Fiscal Year 2019-20 – (Lofthus).

**Motioned by Council Member Segala and seconded by Council Member Williams to adopt Resolution No. 2019-29. Motion carried unanimously by the following roll call vote:
AYES: Council Members: Adams, Day, Segala, Williams, Wilson**

PUBLIC COMMENT

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

Mike Zeiss stated the public was not allowed to comment on Items 12 and 13 and would like to see a plan for affordable housing be addressed in a future meeting.

Roxanne Rodriguez stated the Day of the Dead is a religious thing and she opposed it.

ADJOURNMENT

There being no further business, Mayor Wilson adjourned the meeting at 10:57 PM.

Linda Hobson, CMC
City Clerk

AGENDA TRANSMITTAL

MEETING DATE: April 2, 2019

CITY AGENDA ITEM: Council Introduction and Waive Reading of Ordinance No. ____: Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.

FISCAL IMPACT: There is no anticipated fiscal impact associated with this item.

BACKGROUND: The City Council held a Public Hearing on March 19, 2019 to discuss a proposed ordinance which would regulate certain activities in front, side, and rear yards. At the Public Hearing, the City Council raised some concern relative to proposed Section 18.36.070.C.3 “Vehicle Storage”. At the conclusion of the Public Hearing, the City Council requested that staff bring back the item at the April 2, 2019 meeting to discuss further.

STAFF REPORT: Staff has attached the staff report from the March 19, 2019 meeting as well as the proposed ordinance and Chapters 8.12 (Public Nuisances) and 8.13 (Abandoned and Distressed Residential Properties) which were all provided to the City Council at the March 19 meeting.

RECOMMENDATION: It is recommended that the City Council:

1. Introduce and Waive Reading of Ordinance No. ____: An Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.

ATTACHMENTS:

1. March 19, 2019 City Council Staff Report.
2. Ordinance No. ____; An Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.
3. Suisun City Code Chapter 8.12– Public Nuisances and 8.13 Abandoned and Distressed Residential Properties.
4. PowerPoint

PREPARED BY:

John Kearns, Senior Planner

REVIEWED BY:

Tim McNamara, Development Services Director

APPROVED BY:

Joe Dingman, Acting City Manager

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AGENDA TRANSMITTAL

MEETING DATE: March 19, 2019

CITY AGENDA ITEM: PUBLIC HEARING: Residential Yards and Parking Ordinance:

Council Introduction and Waive Reading of Ordinance No. ____: An Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties

FISCAL IMPACT: There is no anticipated fiscal impact associated with this item.

BACKGROUND: On March 21, 2017, the City Council adopted a comprehensive update of Title 18 “Zoning” of the Suisun City Code. Following that time, staff discovered that the section addressing treatment of front yards “Parking in Residential Front Yards” had been inadvertently deleted which left staff no code to enforce relative to paving in residential front yards.

In light of the void in the code, the City Council adopted Urgency Ordinance No. 746 on January 16, 2018 which put an immediate limitation on the amount of paving in residential front yards until the Zoning Code could be amended to include these provisions. The ordinance was extended by the City Council through Interim Ordinance No. 747 as staff worked through the drafting of revisions to the applicable portion of Title 18. Subsequently, staff prepared revisions to the Zoning Code which included language addressing front yard paving/parking. At the special meeting of March 19, 2018, the Planning Commission recommended the City Council adopt the proposed revisions absent the language on front yard paving/parking as the majority agreed it didn’t comprehensively address the issue. The City Council concurred and adopted the amendments without the parking/paving language.

Since the direction of the Planning Commission and City Council in 2018, staff has begun working on fully understanding the issue and how other communities have chosen to address it in their codes. Staff met with interested citizens on July 23, 2018 and October 30, 2018. This included sharing ideas and deeply discussing the issue from the residents’ perspective. The outcome of the research is that most cities address the issue(s) somewhat similarly, but in various sections of their codes.

At the December 18, 2018 Planning Commission meeting, the Commission held a Public Hearing to discuss the proposed Ordinance. The Commission discussed the matter and opened the Public Hearing. They took comments from the Public and ultimately closed the Public Hearing. While discussing the item, it was suggested that the item be continued to a future Planning Commission and an Ad Hoc of the Commission be formed. At the close of the meeting, the Commission appointed Commissioner’s Clemente, Borja and Thomas to the Ad Hoc Committee. Staff recommended a new Public Hearing be noticed as it was unclear specifically when the Ad Hoc would be available to meet.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

John Kearns, Senior Planner
Tim McNamara, Development Services Director
Richard Ramirez, Interim City Manager

On January 29, 2019, the Commission voted 6-0 in favor of recommending the City Council adopt the proposed ordinance.

STAFF REPORT: The Ad Hoc of the Planning Commission met with staff on Thursday, January 10, 2019 to discuss the ordinance. In large part, the structure of the prior proposed ordinance was retained. However, certain changes were made to the revised ordinance as a result of the following circumstances:

1. Written comments and/or Public Comments received at the December 18, 2018 Public Hearing;
2. Development Services staff observations over the past several years; and
3. Identified repetitious provisions that needed to be deleted.

Specifically, staff would like the Council to understand the differences between the two ordinances. Below are points illustrating the differences:

1. Maximum paved areas (overall and specific application such as driveways) and minimum landscaped areas have been clarified and applied consistency throughout the ordinance;
2. “Side Driveway” was removed as a definition;
3. Recreational vehicles are proposed to not be allowed within front, rear or side setback areas;
4. A basic maintenance or pruning standard has been included to allow for passage of pedestrians and vehicles.

At the conclusion of the January 29 Special Meeting of the Planning Commission, the Planning Commission included the following changes into their recommendation:

1. Deleted former 18.36.070.3.vi(1);
2. Added language to 18.36.070.3.vi(1) (formerly #2); and
3. Include recreational vehicle and airplane or aircraft into new 18.36.070.3.vi(2) and (4);

Additionally, staff has provided a summary of the applicable City codes/regulations the City Council should keep in mind as they review the proposed ordinance:

Title 8 “Health and Safety”

Both Section 8.12 “Public Nuisances” and 8.13 “Abandoned and Distressed Residential Properties Registration” have elements that could and should work together with any zoning ordinance developed on the issues of parking, treatment of yards, and residential property maintenance.

Title 18 “Zoning”

As stated previously in the Background section and presented at the December 18 Commission meeting, in the prior zoning ordinance there was a standard that spoke to paving and parking in residential front yards, but no standards relative to property maintenance and how rear or side yards were treated. Of course, with the omission of the prior language in our current code, the City is left with Urgency Ordinance 747 to uphold. Also as stated above, many cities regulate both parking in residential front yards as well as property maintenance standards. The proposed ordinance is relatively short in nature, but is intended to provide a way or regulating activities in front, side and

rear yards. It is staff's opinion that the regulating these activities is in the City and Community's interest as it will enhance curb appeal and limit potential blight in neighborhoods.

Waterfront District Specific Plan

Presently, the Waterfront District Specific Plan (which has a geographic specific area) has the following language in Appendix A which speaks specifically to the maintenance of properties within the Historic Residential (HR) and Historic Limited Commercial (HLC) Districts:

Maintenance of Structures and Premises

All property owners in the HR or HLC district shall have the obligation to maintain structures and premises in good repair. Structures and premises in good repair shall present no material deviation in apparent condition from surrounding structures in compliance with the provisions of this Plan. Good repair includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use and prevents deterioration, dilapidation, and decay of the exterior portions of the structure and premises, such as lack of paint, peeling, chipping, crumbling, breakage, accumulation of dirt and/or similar evidence. This is not intended to preclude normal construction activities in conjunction with a valid building permit, provided that the completion of such activities is diligently pursued in accordance with the standards of the Building Code.

Staff recommends this language be extended to include all residential properties within the area of the Plan. In order to accomplish this, language should be inserted into Section 6.2.3 that makes this clear. Additionally, staff recommends that clear language be inserted into the provisions of the Zoning Code and that the City Council have the option to adopt more restrictive standards for certain neighborhoods within the area of the Waterfront District Specific Plan.

RECOMMENDATION: It is recommended that the City Council:

1. Introduce and Waive Reading of Ordinance No. ___ : An Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.

ATTACHMENTS:

1. Ordinance No. ___; An Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.
2. January 29, 2019 Planning Commission Staff Report.
3. Suisun City Code Chapter 8.12– Public Nuisances and 8.13 Abandoned and Distressed Residential Properties.
4. PowerPoint Presentation

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, REPEALING AND REPLACING SECTION 18.36.070 OF TITLE 18 OF THE SUISUN CITY CODE AND AMENDING THE WATERFRONT DISTRICT SPECIFIC PLAN, RELATING TO REGULATIONS FOR FRONT, REAR, AND SIDE YARD AREAS OF RESIDENTIAL PROPERTIES

WHEREAS, this Ordinance is intended to preserve the residential character of streetscapes in the city's neighborhoods and minimize excess storm water runoff from residential properties; and

WHEREAS, the unregulated expansion of paved parking areas in front, rear, and side yards interferes with the pattern of building and open areas within neighborhoods, and can increase vehicle clutter by creating small parking lots in yard areas which are intended to remain as open and/or landscaped areas; and

WHEREAS, excessive paving of front, rear, and side yard areas have a negative impact upon the character and appearance of the City's neighborhoods; and

WHEREAS, the paving of front, rear, and side yard areas to add additional parking will potentially have impacts upon the walkability of the City's neighborhoods, because of the likely proliferation of curb cuts which reduce the number of available on-street parking spaces in the City's neighborhoods; and

WHEREAS, paving of front, rear, and side yards would potentially result in hazardous conditions on a residential property in that it could negatively impact the City's storm water management system such that a much higher amount of water runoff from such properties would negatively affect the City's storm water management system; and

WHEREAS, paving of front, rear, and side yards could result in potentially high amounts of runoff from such a property where such runoff could cause harm to adjoining properties; and

WHEREAS, paving of front, rear, and side yards would create visual blight by eliminating green space in the City's neighborhoods; and

WHEREAS, paving of front, rear, and side yards would create substantial aesthetic conflicts that may result in decreased property values for adjoining properties; and

WHEREAS, paving of front, rear, and side yards would result in potentially changing the character of residential properties, and it would result in less green space within the City; and

WHEREAS, the Planning Commission of the City of Suisun City did hold a duly noticed public hearing on December 18, 2018 and, following discussion, consideration and public comment, decided to form an Ad Hoc Committee and have a new Public Hearing noticed for a future date; and

WHEREAS, the Planning Commission of the City of Suisun City did hold a duly noticed public hearing on January 29, 2019 and, following discussion, consideration and public comment, voted 6-0 in favor of recommending that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Suisun City did hold a duly noticed public hearing on March 19, 2019 and, received testimony and documents from staff, provided an opportunity for public comment, closed public comment, and considered all documents relative to the subject Ordinance; and

WHEREAS, all legal pre-requisites to adopt this Ordinance have occurred; and

WHEREAS, as provided in this Ordinance, the City Council now desires to repeal and replace Section 18.36.070 of Title 18 of the Suisun City Municipal Code and the Waterfront District Specific Plan as provided in this Ordinance.

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

SECTION 1. RECITALS.

The recitals set forth above are all true and correct and are incorporated herein.

SECTION 2. SECTION 18.36.070, “PROHIBITED ACTIVITIES IN FRONT AND STREET SIDE YARDS,” OF CHAPTER 18.36 OF TITLE 18 OF THE SUISUN CITY CODE IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

“Section 18.36.070 - Prohibited activities in front, rear, and side yards of residential properties.

A. **Definitions.** For the purposes of this Section, words shall have the same definitions as provided in Chapter 18.04 of Title 18 of the Suisun City Municipal Code, except as follows:

1. “Landscaped area” means a water-permeable area maintained to present an attractive, well-kept appearance. A “landscaped area” may consist of any combination of living plants (shrubbery, grass, trees, etc.) with or without a layer at least two inches deep of materials such as decorative bark or decorative stones with a permeable subterranean weed barrier. However, a “landscaped area,” does not include dead plants, bare soil without plants, or bare soil with cut weeds. Further, “landscaped area” does not include asphalt or hardscape materials (such as pavers, bricks, and other hard surfaces), regardless of permeability.

2. “Hardscaped area” means an area covered with semi-permeable or impermeable materials such as brick, pavers, or concrete. “Hardscaped area” does not include asphalt paving (asphalt is not permitted).

3. “Weeds” mean plants that are out of place or not deliberately planted by the property owner.

4. “Recreational vehicles” mean recreational vehicles (RVs), including but not limited to motor homes, truck campers, travel trailers, third-wheel and pull-behind trailers, all-terrain vehicles, snowmobiles, jet skis, boats, and boat trailers.

5. “Chain link fencing” means a fence, usually made of metal, which consists of wire loops interconnected into a series of joined links.

6. “Driveway” means a paved portion of a private street providing an unobstructed passage from the roadway to an off-street area used for driving, servicing, parking, or otherwise accommodating motor vehicles.

B. Purpose and Applicability.

1. The requirements specified in this Section are intended to preserve the residential character of streetscapes in the city's neighborhoods and to minimize excess storm water runoff and are being enacted in response to community concerns about the negative effect on neighborhood character of paving and parking in single-family front yards as follows:

i. The unregulated expansion of paved parking areas in front, rear, and side yards interferes with the pattern of building and open areas within neighborhoods and can increase vehicle clutter by creating small parking lots in yard areas which are intended to remain as open areas and green spaces. Excessive paving of yard areas can negatively impact the character and appearance of residential areas. Paving yard areas to add additional parking can result in the proliferation of curb cuts that can have the effect of reducing the number of on-street parking spaces available this also impacts the walkability of a neighborhood.

ii. The paving of front, rear, and side yards would potentially result in hazardous conditions on a residential property in that it could negatively impact the City’s storm water management system such that a much higher amount of water runoff from such properties would negatively affect the City’s storm water management system.

iii. The paving of front, rear, and side yards would result in potentially high amounts of runoff from such a property where such runoff could cause harm to adjoining properties.

iv. The paving of front, rear, and side yards would create visual blight by eliminating green space in the City’s neighborhoods.

v. The paving of front, rear, and side yards would provide substantial aesthetic conflicts that may possibly result in decreased property values for adjoining properties,

vi. The paving would result in potentially changing the use of residential properties, and it would result in less green space within the City.

2. The requirements in this Section shall apply to all residential properties and lots.

C. Regulations and Standards

1. Front Yard.

i. Walkways and other Hardscaped Areas. The amount of paved walkways and hardscaped area, including but not limited to driveways, shall not exceed fifty percent of the front yard area.

ii. Driveways. The amount of allowable paving for driveways shall not exceed thirty-five percent of the total front yard area.

iii. Landscaping minimums. For all residential properties, a minimum of fifty percent of the front yard area shall consist of a landscaped area.

iv. Property owners must maintain all landscape on their property in such a way to allow for passage pedestrian and vehicular traffic.

v. Landscaped areas must be consistent with Chapters 8.12 and 8.13, as applicable, of the Suisun City Code.

vi. Chain link fencing shall not be constructed and located such that such fencing is visible from public roads or alleyways. All chain link fencing constructed before the effective date of this Section are considered legal non-conforming. Chain link fencing that is damaged shall be replaced with conforming fencing pursuant to Title 18 of the Suisun City Code.

vii. No front yard driveway will be permitted without the approval and issuance of an encroachment permit from the Public Works Director of Suisun City (if applicable) and design review and approval from the Planning Division.

viii. One tree shall be required for each residential property, any tree removed must be replaced; this includes all new developments.

ix. An accessory building shall only be located on the rear fifty percent of a residential lot, must be consistent with Table 18.31.01 Development Standards in Residential Zones, as applicable, of the Suisun City Code.

2. Rear / Side Yard.

i. Landscaping minimums. For all residential properties and lots, a minimum of fifty percent of the required rear and side yard combined area shall consist of landscaped area.

ii. Property owners must maintain all landscape on their property in such a way to allow for passage pedestrian and vehicular traffic.

iii. Landscaped areas must be consistent with Chapters 8.12 and 8.13, as applicable, of the Suisun City Code.

iv. No side yard or rear yard driveway will be permitted without the approval and issuance of an encroachment permit from the Public Works Director of Suisun City (if applicable) and design review approval from the Planning Division.

3. Vehicle Storage.

i. Driveway location and width shall be in accordance with the latest edition of the City of Suisun City Engineering Standards specifications.

ii. All vehicles, including recreational vehicles, shall be parked, stored or kept on a driveway being consistent with Chapters 8.12 and 8.13, as applicable, of the Suisun City Code.

iii. If a recreational vehicle is parked or stored on a residential property, then an owner of the recreational vehicle must also live at the same address. Additionally, recreational vehicles must be parked on an approved driveway, meet the setbacks addressed in Table 18.31.01 Development Standards in Residential Zones, as applicable, of the Suisun City Code, and parked in a manner so that they are not viewable from the City's right-of-way.

iv. The following activities are prohibited on any driveway governed by this Section:

(1) The parking, storing, or keeping for a period of time greater than seventy-two consecutive hours of any household appliance, equipment, furniture, construction equipment, machinery, boat, jet-ski, motor vehicle, recreational vehicle, airplane or aircraft, and materials other than that temporarily used or stored during the improvement of the lot and any associated structures or facilities;

(2) The parking, storing or keeping in any such area, for a period of time in excess of seventy-two consecutive hours, of any motor vehicle or recreational vehicle that is disabled or inoperative because of the need of repairs or for any other reason;

(3) The parking, storing or keeping of a motor vehicle in any such area of the front driveway, side driveway, or is visible to the public must be registered;

(4) The wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, washing, cleaning or servicing in any such area of any motor vehicle, boat, trailer, recreational vehicle, airplane or aircraft, machinery, equipment, appliance or appliances, furniture or other personal property, excepting the repairing, washing, cleaning or servicing by an owner, lessee, or occupant of the lot, for a period not to exceed 72 hours.”

SECTION 3. THE WATERFRONT DISTRICT SPECIFIC PLAN IS HEREBY AMENDED AS FOLLOWS:

NEW Chapter 6.2.3.C. Landscaping

6. All residential yards shall be subject to the standards set forth in Section 18.36.070 of the Suisun City Code, at a minimum. Additional standards may be adopted by the Suisun City Council for specific unique neighborhoods that require special care and regulation.

NEW Chapter 6.2.3.D Maintenance of Structures and Premises

All property owners in a residential district shall have an obligation to maintain structures and premises in good repair. Structures and premises in good repair shall present no material deviation in apparent condition from surrounding structures in compliance with the provisions of this Plan. Good repair includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use and prevents deterioration, dilapidation, and decay of the exterior portions of the structure and premises, such as lack of paint, peeling, chipping, crumbling, breakage, accumulation of dirt and/or similar evidence. This is not intended to preclude normal construction activities in conjunction with a valid building permit, provided that the completion of such activities is diligently pursued in accordance with the standards of the Building Code.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its passage.

SECTION 6. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Suisun City, California, on this _ day of _ 2019.

Lori Wilson, Mayor

ATTEST:

Linda Hobson, City Clerk

**APPROVED AS TO FORM
AND LEGAL CONTENT:**

Aleshire & Wynder, LLP

Chapter 8.12 - PUBLIC NUISANCES

8.12.010 - Purpose of chapter.

- A. It is the intent of the city council in adopting this chapter to provide a comprehensive method for the identification and abatement of certain public nuisances within the city.
- B. Provisions of this chapter are to be supplementary and complimentary to all of the provisions of the City Code, state law and any law cognizable at common law or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the city to abate any and all nuisances.

(Ord. No. 706, § 1, 3-17-2009)

8.12.020 - Application.

The provisions of this chapter shall apply generally to all property throughout the city, except for abandoned property as defined in chapter 8.13, "Abandoned and Distressed Residential Properties Registration," wherein any of the conditions, hereinafter specified, are found to exist; provided that any condition which would constitute a violation of this chapter, but which is duly authorized under any city, state or federal law, shall not be deemed to violate this chapter.

(Ord. No. 706, § 1, 3-17-2009)

8.12.030 - Authority—Department head defined.

- A. The head of any city department or the health officer of the county, hereinafter referred to as "department head," is authorized and directed to use the provisions of this chapter for the purpose of abating those nuisances which exist as the result of violation of those ordinances for which the department has primary enforcement responsibility.
- B. As used in this chapter, the term "department head" shall include the authorized representative of such department head, including but not limited to the code enforcement specialist.

(Ord. No. 706, § 1, 3-17-2009)

8.12.040 - Right of entry—Department head to inspect premises.

- A. Whenever necessary to make an inspection of any premises to enforce the provisions of this chapter, the department head may enter on such premises at all reasonable times to inspect the same or to perform any duty imposed upon the department head by this chapter, in such manner as allowed by law.
- B. Whenever practicable, the department head shall contact the occupant of such premises and inform him of the reasons for such entry onto such property, and if the occupant is other than the owner, he shall, if practicable, contact the owner.
- C. If entry onto any premises is interfered with by the owner or occupant of such premises, or by any third party, the department head shall have recourse to every remedy provided by law to secure his peaceable entry on such premises to perform the duties required by this code, including the obtaining of an inspection warrant pursuant to California Code of Civil Procedure Sections 1822.50-1822.60.

(Ord. No. 706, § 1, 3-17-2009)

8.12.050 - Responsibility for property maintenance.

- A. Every owner of real property within the city is required to maintain such property in a manner so as not to violate the provisions of this chapter and such owner remains liable for violation thereof regardless of any contract or agreement with any third party regarding such property.
- B. Every occupant, lessee or holder of any interest in property other than as owner thereof is required to maintain such property in the same manner as is required of the owner thereof, and the duty imposed by this section on the owner thereof shall in no instance relieve those persons herein referred to from the similar duty.

(Ord. No. 706, § 1, 3-17-2009)

8.12.060 - Appointment of hearing board for appeals.

In order to hear appeals on a notice of violation given under this chapter, the city manager shall appoint one or more hearing examiners who shall serve at the pleasure of the city manager as the hearing board.

(Ord. No. 706, § 1, 3-17-2009)

8.12.070 - Generally—Definitions.

For the purposes of this chapter, the following words shall have the following specified meanings:

"Junk" means any cast-off, damaged, discarded, junked, obsolete, salvage, scrapped, unusable, worn-out or wrecked object, thing or material composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, metal, paper, plaster, plaster of Paris, rubber, terra cotta, wool, cotton, cloth, canvas, organic matter or other substance.

"Junk yard" means any premises from or on which any junk is abandoned, bailed, bartered, bought, brought, bundled, dissembled, disposed of, exchanged, handled, packed, processed, shipped, sold, stored or transported, regardless of whether or not such activity is done for profit.

"Owner" means owner of record of real property, occupant, lessee, or interest holder in same, as the case may be.

"Premises" means any real property, or improvements thereon, as the case may be.

"Property" means premises.

(Ord. No. 706, § 1, 3-17-2009)

8.12.080 - Generally—Acts declared to be nuisances.

It is declared a public nuisance for any person owning, leasing, occupying or having a charge or possession of any premises in this city, whether commercial, industrial or residential, to maintain such premises in such a manner that any one, or more of the conditions or activities described in the following subsections are found to exist:

- A. Lumber, junk, garbage, trash, debris, salvage materials visible from public or private property or otherwise in violation of this chapter. Junk consists of any cast-off, damaged, discarded, junked, obsolete, salvaged, scrapped, unusable, worn-out or wrecked object, thing or material composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic

substance, fiber, glass, metal, paper, plaster, plaster of Paris, rubber, terra cotta, wool, cotton, cloth, canvas, organic matter or other substance, except while excavation, construction or demolition is in progress at the site under a current city-issued building permit;

- B. Abandoned, discarded or unused furniture, appliances, sinks, toilets, cabinets or other fixtures or equipment stored in a place visible from public or private property;
- C. Construction equipment or machinery parked or stored on noncommercial property and readily visible to the general public, except while excavation, construction or demolition is in progress at the site under a current city-issued building permit;
- D. Presence of abandoned, dismantled, wrecked or inoperable motor vehicles, motorcycles, recreational vehicles, trailers, campers, boats, conveyances or parts thereof (hereinafter "vehicles"), except:
 - 1. When such vehicles are completely enclosed within a building in a lawful manner where they are not visible from the street or other public or private property, or
 - 2. When stored or parked in a lawful manner on private property behind a fully screened fence in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise;
- E. Parking of a vehicle, trailer, camper or storage of other personal property on private property on other than a surface of asphalt, concrete or other similar all-weather material;
- F. Obstruction or encroachment of any public property, including but not limited to any public street, highway, right-of-way, park or building;
- G. An attractive nuisance to children, including but not limited to unprotected equipment, machinery, swimming pools whether full of liquid or drained, pools with water where the bottom or bottom drain can not be seen, ponds or excavations;
- H. A building or structure which, because of obsolescence, dilapidated condition, deterioration, damage, electrical wiring, gas connections or other cause, is in a condition as to constitute a fire hazard;
- I. A building exterior, wall, fence, driveway, sidewalk or walkway which is so defective, unsightly or deteriorated that it causes depreciation of the value of surrounding properties, is otherwise materially detrimental to nearby properties, or poses a hazard;
- J. A building or structure having dry rot, warping or termite infestation or an exterior surface which has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite or vermin infestation as to render the building or structure unsightly and in a state of disrepair;
- K. A building or structure which is structurally unsafe, partially destroyed, in an unreasonable state of partial construction, a fire hazard or otherwise dangerous or not in compliance with current building codes. An "unreasonable state of partial construction" exists if the building has been under construction for more than one year and the appearance and other conditions substantially detract from the appearance of the immediate neighborhood or reduces the property values in the immediate neighborhood;
- L. Building or structure that is marked or defaced with spray paint, dye or like substance in a manner commonly described as graffiti, visible from a public street, for an unreasonable period time;
- M. Buildings which are abandoned, boarded up, partially destroyed, or left in a state of partial construction for an unreasonable period of time and such buildings which are unpainted or where the paint on the building exterior is worn off;
- N. Dead, decayed, diseased or hazardous trees, weeds or tall grass more than eight inches tall, except ornamental grasses used as landscape or overgrown vegetation which is a fire hazard or

is likely to harbor rats, vermin or other pests, constitutes an unsightly appearance, is detrimental to neighboring properties or property values, or protrudes over or across a city street or sidewalk so as to substantially obstruct the clear passage of vehicles or pedestrians;

- O. Maintenance of any premises in any manner which is unsightly or unsanitary because of the presence of animal excrement;
- P. Vacant open land not maintained with weed control or firebreaks. In lieu of ordering complete abatement, the department head may order the preparation of firebreaks around parcels of property where combustible weeds or brush are present. The department head shall determine the width for the firebreak and the accessibility to the property for fire protection equipment.
- Q. Burning garbage, non-seasoned wood, or certain materials. No person shall cause or allow any of the following materials to be burned in a wood burning device: garbage, treated wood, non-seasoned wood, used or contaminated wood pallets, plastic products, rubber products, waste petroleum products, paints and paint solvents, coal, animal carcasses, glossy or colored paper, salt water driftwood, particle board, and any material not intended by a manufacturer for use as a fuel in a wood burning device. Visible smoke emissions are allowed from the startup of a new fire for a period of 20 consecutive minutes in any consecutive four-hour period.

Approved wood burning devices include: installed fireplaces and wood stoves, bar-b-ques, small meat smokers, small wood fired ovens used for cooking, patio fire pits, rings, or chimineas. These wood burning devices must be equipped with a spark arrestor screen or lid to prevent the spread of burning embers. Reference: Bay Area Air Quality Management District Regulation 6 - Particulate Matter and Visible Emissions Rule 3 - Wood-Burning Devices.

- R. Any condition recognized in law or in equity as constituting a public nuisance.

(Ord. No. 706, § 1, 3-17-2009)

8.12.090 - Commencement of abatement proceeding.

Whenever the department head has inspected or caused to be inspected any premises and has found and determined that such premises are in violation of this chapter, the department head shall commence proceedings to cause abatement of the nuisance as provided herein. Residential and light commercial parcels shall have 15 days to comply with a violation notice and abatement order. Vacant lots and large field properties within city limits shall have 30 days to comply with a violation notice and abatement order. One abatement order per property parcel in violation for each calendar year shall be posted and/or mailed. If a property owner or occupant fails to correct any violation within the time allotted, the fire official shall take all necessary steps to obtain an abatement order and such other orders necessary to enter upon the property and abate the property at owners' expense.

(Ord. No. 706, § 1, 3-17-2009)

8.12.100 - Violation notice.

- A. Except as otherwise provided herein, the department head shall issue a violation notice to the owner and occupant of the premises. The notice shall contain:
 - 1. The street address and such other description as is required to identify the premises;
 - 2. A statement that the department head has found the premises to be a public nuisance, as specified in this chapter, with a specific citation to the applicable section hereof, and to other sections of the City Code where applicable;
 - 3. An order to abate the nuisance and a date for the abatement to be completed. The date for compliance shall be no less than 15 calendar days from the date of issuance for residential and light commercial parcels, and 30 calendar days for vacant and large field properties;

4. A statement requesting the owner, within a specified number of calendar days determined by and at the discretion of the department head, to meet with or communicate with the department head to provide proof of abatement.
- B. The violation notice shall be posted on the property and delivered by U.S. mail to the property owner listed on the county's tax roll. The failure of any owner to receive the violation notice shall not affect in any manner the validity of any proceeding thereafter taken. A follow-up inspection may be conducted by the department head to determine compliance with the violation notice.

(Ord. No. 706, § 1, 3-17-2009)

8.12.110 - Appeal of the abatement order.

A written appeal to an abatement order may be filed with the department head. The appeal must be received five business days prior to the abatement order hearing date. If an appeal is timely received, a hearing officer shall hear and consider all objections to the abatement order. All property owners and occupants shall be given the opportunity to have their objections heard and given due consideration. At the conclusion of the hearing, the hearing officer shall allow or overrule the proposed abatement order. If owners or occupants do not attend the appeal hearing, the hearing officer may order abatement of the property without further notice or proceeding.

If an owner or occupant is aggrieved by the hearing officer's decision concerning the appeal, a written appeal to the hearing officer's decision may be filed with the city manager within five working days after the conclusion of the first appeal hearing. The city manager shall hear and consider all objections to the abatement order. The property owner and occupants shall be given the opportunity to have their objections heard and given due consideration. At the conclusion of the hearing, the city manager shall allow or overrule the proposed abatement order. The city manager's decision shall be final.

(Ord. No. 706, § 1, 3-17-2009)

8.12.120 - Contract award.

If an owner or occupant fails to comply with the abatement order, the department head shall have abatement work done under a contract let to a responsive and responsible bidder, as those terms are applied under the California Public Contract Code. A contract may include work on more than one parcel.

(Ord. No. 706, § 1, 3-17-2009)

8.12.130 - Abatement.

Pursuant to California Code of Civil Procedure section 731, the city attorney, shall pursue all legal means to obtain a civil or criminal judgment and order to abate that shall specifically indicate the time and manner of abatement.

(Ord. No. 706, § 1, 3-17-2009)

8.12.140 - Violation penalties, cost assessments, and fines.

Any person who causes or permits any weeds or rubbish to accumulate or remain on any property within city limits after the allotted days of the abatement notice, shall be guilty of an infraction and shall be liable for costs and expenses to abate the property.

(Ord. No. 706, § 1, 3-17-2009)

8.12.150 - Fines.

Any person who is guilty of an infraction under this chapter shall incur fine(s) as follows:

1. All posting and mailing abatement notices shall incur a \$50.00 fee. If owners or occupants comply with the abatement order within the allotted days, the \$50.00 fee shall be waived. Every violation determined to be an infraction is punishable by (1) a fine not exceeding \$100.00 for a first violation; (2) a fine not exceeding \$200.00 for a second violation of the provisions of this ordinance within one year; (3) a fine not exceeding \$500.00 for each additional violation of this chapter within one year. Notwithstanding any other provision of law, a violation of the city's building and safety codes determined to be an infraction is punishable by (1) a fine not exceeding \$100.00 for a first violation; (2) a fine not exceeding \$500.00 for a second violation of this ordinance within one year; (3) a fine not exceeding \$1,000.00 for each additional violation of this ordinance within one year of the first violation. All fees set forth in this section are initial amounts and are presented here for reference only. Actual fees shall be those set forth in the city's master fee schedule, which may be adjusted from time to time by resolution of the city council.
2. In addition to the penalties, any additional violation within the one-year period may be charged as a misdemeanor punishable as provided in chapter 1.08.

(Ord. No. 706, § 1, 3-17-2009)

8.12.160 - Fire suppression costs.

If there exists upon the lands of any person in violation of this chapter, a fire involving the burning of any vegetation or rubbish, the fire department shall go upon the lands and perform its regular duties to extinguish such fire or combustion. Any costs incurred by the fire department in fighting the fire and for the cost of providing rescue and emergency medical services shall be charged to the property owner consistent with the applicable charges set forth in the city's master fee schedule.

(Ord. No. 706, § 1, 3-17-2009)

8.12.170 - Assessment of costs—Entering on tax roll.

A certified copy of the report detailing the costs of abatement shall be filed with the county auditor and such parcels reported shall be described by their descriptions in the county assessor's map books for the current year, and it shall thereupon be the duty of the county auditor to enter each assessment as so reported on the county tax roll opposite the parcel of land.

(Ord. No. 706, § 1, 3-17-2009)

8.12.180 - Assessment of costs—Collection.

The amount of the assessment shall be collected with, at the same time and in the same manner as ordinary municipal taxes, by the county tax collector, and if delinquent shall be subject to the same penalties and procedure of foreclosure and sale provided for ordinary municipal taxes. All laws relating to the levy, collection and enforcement of county taxes shall apply to such special assessment taxes.

(Ord. No. 706, § 1, 3-17-2009)

8.12.190 - Private removal unimpaired.

Nothing contained in this chapter shall be construed to prevent a property owner from removing a public nuisance before the date of abatement, or to pay to the city, the amount due on any assessment prior to the said assessment being delivered to the county auditor.

(Ord. No. 706, § 1, 3-17-2009)

8.12.200 - Recovery of attorney fees for nuisance abatement actions or proceedings.

In any action, administrative proceeding, or special proceeding initiated by the city to abate a nuisance, the prevailing party may recover attorneys' fees. Recovery of attorneys' fees by the prevailing party is limited to those individual actions or proceedings in which the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. The award of attorneys' fees to the prevailing party shall in no circumstances exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding.

(Ord. No. 706, § 1, 3-17-2009)

8.12.210 - Recovery of treble damages.

Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that a property owner is responsible for a condition which may be abated as a nuisance, the court may order the property owner to pay treble (three times) the cost of abatement. This section shall not apply to conditions abated pursuant to section 17980 of the California Health and Safety Code.

(Ord. No. 706, § 1, 3-17-2009)

Chapter 8.13 - ABANDONED AND DISTRESSED RESIDENTIAL PROPERTIES REGISTRATION

8.13.010 - Purpose and findings.

It is the purpose and intent of the city council, through the adoption of this chapter, to establish an abandoned and distressed residential property registration program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned properties and to establish uniform and reasonable regulations to prevent immediate risks and detrimental effects associated with abandoned and distressed properties.

The city council finds that abandoned and distressed residential properties pose risks to the public peace, health and safety of citizens in that the detrimental effects from the lack of security and maintenance of abandoned and distressed residential properties endangers children unprotected from unsecured pools and other attractive nuisances, leads to neighborhood decline, contributes to lower property values, discourages potential buyers from purchasing a home adjacent to or in the neighborhoods with abandoned and distressed residences, and further endangers neighborhoods affected by the resulting squatting, vandalism, burglaries and other crimes.

The city council further finds that the city will incur additional costs in administering and implementing the abandoned and distressed residential properties registration program and that it is in the best interests of the public for the city to recover the said costs through imposition of a registration fee.

(Ord. No. 707, § 1, 3-17-2009)

8.13.020 - Definitions.

The following terms and phrases, whenever used in this chapter, shall be construed as defined in this section:

- A. "Abandoned property" means a residential property that is vacant and is under a current notice of default and/or notice of trustee's sale, pending tax assessor's lien sale, or a residential property that has been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure, or a residential property transferred under a deed in lieu of foreclosure/sale.
- B. "Accessible property" means an abandoned property, and any structure or building on the abandoned property, that is accessible through a compromised, breached or broken gate, fence, wall, window, door, and similar entry points and/or is unsecured in such way as to allow access to interior space by unauthorized person or trespasser.
- C. "Agreement of sale" means any agreement or written instrument which provides that title to residential property shall be transferred or conveyed from one owner to another owner after the sale, trade, transfer or exchange.
- D. "Beneficiary" means a lender under a note secured by a deed of trust. Beneficiary shall also include beneficiary's authorized agent, property management company or property manager.
- E. "Buyer" means any person, partnership, co-partnership, association, corporation, fiduciary or any entity that agrees to transfer anything of value in consideration for property described in the agreement of sale, as defined in this chapter.
- F. "Days" means consecutive calendar days.
- G. "Deed of trust" means an instrument, describing the real property and by which title to real property is transferred to a third party trustee as security for repayment of a real property loan or an obligation. This definition applies to any and all subsequent deeds of trust, including but not limited to second trust deed, third trust deed, etc.
- H. "Deed in lieu of foreclosure/sale" means a recorded document that transfers ownership of a property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.
- I. "Default" means the failure to fulfill a contractual obligation, whether monetary or conditional.
- J. "Distressed property" means a residential property that is occupied by a person(s) having the right to use or having right of possession of the property and under a current notice of default and/or notice of trustee's sale or pending tax assessor's lien sale or has been foreclosed upon by the trustee or has been conveyed to the beneficiary or trustee via deed in lieu of foreclosure/sale.
- K. "Evidence of vacancy" means any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation, and/or statements, based on observations by neighbors, passersby, delivery agents, government employees that the property is vacant.
- L. "Foreclosure" means the process by which a property, placed as security for a real estate loan, is sold at an auction to satisfy the debt if the trustor (borrower) defaults.
- M. "Landscape" includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Landscape does not include weeds, gravel, broken concrete, asphalt, decomposed granite, plastics sheeting, mulch, indoor-outdoor carpet or any similar material.

- N. "Landscape maintenance" includes, but is not limited to, regular watering, irrigation, cutting, pruning, mowing and removal of all trimmings of required landscape.
- O. "Local" means within 40 road/driving miles distance of the abandoned or distressed property.
- P. "Neighborhood standard" means those conditions that are present on a simple majority of properties within a 300-foot radius of a distressed or abandoned property. The abandoned or distressed property that is the subject of a neighborhood standard comparison, or any other abandoned property within the 300-foot radius, shall not be counted toward the simple majority.
- Q. "Notice of default" means a recorded notice that a default has occurred under a deed of trust and that the beneficiary intends to proceed with a trustee's sale.
- R. "Out-of-area" means in excess of 40 road/driving miles distance of the subject property.
- S. "Owner" means any person, partnership, co-partnership, association, corporation, fiduciary or any other legal entity having a legal or equitable title or any interest in the property.
- T. "Owner of record" means the person, partnership, co-partnership, association, corporation, fiduciary or any other legal entity having recorded title to real property at any given point in time the record is provided by the Solano County Recorder's Office.
- U. "Residential property" means any improved real property, or portion thereof, situated in the city, designed, built or permitted to be used for dwelling purposes, specifically including the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchange as "residential" whether or not it is legally permitted or zoned for such use.
- V. "Responsible person" shall also include beneficiary and trustee, as defined in this chapter.
- W. "Secured" means treated with such measures as may be directed by city manager or his/her designee that assist in rendering the abandoned property inaccessible to unauthorized persons, squatters, trespassers, including, but not limited to, the closure, locking, pad-locking, chaining, repair and/or boarding of fence(s), wall(s), gate(s), window(s), door(s) (walk-through, sliding and/or garage), and/or other openings of such size that may allow a child access to the interior of the accessible property. In case of broken windows, secured includes the re-glazing or boarding of a window. Boarding shall be completed to a minimum of the current United States Department of Housing and Urban Development (HUD) securing standards at the time the boarding is completed or required, and shall additionally require painting the boards with an exterior grade paint that matches the color of the accessible property.
- X. "Trustee" means the person, partnership, co-partnership, association, corporation, or fiduciary holding a deed of trust on a property. Trustee shall include any authorized agent, property management company or property manager of a trustee.
- Y. "Trustor" means a borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.
- Z. "Vacant" means a building/structure that is not legally occupied.

(Ord. No. 707, § 1, 3-17-2009)

8.13.030 - Inspection, registration and fees.

- A. Inspection and Registration. Any beneficiary or trustee, who holds a deed of trust on a property located within the city, shall perform an inspection of the property that is the security for the deed of trust, upon default by the trustor and prior to recording a notice of default with the Solano County Recorder's Office.
 - 1. If the property is found to be vacant or shows evidence of vacancy, it is, by this chapter, deemed abandoned and the beneficiary or trustee shall, within ten days of the inspection or the

date of vacancy, whichever is earliest, register the property with the city manager or his/her designee on forms provided by the city.

2. If the property is occupied but remains in default, it shall be deemed distressed, and it shall be inspected by the beneficiary or trustee, every 15 days until either (1) the trustor or another party remedies the default; or (2) it is found to be vacant or shows evidence of vacancy, at which time it is deemed abandoned, and the trustee shall, within ten days of that inspection or the date of vacancy, register the property with the city manager or his/her designee on forms provided by the city.
- B. Contents of Registration. The registration required under this chapter shall contain: 1) the name of the beneficiary/trustee (co-partnership, partnership, association, fiduciary, corporation, any legal entity or an individual); 2) the direct street/office mailing address of the beneficiary/trustee, excluding P.O. boxes; 3) a direct contact name and phone number for the beneficiary/trustee; and 4) in the case of a corporation or out-of-area beneficiary/trustee, the local property management company responsible for the security, maintenance and marketing of the property. Any change of the information in the registration required under this paragraph shall be reported within ten days of the change.
 - C. Registration Fee. The fee for registering an abandoned residential property shall be set by Resolution of the city council. An annual registration fee shall accompany the registration form. The imposed fees may not be passed on to other than the holder of the deed of trust. The abandoned residential properties registration fee will be used to finance the cost of inspection, administering and enforcement under this chapter. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations are due January 1st of each year and must be received no later than January 31st of the year due. Properties subject to this chapter shall remain under the annual registration requirement, security and maintenance standards of this chapter as long as the properties remain vacant.
 - D. Out-of-Area Trustee/Beneficiary. An out-of-area beneficiary or trustee shall retain a local representative for the holder of the deed of trust, which shall inspect the property as required by this chapter to determine whether the abandoned property is in compliance with the requirements of this chapter.
 - E. If any beneficiary or trustee fails to register the residential property, as required by this chapter, the city may register the residential property and impose the annual registration fee. Notice shall be provided pursuant to section 8.13.090 except that notice shall be provided to: 1) beneficiary or trustee, prior to completion of foreclosure or deed in lieu of foreclosure/sale transaction; or 2) to owner or owner of record after completion of foreclosure or deed in lieu of foreclosure sale transaction, as the address appears on the recent tax assessor's records or as known to the city manager or his/ her designee. The notice shall provide the amount due for the registration fee, shall state that the property has not been registered as required by this chapter and shall constitute enrollment in the city's abandoned residences registration program. The city may collect any unpaid registration fee by use of any method authorized by law.

(Ord. No. 707, § 1, 3-17-2009)

8.13.040 - Maintenance requirements.

Abandoned property shall be maintained in a manner comparable to the neighborhood standard. The property must be ready to be appraised and sold. At minimum:

- A. Abandoned property shall be maintained so as to be kept free of evidence of vacancy;
- B. Abandoned property shall be maintained free of weeds, dry brush, dead vegetation, trash, junk, debris and excessive foliage growth that diminishes the value of surrounding properties;

- C. Abandoned property shall be maintained free of mosquito larvae from growing in standing water;
- D. Abandoned property shall be maintained free of any building materials, any accumulation of newspapers, circulars, flyers, notices (except those required by federal, state or local law), discarded personal items, including but not limited to furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned;
- E. Abandoned property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure, following a notice pursuant to section 8.13.090 or notice pursuant to California Civil Code Section 2929.3, whichever is applicable.
- F. Maintenance of abandoned properties shall include landscape maintenance of visible front and side yards; and
- G. Pools and spas shall either (a) be kept in working order so the water remains clear and free of pollutants and debris; or (b) drained and kept dry. In either case, properties with pools and/or spas must comply with the minimum security fencing requirements of the State of California.

Adherence to this section does not relieve the beneficiary/trustee or owner of any obligations set forth in any local, state or federal laws or any covenants, conditions and restrictions and/or homeowners' association rules and regulations which may apply to the property.

(Ord. No. 707, § 1, 3-17-2009)

8.13.050 - Security requirements.

Any abandoned property shall be secured, as defined in this chapter. In addition, the abandoned property shall be secured in a manner that would prevent trespassers, squatters or unauthorized persons from entering and/or remaining on the property.

(Ord. No. 707, § 1, 3-17-2009)

8.13.060 - Declaration of public nuisance.

Pursuant to the city's police powers authorized in Article XI, Section 7 of the California Constitution, as well as under the City Code and other provisions of California law, including, but not limited to, California Government Code Section 38771, the city council hereby declares that violation of this chapter, including but not limited to the maintenance and security requirements of this chapter shall constitute a public nuisance.

(Ord. No. 707, § 1, 3-17-2009)

8.13.070 - Additional authority.

In addition to any other remedies authorized by the City Code and/or any other enforcement remedies permitted under the law, the city manager or his/her designee shall have the authority to require the beneficiary/trustee/owner and/or owner of record of any property affected by this section to implement additional maintenance and/or security measures including but not limited to securing any and all door(s), window(s) or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to arrest the decline of the property.

(Ord. No. 707, § 1, 3-17-2009)

8.13.080 - Notice of violation.

- A. Whenever the city manager, or his/her designee or enforcement officer finds that a provision of this chapter has been violated, he or she may issue the responsible person a notice of violation ("NOV"). If an NOV is issued, it shall be served on the responsible person in the manner described in subsection B. of this section. The enforcement officer shall include the following information in the NOV:
1. The date and location of the violation, including the address or other description of the location where the violation occurred or is occurring and a brief description of the conditions observed that constitute a violation;
 2. The name(s) of the responsible person(s), if known;
 3. The chapter section(s) violated and a description of the section(s);
 4. Actions required to correct, abate or mitigate the nuisance condition or code violation, and a period of time during which action(s) shall be commenced and completed;
 5. A statement that the person upon whom the NOV is served may appeal the determination that there is/are violation(s) as alleged, that the person who was served with the NOV is the responsible person, or that the amount of any administrative fine or civil penalty imposed is warranted. The NOV will instruct the person being served as to the proper procedure and time frame for submitting an appeal;
 6. If applicable, notice that failure to correct or abate the listed violations in the NOV within the time specified will subject the responsible person to a civil penalty pursuant to section 8.13.100. If a penalty will be imposed, the NOV shall include the amount of the penalty; and
 7. The signature of the citing enforcement officer and city contact information (address, telephone number) for additional information.
- B. The NOV shall be served upon the responsible person personally or by United States mail, first-class postage prepaid, and if by such mail, it shall be sent to the last known address listed on the most recent tax assessor's records or as known to the city manager or his/her designee. In the case of personal service, service shall be deemed complete at the time of such delivery. In the case of service by first-class mail, service shall be deemed complete at the time of deposit into the United States mail. Where service is by first-class mail, a copy of the NOV shall also be conspicuously posted at the affected property when reasonably practicable for a period of not less than three calendar days prior to the first date that commencement of corrective action or abatement is to be undertaken. The failure to receive an NOV sent via first-class mail shall not affect the validity of any enforcement proceedings under this chapter.
- C. Proof of service shall be certified by a written declaration under penalty of perjury executed by the person effecting service, declaring the date, time, and manner of service, and the date and place of posting, if applicable. The declaration shall be affixed to a copy of the NOV and retained by the enforcement officer.
- D. The failure of an NOV to satisfy all of the requirements of this provision shall not affect the validity of any other enforcement proceedings under this Code.

(Ord. No. 707, § 1, 3-17-2009)

8.13.090 - Civil penalty imposed.

- A. Pursuant to California Civil Code Section 2929.3, the city, may impose a civil penalty in the amount not to exceed \$1,000.00 per day for failure to maintain and secure the abandoned property, as

required by this chapter, provided that notice requirements of Civil Code Section 2929.3 are satisfied as follows:

1. The city first issues a NOV, as provided in section 8.13.090, which also states that the city shall impose the civil penalty pursuant to this section if actions necessary to address the violation(s) at the abandoned property are not commenced within a period of not less than 14 days and completed within a period of not less than 30 days, from the date of mailing of NOV; and
 2. In addition to requirements of section 8.13.090, the NOV shall be mailed to the address provided in the deed of trust or other instrument specified in California Government Code Section 27321.5(a), or if none, to the return address provided on the deed or other instrument.
- B. The city shall not impose a civil penalty pursuant to this section together with administrative citations or fines authorized by chapter 8.12.
- C. The civil penalty imposed by this section shall stay in effect until January 1, 2013, the expiration date of Section 2929.3 of California Civil Code, unless extended by the state legislature.
- D. The civil penalty may not be passed on to other than the holder of the deed of trust.

(Ord. No. 707, § 1, 3-17-2009)

8.13.100 - Violation/penalty.

Violations of this chapter shall be treated as a strict liability offense regardless of intent.

(Ord. No. 707, § 1, 3-17-2009)

8.13.110 - Enforcement.

In addition to section 8.13.100, violations of this chapter may be enforced in any combination as permitted by the City Code and any other enforcement and legal remedies available to the city under the law. However, in no event shall the city impose a civil fine pursuant to section 8.13.100, together with administrative citations or fines authorized by chapter 1.20.

(Ord. No. 707, § 1, 3-17-2009)

8.13.120 - Appeals.

Any person aggrieved by any of the requirements of this section may appeal insofar as such appeal is permitted under the applicable sections of chapter 8.12. Any person aggrieved by the imposition of a civil penalty pursuant to section 8.13.100, may appeal the penalty pursuant to procedures for an appeal of administrative citations, as provided in sections 1.20.070 through 1.20.110 of chapter 1.20.

(Ord. No. 707, § 1, 3-17-2009)

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City Council Meeting

APRIL 2, 2019



Residential Yards and Parking Ordinance



- Background
- Title 8
- Title 18 and Waterfront District Specific Plan
- What are Other Communities Doing?
- City Council Action
- Next Steps



Background

- Zoning Ordinance Update Adoption
- 2018 Zoning Ordinance Revisions
- Urgency Ordinances
- Meetings with Residents
- Tonight's Public Hearing

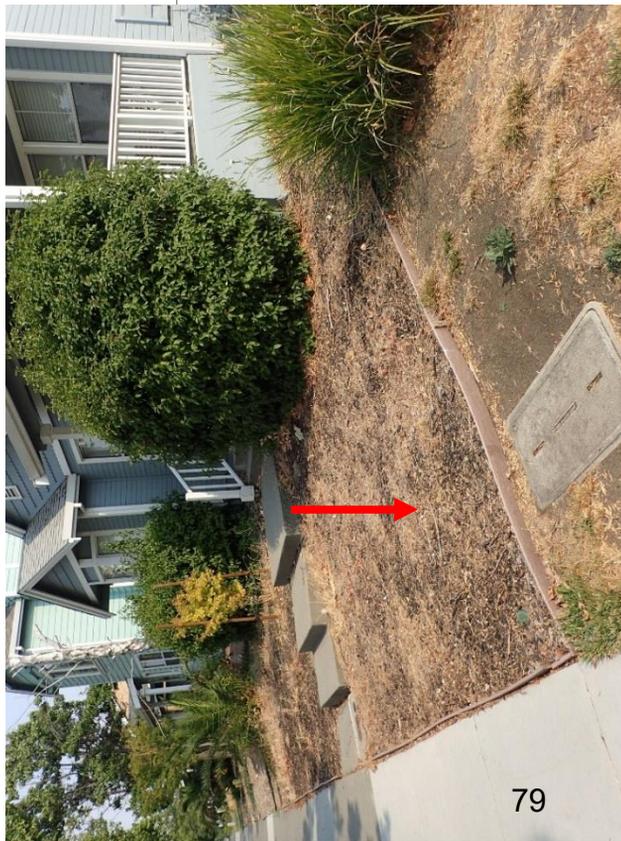


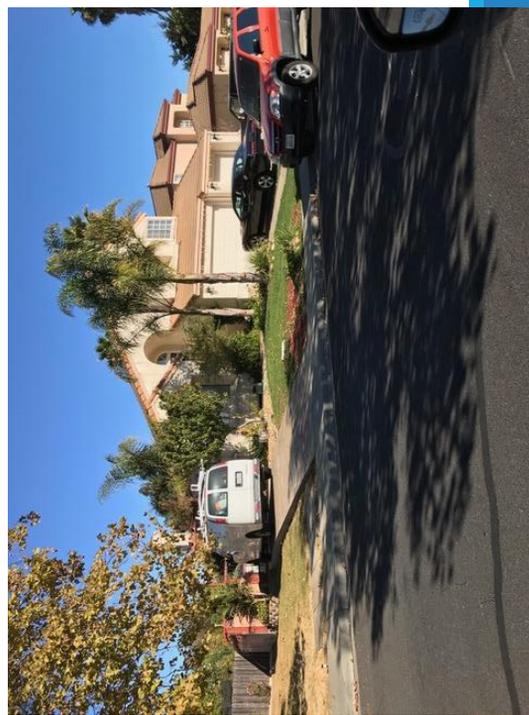
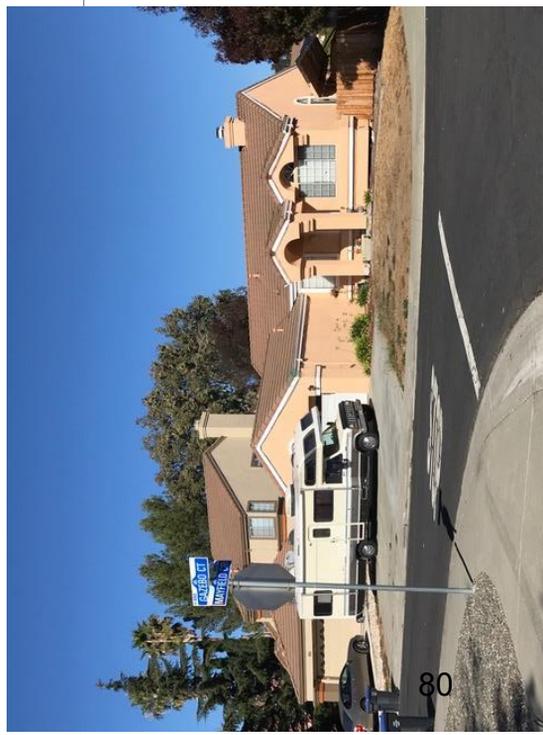
Item 9
Attachment 4





Item 9
Attachment 4







Title 8 “Public Health and Safety”

Section 8.12 and 8.13





Title 18 and Waterfront District Specific Plan



- Section 18.36.070
- Repeal existing and Replace with proposed language
- Section 18.04
- Section 6.2.3.C “Landscaping”
- Section 6.2.3.D “Maintenance of Structures and Premises”



What Are Other Communities Doing?

- Common application of regulations;
- City of Martinez.
- City of Walnut Creek.
- Cities of Chino Hills, Chula Vista and Garden Grove.



City Council Action

1. Ordinance No. ___; An Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.

Staff Recommendation

It is recommended that the City Council:

1. Introduce and Waive Reading of Ordinance No. ____: An Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.



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AGENDA TRANSMITTAL

MEETING DATE: April 2, 2019

CITY AGENDA ITEM: Council Adoption of Resolution No. 2019-__: Resolution Adopting a List of Projects for Fiscal Year 2019-20 and an Amended List of Projects for Fiscal Year 2018-2019 Funded by SB1: The Road Repair and Accountability Act of 2017

FISCAL IMPACT: Total budgeted revenue and expenditures for the Suisun City Road Maintenance and Rehabilitation Account (RMRA) for FY2018-19 and FY2019-20 are \$863,000 and \$1,151,200 respectively for a total of \$2,014,200. These amounts have not changed and have a neutral impact on either budget. There may be a carry-over of unexpended funds from the FY 2018-19 to the FY2019-20 budgets.

BACKGROUND: The City of Suisun City is responsible for the maintenance of 153 lane miles of roadway with over 13 million square feet of pavement. The goal of the Suisun City Pavement Management Program is to maintain the City's pavement in the best condition possible given the available funding. Each year, preventive maintenance treatments are performed on selected City streets. These planned treatment projects are intended to extend the life of the pavement and avoid costlier repair or replacement of streets. Road reconstruction is only considered when preventive maintenance treatments are no longer cost-effective or feasible. The cost of reconstructing a street can exceed ten times the cost of performing a preventative maintenance treatment.

In November 2016, Suisun City residents approved Measure S, a one-percent general transaction and use tax. The measure passed with 69% of voters supporting the increase in the sales and use tax for a period of ten years. A Measure S survey indicated that street repairs were a top priority for the residents of the City.

On April 28, 2017, the Governor signed Senate Bill 1 (SB1) also known of as the Road Repair and Accountability Act of 2017. This bill provides a stable source of funding to local agencies to provide for road maintenance and rehabilitation. SB1 does not have a sunset, so this funding source is projected to continue after the expiration of the local Measure S funding.

Over the past two years the Suisun City Public Works road maintenance and rehabilitation effort has completed the following projects (See Attachment No. 1 for a Map):

- Contracted to complete approximately 6,250 square feet of 6" deep asphalt patches within the City for a total cost of \$62,474.38.
- Contracted to complete approximately 27,320 square yards of Cape Seal, 32,617 square yards of Type II Slurry Seal and replacement of 46 existing curb ramps with Americans with Disabilities Act (ADA) compliant curb ramps for a total cost of \$585,710.55.
- Staff completed roadway patching, pothole repair and crack sealing throughout the City.

PREPARED BY:

Matthew Medill, Public Works Director | City Engineer

REVIEWED AND APPROVED BY:

87

Kris Lofthus, Acting City Manager

STAFF REPORT: In accordance with the Road Repair and Accountability Act of 2017, the City of Suisun City must adopt a budget each fiscal year appropriating revenues and expenditures of Road Maintenance and Rehabilitation Account (RMRA) funds. In addition, the City must submit a list of projects corresponding to the adopted budget to the California Transportation Commission (CTC) prior to May 1, 2019 in order to receive the SB1 funds for FY2019-20. Suisun City is committed to improving the road conditions and ADA accessibility in the City and has budgeted both Measure S and SB1 funds for road maintenance and rehabilitation as shown in the following table:

Suisun City Road Maintenance and Rehabilitation Account Budget			
	FY2017-18	FY2018-19	FY2019-20
Measure S	\$308,500	\$363,000	\$621,200
SB1	167,800	500,000	530,000
Total	\$476,300	\$863,000	\$1,151,200

On April 18, 2018 the City Council approved a Resolution adopting the fiscal year 2018-2019 budgeted revenues and expenses for the Road Maintenance and Rehabilitation Account (RMRA) including a list of project streets to secure the SB1 funding for the 2018-19 fiscal year. Please see Attachment No. 2 to see the staff report and resolution from April 18, 2018.

To date the City expenditures for road maintenance in FY2017-18 and FY2018-19 are approximately \$686,451 leaving an approximate available balance for the remainder of FY2018-19 of \$652,849 and a FY2019-20 budget of \$1,151,200 for a total available budget of \$1,804,049.

The City uses StreetSaver[®], a pavement management software program, to monitor pavement conditions, help prioritize streets requiring resurfacing, and estimate costs of treatments and rehabilitation. This program is referred to as the Pavement Management Program (PMP). StreetSaver[®] uses Pavement Condition Index (PCI) to classify roads based on their condition. PCI values are one of the many factors used by StreetSaver[®] to help identify the appropriate resurfacing treatment for a given road. The PCI is an overall measure of the condition of the street surface based on a scale of zero (0) (failed) to one hundred (100) (excellent/new street). The following table describes the PCI range and corresponding pavement condition:

PCI Ranges	
PCI RANGE	CONDITION
90-100	Excellent
70-89	Very Good
50-69	Good
25-49	Poor
0-24	Very Poor/Failed

In May of 2018, Harris and Associates updated the Pavement Management Program (PMP) for Suisun City. For this update, about 77 centerline miles of street were surveyed. The Citywide average PCI is 61. The overall condition of the Suisun City's street pavement is in the range of "good". Suisun City's total lane miles and the 2019 PCI condition value by street classification is provided in the table below:

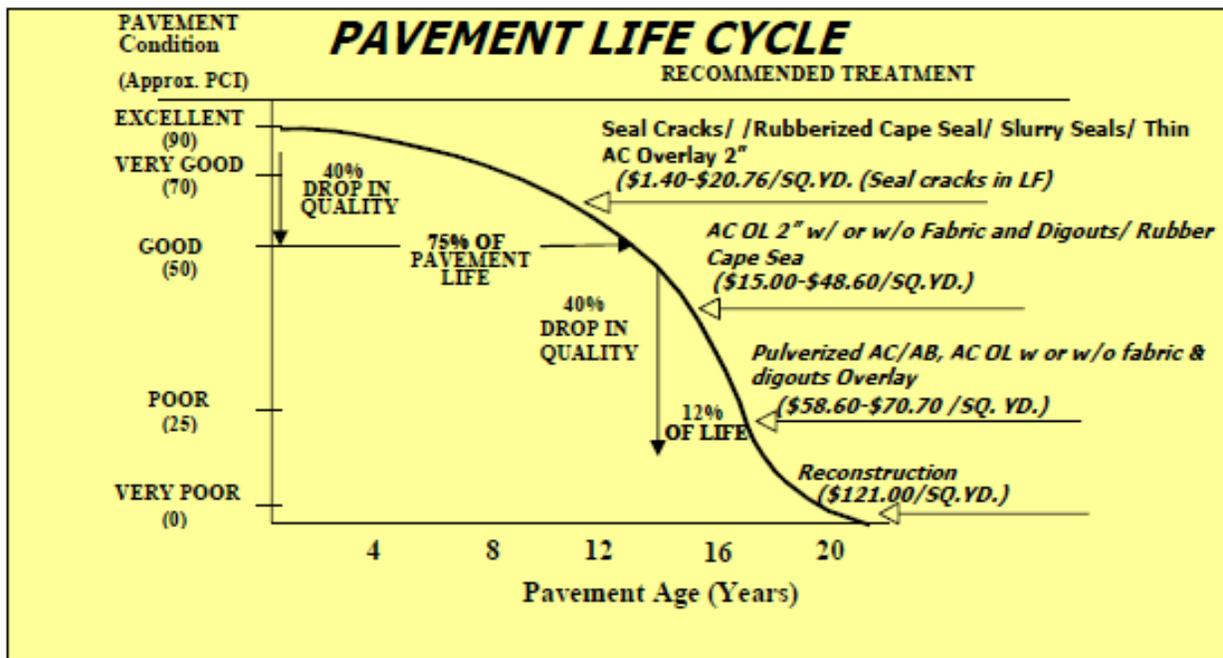
PCI by Functional Class		
Classification	Total Lane Miles	2019 PCI
Arterial (High Traffic e.g. Walters Road)	13.85	67
Collector (Medium Traffic e.g. Village Drive)	72.31	64
Residential/Local (Low Traffic e.g. Neighborhood)	67.30	56
Total Lane Miles & Average 2019 PCI	153.46	61

The PCI rating of 61 demonstrates that the 2017-18 road maintenance projects have had a positive impact raising the average PCI to 61 in 2019 from a PCI of 54 in 2015. Preventative maintenance efforts, funded by both SB1 and Measure S, are critical for improving Suisun City's pavement condition. See Attachment No. 3 for the Executive Summary of the 2018-19 Pavement Management Program Update (P-TAP 19).

After a thorough review of the 2018-19 recommended projects list, review of the new P-TAP 19 report, a field survey of the road conditions in Suisun City, countless discussions with the concerned citizens, and much consideration staff recommends an amendment to the 2018-19 list of projects and proposes the 2019-20 list of projects. SB 1 affords Cities and Counties flexibility to deviate from a project list in any given fiscal year should local priorities/circumstances change. Any deviations from a project list in a given fiscal year will be captured through the annual expenditure reports.

After thoughtful consideration, staff recommends a custom-tailored program to replace the original FY2018-19 list of streets. The original FY2018-19 list of streets was primarily based on the PCI ranking, primarily allocating the City's RMRA funding to many of the best roads in the City (PCI>70), and not necessarily the streets that impact the largest number of travelers or local priorities. For example, without a modification to the program many of the listed streets would be getting a second slurry seal when the cross street has not received road maintenance in many more years. Staff has developed a custom-tailored approach that will attempt to put an emphasis on the high traffic volume streets, address the worst streets, and preserve the best streets to provide a balanced approach to provide the most value to all the citizens of Suisun City in every community.

Preventative maintenance is a schedule of planned maintenance actions aimed at the prevention of failure of streets. These actions are designed to detect, preclude, and mitigate degradation of a streets segment. The goal of a preventative maintenance approach is to minimize degradation and thus sustain or extend the useful life of the street. Before continuing into the detailed discussion of the recommended road maintenance, please see Attachment No. 4 for a description of the common road maintenance applications and terminology.



Pavement generally deteriorates according to a certain pattern as depicted in the Pavement Life Cycle figure shown above. The Pavement Life Cycle figure is a model of this pattern, shown as a graph of pavement condition versus time. Please note that this figure is not to scale. A Street’s pavement begins its life in excellent condition and remains in excellent condition for a few years, without need of any maintenance. Over time, however, the condition of the street will worsen, and the rate at which its pavement condition deteriorates increases dramatically without the application of preventative maintenance. Because of this continued deterioration, the quantity and cost of the maintenance activities needed to rehabilitate the pavement will increase in both scope and costs. It is at this point that pavement repair options must be weighed. Generally, the typical recommended maintenance treatments are described in the table below:

PCI Range Recommended Maintenance Treatments		
Condition	PCI Range	Typical Maintenance Treatment
Excellent	90-100	Do Nothing.
Very Good	70-89	Seal Cracks/Rubberized Cape Seal/ Slurry Seals/ Thin AC Overlay 2”
Good	50-69	AC Overlay (2”) w/ or w/o Fabric / AC Overlay 2” w/ Fabric & Digouts / Rubberized Cape Seal
Poor	25-49	Pulverized AC/AB, AC Overlay with Fabric / AC Overlay 2” w/ Fabric & Digouts
Very Poor	0-24	Reconstruction

In accordance with the typical recommended road maintenance treatments our P-TAP 19 report suggests we budget over five million dollars (\$5M) annually to maintain our current PCI of 61.

The recommendation for use of the remainder of FY2018-19 budget includes a 2” Hot Mix Asphalt Overlay with Fabric and ADA Upgrades to Civic Center Blvd from Lotz Way to Almond Drive, a 2” Hot Mix Asphalt Overlay to Whitby Way, Construction Plans for the Gadwall Drive area, a Feasibility Study to determine an overall project scope to reconstruct the Whispering Bay Lane area, and best of all a brand new Patch Pave Truck to allow our maintenance crew to efficiently fix pot holes and make pavement repairs throughout the City. Please see Attachment No. 5 for the 2019 Measure S/SB1 Pavement Management Program Public Works Department Recommendations Map, and please see below for a summary.

FY2018-2019 Pavement Management Program Recommendations			
Investment	Location	Description	Estimated Cost
1	Civic Center Drive (Lotz to Driftwood)	Hot Mix Asphalt Overlay and ADA Ramp Upgrades	\$255,000
2	Whitby Way	Hot Mix Asphalt Overlay	91,000
3	Gadwall Drive Area	Construction Plans	\$40,000
4	Whispering Bay Lane Area (Francisco Drive/Marina Blvd.)	Reconstruction Feasibility Study	\$50,000
5a	City-Wide	Patch Pave Truck	\$200,000
5b	City-Wide	Supplies for Patch Pave Truck	\$16,849
Total FY2018-19 Recommended Budget			\$652,849

The table below summarizes the FY2018-2019 Pavement Management Program recommendation justifications and considerations.

FY2018-2019 Pavement Management Program Recommendation Justifications	
Investment	Recommendation Justification
1	The Civic Center Blvd improvements are an investment by the City to ensure the success of the new Holiday Inn Hotel which is projected to generate General Fund revenues exceeding two hundred thousand dollars (\$200,000) per year which will help fund many City programs.
2	The Whitby Way street is in disrepair and has significant pavement failure and is one of the worst streets in the City.
3	The Gadwall Drive area experiences significant roadway flooding issues and needs reconstruction. The reconstruction effort will be significant so the plan is to get construction plans prepared now for consideration in the future budget.
4	The Whispering Bay Lane area experiences significant roadway flooding issues and road failures. Road reconstruction may cost several million dollars, and therefore we recommend hiring a Civil Engineering firm to perform a geotechnical investigation and prepare a reconstruction feasibility study to determine the scope of the project.
5a & 5b	The most exciting of the recommendations is the purchase of a new Patch Pave Truck which will also Suisun City Public Works staff to address resident complaints of pot holes and road maintenance issues directly. The Patch Pave Truck will provide for permanent roadway repairs to eliminate potholes such that they do not resurface.

The recommended list of streets for the FY2019-2020 Pavement Management Program were carefully selected to provide the maximum benefit and value to the collective Suisun City. As resources are limited the following general practice guidelines are recommended and generally adhered to in the FY2019-20 program:

Suisun City Public Works - Recommended Road Maintenance Guidelines		
Street Classification	PCI Range	Pavement Treatment
Residential/Local	80-100	Crack Seal
	60-79	Crack Seal & Slurry Seal
	59-10	Cape Seal
	0-9	Cape Seal / HMA Overlay / Full Depth Reconstruction
Collector	80-100	Crack Seal
	50-79	Crack Seal & Slurry Seal / Cape Seal (low traffic) / Rubberized Cape Seal (high Traffic)
	10-49	Cape Seal (low traffic) / Rubberized Cape Seal (high Traffic) / HMA Overlay
	0-9	HMA Overlay / Full Depth Reclamation
Arterial	80-100	Crack Seal
	70-79	Crack Seal & Slurry Seal (low traffic) / Rubberized Cape Seal (high traffic)
	50-69	Rubberized Cape Seal (low traffic) / HMA Overlay (high traffic)
	25-49	HMA Overlay (low traffic) / Full Depth Reclamation (high traffic)
	0-24	Full Depth Reclamation (low traffic) / Reconstruction (high traffic)

Although this approach does not necessarily follow the “industry standard” it is a reasonable approach to address a higher percentage of the City streets as opposed to having a very select few great streets and many more failed streets. This approach adheres most closely to the industry standard for the Arterials and highest volume streets such that the goal would be that a higher percentage of residents of Suisun City will have residential streets in the PCI range of good, and all residents will experience a higher percentage of Arterial and Collector streets in the range of very good.

Please see Attachment No. 6 for the 2020 Measure S/SB1 Paving Project Public Works Department Recommendations Map, and please see the following table for the FY2019-20 recommended list of streets:

City of Suisun City - Fiscal Year 2019-2020 Local Streets and Roads Proposed Projects List					
Pavement Treatment Description	Location	Estimated Useful Life	Estimated Useful Life	Estimated Project Start	Estimated Project End
		Minimum	Maximum		
Crack Seal and Slurry Seal	Floyd Court (Craven Ct to Cul-de-sac)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Capistrano Drive (Montebello to 75 N or El Moro Ln)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Capistrano Drive (75 N of El Morro Ln to Bella Vista Dr)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Catamaran Way (Civic Center to Harbor Park)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Harbor Park Drive (Civic Center to Terminus)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Breakwater Circle	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Catalina Circle	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Anderson Drive (E of Flood Canal to Lawler Ranch Parkway)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Hoyt Court	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Main St (S of Cordelia St to S of Morgan St)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Main St (Driftwood Dr to Lotz Way)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Main St (Solano St to Morgan St)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Main Street (Driftwood Dr to Solano St)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Lawler Rancy Parkway (Mayfield Wy to Potrero St)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Lawler Ranch Parkway (Potrero St to Hwy 12 E End)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Village Drive (Leafwood Ct to Railroad Ave)	10	30	7/1/2019	6/30/2020
Cape Seal with Digouts and ADA Ramp Upgrades	Heron Drive (620' S of Blue Jay Dr to Blue Jay Dr)	10	30	7/1/2019	6/30/2020
Cape Seal with Digouts and ADA Ramp Upgrades	Emperor Court	10	30	7/1/2019	6/30/2020
Cape Seal with Digouts	Brian Court	10	30	7/1/2019	6/30/2020
Cape Seal with Digouts and ADA Ramp Upgrades	Charles Way (Worley Rd to Philip Way)	10	30	7/1/2019	6/30/2020
Cape Seal with Digouts and ADA Ramp Upgrades	Winters Way (E of Hidden Cove Way to Westwind Way)	10	30	7/1/2019	6/30/2020
Cape Seal with Digouts	Olive Avenue (E Tabor to 613 ft S E Tabor	10	30	7/1/2019	6/30/2020
Rubberized Cape Seal with Digouts and ADA Ramp Upgrades	Village Drive (Pintail to Leafwood Court)	10	30	7/1/2019	6/30/2020
Rubberized Cape Seal with Digouts and ADA Ramp Upgrades	Village Drive (Hwy 12 to Pintail)	10	30	7/1/2019	6/30/2020
Rubberized Cape Seal with Digouts and ADA Ramp Upgrades	Whispering Bay Lane (255' N of Franciso Dr to Driftwood Dr)	10	30	7/1/2019	6/30/2020
Rubberized Cape Seal with Digouts and ADA Ramp Upgrades	Whispering Bay Lane (Franciso Dr to 225' N or Francisco Dr)	10	30	7/1/2019	6/30/2020

Total FY2019-20 Recommended Budget is \$1,151,200.

The approach recommended, is attempting to allocate the road repair funding equitably to all areas of the City. Local residential roads will get cost effective Slurry Seals and Cape Seals to preserve and maintain our community streets. More substantial treatments of Rubberized Cape Seals will be implemented to Collector streets to provide a more substantial and longer lasting maintenance application than the local residential roads. The most substantial treatments will be reserved for failed roads and high traffic Arterial Roads where Rubberized Cape Seals, HMA Overlays, Full Depth Reclamation and Reconstruction are recommended.

This 2-year plan will provide Public Works with the equipment necessary to patch our potholes and repair isolated road failures, begin to address our failed roads with Engineered solutions, improve our local residential roads which have experienced many years of deferred maintenance, ensure our high traffic and high visibility streets are maintained to the greatest extent possible to best represent Suisun City, and most importantly prioritize that our high traffic Arterials are maintained in the very good range. The total estimated two-year cost of the recommended Pavement Management Program budget is one million eight hundred four thousand and forty-nine dollars (\$1,804,049). Please see Attachment No. 7 for the FY2018-19 and FY2019-20 Pavement Management Program Recommendations Engineer's Estimate detailed spreadsheet calculations. Staff plan to develop a multi-year plan to present to City Council at a future meeting for consideration to ensure the Arterials receive recommended preventative maintenance prior to the sunset of Measure S.

Most importantly staff recommends that the City Council approve the Resolution included as Attachment No. 8 of this report. City Council approval of the list of projects for fiscal year 2019-20 will enable staff to comply with the requirements of SB1 and submit the adopted Resolution, which includes the required standard language and the required list of projects, to the California Transportation Commission prior to May 1, 2019 to secure funding. The list of projects and project streets can be modified in the future without consequence.

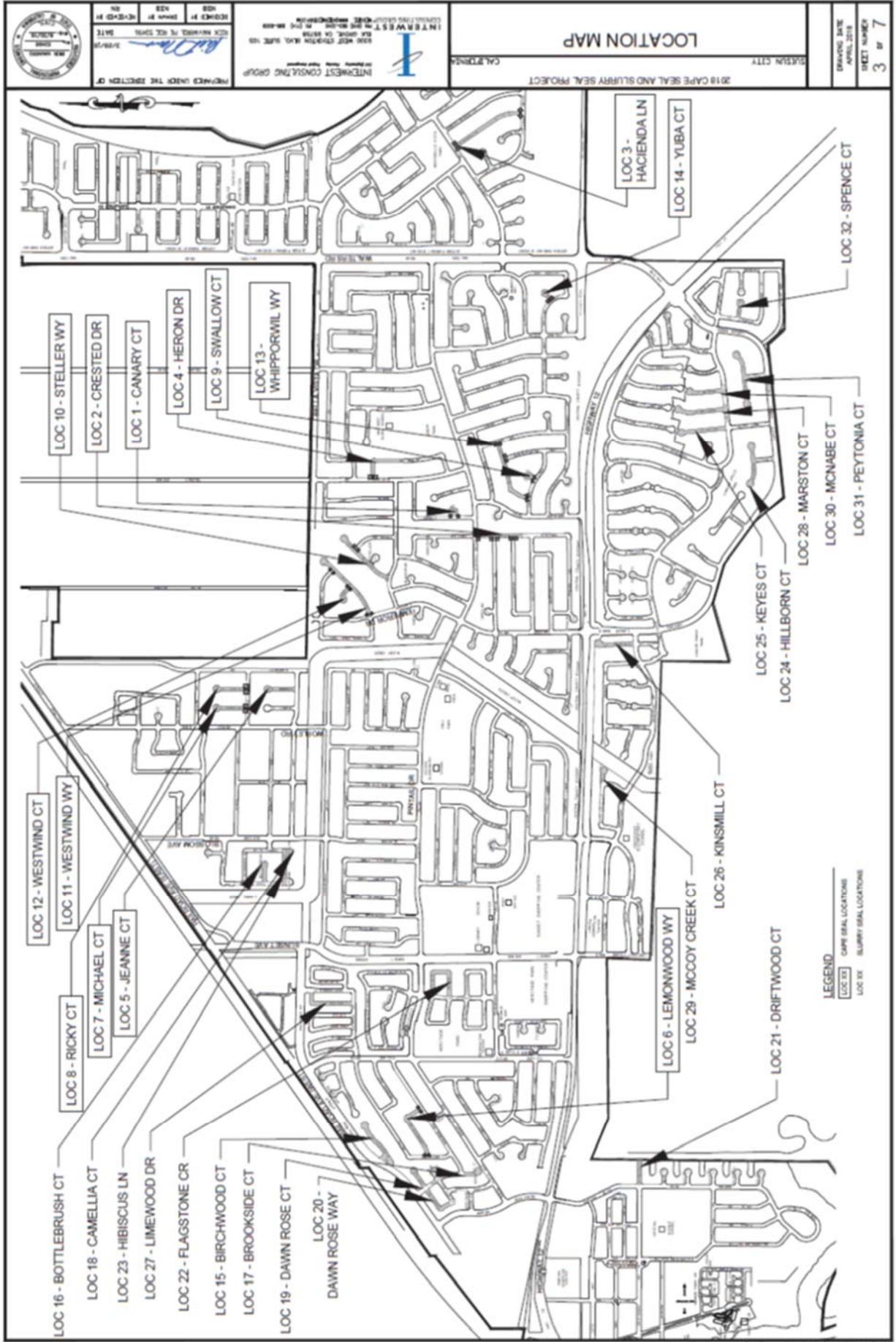
STAFF RECOMMENDATION:

1. Staff Recommends the City Council Adoption of Resolution No. 2019-__: Resolution Adopting a List of Projects for Fiscal Year 2019-20 and an Amended List of Projects for Fiscal Year 2018-2019 Funded by SB1: The Road Repair and Accountability Act of 2017

ATTACHMENTS:

1. Pavement Management Program – Preventative Maintenance Completed Projects Map
2. Original FY2018-19 List of Streets April 18, 2018 Staff Report and Resolution 2018-36
3. 2018-19 Pavement Management Program Update (P-TAP 19) Executive Summary
4. Road Maintenance Applications and Terminology
5. 2019 Measure S/SB1 Paving Project Public Works Department Recommendations Map
6. 2020 Measure S/SB1 Paving Project Public Works Department Recommendations Map
7. FY2018-19 and FY2019-20 Pavement Management Program Recommendations Engineer's Estimate
8. Council Adoption of Resolution No. 2019-__: Resolution Adopting a List of Projects for Fiscal Year 2019-20 and an Amended List of Projects for Fiscal Year 2018-2019 Funded by SB1: The Road Repair and Accountability Act of 2017 Cost Estimate per Street Segment Repair

Pavement Management Program – Preventative Maintenance Completed Projects



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AGENDA TRANSMITTAL

MEETING DATE: April 18, 2018

CITY AGENDA ITEM: Council Adoption of Resolution No. 2018-___: Authorizing Adoption of the Fiscal Year 2018-19 Budgeted Revenues and Expenses for the Road Maintenance and Rehabilitation Account (RMRA).

FISCAL IMPACT: Total Budgeted Revenue and Expenditures for RMRA for FY 2017-18 and FY2018-19 are \$476,300 and \$863,300 respectively for a total of \$1,339,300. These amounts have not changed and have a neutral impact on either budget. There will be a carry-over of unexpended funds from the FY 2017-18 to the FY2018-19 budgets.

BACKGROUND: On April 28, 2017, the Governor signed Senate Bill 1 (SB1) also known of as the Road Repair and Accountability Act of 2017. This bill provides a stable source of funding to local agencies to provide for road maintenance and rehabilitation.

In accordance with the Road Repair and Accountability Act of 2017, the City of Suisun must adopt a budget each fiscal year appropriating revenues and expenditures of Road Maintenance and Rehabilitation Account (RMRA) funds. In addition, the City must submit a list of projects corresponding to the adopted budget to the California Transportation Commission (CTC) prior to May 1, 2018 in order to receive the funds for FY2018-19.

Suisun City’s current (2015) Pavement Condition Index (PCI) rating from the Metropolitan Transportation Commission is 54. This means Suisun City’s streets are “at risk” and are showing a trend downwards. Monies provided by both SB1 and Measure S, as outlined below, are critical for improving the City’s pavement condition.

	FY2017-18	FY2018-19	FY2019-20
Measure S	\$308,500	\$363,000	\$621,200
SB1	167,800	500,000	530,000
Total	\$476,300	\$863,000	\$1,151,200

STAFF REPORT: On September 5, 2017 the City Council approved a Resolution adopting the FY 2017-18 revenues and expenditures for the Road Maintenance and Rehabilitation Account including the proposed list of projects. On February 20, 2018, that list was brought back to Council and amended with a slightly different maintenance strategy. Given the change in maintenance strategy that allowed for more streets to be rehabbed, the proposed list of projects to be submitted to the CTC for the FY 2018-19 include those carried over from FY 2017-18 plus an additional listing of streets to receive a Type II slurry treatment and/or a 2” grind and overlay through FY 2018-19 SB1 Funds.

A total of 75 street projects will be completed in FY 2018-19, as listed on the following two pages. This includes 33 projects carried over from FY 2017-18.

PREPARED BY: Steve Tyler, Interim Public Works Superintendent
REVIEWED AND APPROVED BY: 97 Suzanne Bragdon, City Manager

STREET/SEGMENT	ESTIMATED USEFUL LIFE	ANTICIPATED YEAR OF CONSTRUCTION
Altus Lane	50+	2018/19
Amber Drive	50+	2018/19
Andrews Circle	50+	2018/19
Beechwood Circle (959 Beechwood to Ashwood Drive)	50+	2018/19
Beale Cir	50+	2018/19
Breakwater Circle	50+	2018/19
Bridgewater Circle	50+	2018/19
Catalina Circle	50+	2018/19
Cinnamon Way	50+	2018/19
Civic Center (Lotz to Driftwood)	50+	2018/19
Cordelia St (Kellogg to Park)	50+	2018/19
Deercreek Way	50+	2018/19
Dickey Court	50+	2018/19
Dover Circle	50+	2018/19
Fennie Court	50+	2018/19
Filbert Court	50+	2018/19
Fort Ord Court	50+	2018/19
Gunter Drive	50+	2018/19
Hickam Circle	50+	2018/19
Honker Lane	50+	2018/19
Kessler Circle	50+	2018/19
Little Rock Circle	50+	2018/19
Maxwell Circle	50+	2018/19
McClellan Drive	50+	2018/19
McGuire Circle	50+	2018/19
Newark Lane	50+	2018/19
Pensacola Lane	50+	2018/19
Perkins Court	50+	2018/19
Peytonia Lane	50+	2018/19
Redbud Way	50+	2018/19
Rocky Point Cove	50+	2018/19
Savannah Lane	50+	2018/19
Silk Oak Court	50+	2018/19
Tamarisk Circle	50+	2018/19
Tea Rose Way	50+	2018/19
Tucson Circle	50+	2018/19
Vandenberg Circle	50+	2018/19
Victory Way	50+	2018/19
Vinewood Court	50+	2018/19
Walnut Street (School to Kellogg)	50+	2018/19

Walnut Street (Kellogg to Slough))	50+	2018/19
Wesley Ave. (140' SO Chyrl to 120' N Chyrl)	50+	2018/19
CARRY OVER PROJECTS: 25+ PCI		
Canary Court (Cul de Sac)	25+	2017/18
Crested Drive (Pintail to 110' N of Whistler)	25+	2017/18
Hacienda Lane (Fortuna to Montebello)	25+	2017/18
Heron Drive (Blue Jay to 430' S of Blue Jay)	25+	2017/18
Jeanne Court (Chyrl to end)	25+	2017/18
Lemonwood Drive Mosswood to Redondo)	25+	2017/18
Michael Court (Marcia to end)	25+	2017/18
Ricky Court (Marcia to end)	25+	2017/18
Swallow Court (Swallow Lane to end)	25+	2017/18
Stellar Way (Longspur to end of cul de sac)	25+	2017/18
Westwind Way (Emperor to end)	25+	2017/18
Westwind Lane (Westwind Lane to cul de sac)	25+	2017/18
Whippor Will Way (Swallow to Skylark)	25+	2017/18
Yuba Court (Pelican to end)	25+	2017/18
CARRY OVER PROJECTS: 50+ PCI		
Marston Court	50+	2017/18
Driftwood Drive 015	50+	2017/18
Hillborn Court	50+	2017/18
Spence Court	50+	2017/18
Brookside Court	50+	2017/18
Flagstone Cir	50+	2017/18
Hibiscus Lane	50+	2017/18
Keyes Court	50+	2017/18
McNabe Court	50+	2017/18
Birchwood Court	50+	2017/18
Bottlebrush Court	50+	2017/18
Camellia Court	50+	2017/18
Dawn Rose Court	50+	2017/18
Dawn Rose Way	50+	2017/18
Driftwood Drive	50+	2017/18
Kinsmill Court	50+	2017/18
Limewood Drive	50+	2017/18
McCoy Creek Court	50+	2017/18
Peytonia Court	50+	2017/18

In Conclusion

The FY 2017-18 Cape and Slurry Project is currently out to bid. Bids will be received on May 8th with an anticipated bid award at the May 15, 2018 City Council meeting. With the exception of a few isolated projects, there has been minimal preventative street maintenance performed on city streets for the past 6 years. The approach the City of Suisun is taking is to treat the “good” streets (PCI rating 70+) with treatments such as cost effective Type II slurry seals to prevent a rapid downward slide leading to costlier repairs while at the same time spending a portion of the budget to perform “first aid” treatments such as cape seals to the lowest rated streets (PCI rating <30) to keep them at least serviceable until more permanent measures of repair can be funded.

This 2-year plan will seal or overlay seventy-five (75) streets in the City of Suisun. This equates to about 20% of the street network at least having some type of treatment performed either partially along a segment or in its entirety. Following the end of this first phase of preventative maintenance, most of the streets in the city with a Pavement Condition Index (PCI) over 70 (2015 survey update) will have been treated to insure 5-10 years of high rating while at the same time treating some of the city’s worst rated streets with a “first aid” treatment until a more permanent solution can be engineered and funded to make them last into the future.

STAFF RECOMMENDATION: Staff recommends that the City Council adopt a Resolution Authorizing Adoption of the Fiscal Year 2018-19 Budgeted Revenues and Expenses for the Road Maintenance and Rehabilitation Account (RMRA).

ATTACHMENTS:

1. Council Resolution No. 2018-___: Authorizing Adoption of the Fiscal Year 2018-19 Budgeted Revenues and Expenses for the Road Maintenance and Rehabilitation Account (RMRA).
2. Cost Estimate per Street Segment Repair

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RESOLUTION NO. 2018-36

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
AUTHORIZING ADOPTION OF THE FISCAL YEAR 2018-19 BUDGETED
REVENUES AND EXPENSES FOR THE ROAD MAINTENANCE AND
REHABILITATION ACCOUNT (RMRA)**

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City of Suisun are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of Suisun must adopt a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1 by resolution, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City of Suisun, will receive an estimated \$500,000 in RMRA funding in Fiscal Year 2018/19 from SB 1; and

WHEREAS, this is the second year in which the City of Suisun is receiving SB 1 funding and will enable the City of Suisun to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1 ; and

WHEREAS, the City of Suisun has undergone a robust public process to ensure public input into our community's transportation priorities/the project list; and

WHEREAS, the City of Suisun used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

1 **WHEREAS**, the funding from SB 1 will help the City of Suisun maintain and
2 rehabilitate 75 streets/roads throughout the City of Suisun this year and hundreds of similar
3 projects into the future; and

4 **WHEREAS**, the 2015 California Statewide Local Streets and Roads Needs Assessment
5 found that the City of Suisun’s streets and roads are in an “at risk” condition and this revenue
6 will help us increase the overall quality of our road system and over the next decade will bring
7 our streets and roads into an improved condition.

8 **WHEREAS**, the SB 1 project list and overall investment in our local streets and roads
9 infrastructure with a focus on basic maintenance and safety, investing in complete streets
10 infrastructure, and using cutting-edge technology, materials and practices, will have significant
11 positive co-benefits statewide.

12 **NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND** by
13 the City Council of the City of Suisun, State of California, as follows:

- 14 1. The foregoing recitals are true and correct.
15 2. The fiscal year 2017/18 and FY2018/19 list of projects planned to be funded with
16 Road Maintenance and Rehabilitation Account revenues include:

STREET/SEGMENT	ESTIMATED USEFUL LIFE	ANTICIPATED YEAR OF CONSTRUCTION
Altus Lane	50+	2018/19
Amber Drive	50+	2018/19
Andrews Circle	50+	2018/19
Beechwood Circle (959 Beechwood to Ashwood Drive)	50+	2018/19
Beale Cir	50+	2018/19
Breakwater Circle	50+	2018/19
Bridgewater Circle	50+	2018/19

1	Catalina Circle	50+	2018/19
2	Cinnamon Way	50+	2018/19
3	Civic Center (Lotz to Driftwood)	50+	2018/19
4	Cordelia St (Kellogg to Park)	50+	2018/19
5	Deercreek Way	50+	2018/19
6	Dickey Court	50+	2018/19
7	Dover Circle	50+	2018/19
8	Fennie Court	50+	2018/19
9	Filbert Court	50+	2018/19
10	Fort Ord Court	50+	2018/19
11	Gunter Drive	50+	2018/19
12	Hickam Circle	50+	2018/19
13	Honker Lane	50+	2018/19
14	Kessler Circle	50+	2018/19
15	Little Rock Circle	50+	2018/19
16	Maxwell Circle	50+	2018/19
17	McClellan Drive	50+	2018/19
18	McGuire Circle	50+	2018/19
19	Newark Lane	50+	2018/19
20	Pensacola Lane	50+	2018/19
21	Perkins Court	50+	2018/19
22	Peytonia Lane	50+	2018/19
23	Redbud Way	50+	2018/19
24	Rocky Point Cove	50+	2018/19
25	Savannah Lane	50+	2018/19
26	Silk Oak Court	50+	2018/19
27	Tamarisk Circle	50+	2018/19
28			

1	Tea Rose Way	50+	2018/19
2	Tucson Circle	50+	2018/19
3	Vandenberg Circle	50+	2018/19
4	Victory Way	50+	2018/19
5	Vinewood Court	50+	2018/19
6	Walnut Street (School to Kellogg)	50+	2018/19
7	Walnut Street (Kellogg to Slough))	50+	2018/19
8	Wesley Ave. (140' SO Chyrl to 120' N Chyrl)	50+	2018/19
9	CARRY OVER PROJECTS: 25+ PCI		
10	Canary Court (Cul de Sac)	25+	2017/18
11	Crested Drive (Pintail to 110' N of Whistler)	25+	2017/18
12	Hacienda Lane (Fortuna to Montebello)	25+	2017/18
13	Heron Drive (Blue Jay to 430' S of Blue Jay)	25+	2017/18
14	Jeanne Court (Chyrl to end)	25+	2017/18
15	Lemonwood Drive Mosswood to Redondo)	25+	2017/18
16	Michael Court (Marcia to end)	25+	2017/18
17	Ricky Court (Marcia to end)	25+	2017/18
18	Swallow Court (Swallow Lane to end)	25+	2017/18
19	Stellar Way (Longspur to end of cul de sac)	25+	2017/18
20	Westwind Way (Emperor to end)	25+	2017/18
21	Westwind Lane (Westwind Lane to cul de sac)	25+	2017/18
22	Whippor Will Way (Swallow to Skylark)	25+	2017/18
23	Yuba Court (Pelican to end)	25+	2017/18
24	CARRY OVER PROJECTS: 50+ PCI		
25	Marston Court	50+	2017/18
26	Driftwood Drive 015	50+	2017/18
27	Hillborn Court	50+	2017/18
28			

1	Spence Court	50+	2017/18
2	Brookside Court	50+	2017/18
3	Flagstone Cir	50+	2017/18
4	Hibiscus Lane	50+	2017/18
5	Keyes Court	50+	2017/18
6	McNabe Court	50+	2017/18
7	Birchwood Court	50+	2017/18
8	Bottlebrush Court	50+	2017/18
9	Camellia Court	50+	2017/18
10	Dawn Rose Court	50+	2017/18
11	Dawn Rose Way	50+	2017/18
12	Driftwood Drive	50+	2017/18
13	Kinsmill Court	50+	2017/18
14	Limewood Drive	50+	2017/18
15	McCoy Creek Court	50+	2017/18
16	Peytonia Court	50+	2017/18

17
18 **PASSED AND ADOPTED** at a Regular Meeting of said City Council of the City of
19 Suisun City duly held on Tuesday, the 17th day of April 2018, by the following vote:

20 **AYES:** Councilmembers: Day, Hudson, Segala, Wilson, Sanchez
NOES: Councilmembers: None
 21 **ABSENT:** Councilmembers: None
ABSTAIN: Councilmembers: None

22
23 **WITNESS** my hand and the seal of said City this 17th day of April 2018.

24 
 25 Donna Pock, CMC
 Deputy City Clerk

2018-19 PAVEMENT MAINTENANCE PROGRAM									
STREET	Area (SF)	AREA (sy)	TYPE II SURFACE W/CRACK SEAL	CAPE SEAL	ACCESSABILITY	PATCH	2" GRIND & OVERLAY	Total	
2017/18									
Marston Court	22496	2500	\$11,248					\$11,248	
Driftwood Drive 015	2660	296	\$1,330					\$1,330	
Hillborn Court	18276	2031	\$9,138					\$9,138	
Spence Court	9036	1004	\$4,518					\$4,518	
Brookside Court	10941	1216	\$5,471					\$5,471	
Flagstone Cir	26560	2951	\$13,280					\$13,280	
Hibiscus Lane	13600	1511	\$6,800					\$6,800	
Keyes Court	22176	2464	\$11,088					\$11,088	
McNabe Court	16416	1824	\$8,208					\$8,208	
Blackwood Court	26336	2926	\$13,168					\$13,168	
Bottlebrush Court	10386	1154	\$5,193					\$5,193	
Camellia Court	5556	617	\$2,778					\$2,778	
Dawn Rose Court	11488	1276	\$5,744					\$5,744	
Dawn Rose Way	15712	1746	\$7,856					\$7,856	
Driftwood Drive	13600	1511	\$6,800					\$6,800	
Kinsmill Court	18866	2096	\$9,433					\$9,433	
Limewood Driv	20800	2311	\$10,400					\$10,400	
McCoy Creek Court	8416	935	\$4,208					\$4,208	
Peytonia Court	22896	2544	\$11,448					\$11,448	
TOTAL			\$148,109					\$148,109	
2018/19									
Altus Lane	15400	1711	\$7,700					\$7,700	
Amber Dr	17400	1933	\$8,700					\$8,700	
Andrews Cir	43995	4888	\$21,998					\$21,998	

Beechwood Cir 959 Beechwood to Ashwood Dr	40355	4484	\$20,178						\$20,178
Beale Cir	19840	2204	\$9,920						\$9,920
Breakwater Cir	11340	1260	\$5,670						\$5,670
bridgewater Cir	56480	6276	\$28,240						\$28,240
Catalina Cir	11592	1288	\$5,796						\$5,796
Cinnamon Wy	27000	3000	\$13,500						\$13,500
Cordelia St (Kellogg to Park)	1760	196	\$880						\$880
Deercreek Wy	3960	440	\$1,980						\$1,980
Dickey Ct	11386	1265	\$5,693						\$5,693
Dover Cir	40775	4531	\$20,388						\$20,388
Fennie Ct	21356	2373	\$10,678						\$10,678
Filbert Ct	1160	129	\$580						\$580
Fort Ord Ct	11900	1322	\$5,950						\$5,950
Gunter Dr	15240	1693	\$7,620						\$7,620
Hickam Cir	55300	6144	\$27,650						\$27,650
Hqnker Ln	4200	467	\$2,100						\$2,100
Kessler Cir	45958	5106	\$22,979						\$22,979
Little Rock Cir	46725	5192	\$23,363						\$23,363
Maxwell Cir	33250	3694	\$16,625						\$16,625
McClellan Dr	18600	2067	\$9,300						\$9,300
McGuire Cir	55300	6144	\$27,650						\$27,650
Newark Ln	25550	2839	\$12,775						\$12,775
Pensacola Ln	14525	1614	\$7,263						\$7,263
Perkins Ct	14636	1626	\$7,318						\$7,318
Peytonia Ln	8000	889	\$4,000						\$4,000
Redbud Wy	3888	432	\$1,944						\$1,944
Rocky Point Cv	1212	135	\$606						\$606
Savannah Ln	20358	2262	\$10,179						\$10,179
Silk Oak Ct	5556	617	\$2,778						\$2,778
Tamarisk Cir	71640	7960	\$35,820						\$35,820
Tea Rose wy	11040	1227	\$5,520						\$5,520
Tucson Cir	66290	7366	\$33,145						\$33,145
Vandenberg Cir	47250	5250	\$23,625						\$23,625

Beechwood Cir 959 Beechwood to Ashwood Dr	40355	4484	\$20,178						\$20,178
Beale Cir	19840	2204	\$9,920						\$9,920
Breakwater Cir	11340	1260	\$5,670						\$5,670
bridgewater Cir	56480	6276	\$28,240						\$28,240
Catalina Cir	11592	1288	\$5,796						\$5,796
Cinnamon Wy	27000	3000	\$13,500						\$13,500
Cordelia St (Kellogg to Park)	1760	196	\$880						\$880
Deercreek Wy	3960	440	\$1,980						\$1,980
Dickey Ct	11386	1265	\$5,693						\$5,693
Dover Cir	40775	4531	\$20,388						\$20,388
Fennie Ct	21356	2373	\$10,678						\$10,678
Filbert Ct	1160	129	\$580						\$580
Fort Ord Ct	11900	1322	\$5,950						\$5,950
Gunter Dr	15240	1693	\$7,620						\$7,620
Hickam Cir	55300	6144	\$27,650						\$27,650
Hqnker Ln	4200	467	\$2,100						\$2,100
Kessler Cir	45958	5106	\$22,979						\$22,979
Little Rock Cir	46725	5192	\$23,363						\$23,363
Maxwell Cir	33250	3694	\$16,625						\$16,625
McClellan Dr	18600	2067	\$9,300						\$9,300
McGuire Cir	55300	6144	\$27,650						\$27,650
Newark Ln	25550	2839	\$12,775						\$12,775
Pensacola Ln	14525	1614	\$7,263						\$7,263
Perkins Ct	14636	1626	\$7,318						\$7,318
Peytonia Ln	8000	889	\$4,000						\$4,000
Redbud Wy	3888	432	\$1,944						\$1,944
Rocky Point Cv	1212	135	\$606						\$606
Savannah Ln	20358	2262	\$10,179						\$10,179
Silk Oak Ct	5556	617	\$2,778						\$2,778
Tamarisk Cir	71640	7960	\$35,820						\$35,820
Tea Rose wy	11040	1227	\$5,520						\$5,520
Tucson Cir	66290	7366	\$33,145						\$33,145
Vandenberg Cir	47250	5250	\$23,625						\$23,625

Victory Wy	3900	433	\$1,950						\$1,950
Vinewood Ct	9407	1045	\$4,704						\$4,704
Walnut St (School to Kellog)	24360	2707	\$12,180						\$12,180
Walnut St (Kellog to Slough))	10000	1111	\$5,000						\$5,000
Wesley Ave(140' SO Chyrl to 120' N Chyrl)	7020	780	\$3,510						\$3,510
TOTALS	954904	106100	\$477,452						\$477,452
CAPE SEALS 2017/18									
CANARY CT (CUL DE SAC)	5431	603		\$4,526	\$10,723				\$15,249
CRESTED DR (Pintail to 110' N of Whistler)	17400	1933		\$14,500	\$32,199				\$46,699
HACIENDA LN (Fortuna to Montibello)	28710	3190		\$23,925	\$21,446				\$45,371
HERON DR (Bluejay to 430' S of Bluejay)	13635	1515		\$11,363	\$10,723				\$22,086
JEANNE CT (Chryll to end)	14131	1570		\$11,776	\$0				\$11,776
LEMONWOOD DR Mosswood to Redondo)	20520	2280		\$17,100	\$21,446				\$38,546
MICHAEL CT (Marcia to end)	15001	1667		\$12,501	\$10,723				\$23,224
RICKY CT (Marcia to end)	15001	1667		\$12,501	\$10,723				\$23,224
SWALLOW CT (Swallow Ln to end)	5901	656		\$4,918	\$10,723				\$15,641
SPICELLAR WY (Longspur to end of cul de sac)	26250	2917		\$21,875	\$21,446				\$43,321
WESTWIND WY (Emperor to end)	28275	3142		\$23,563	\$32,199				\$55,762
WESTWIND CT Westwind Ln to cul de sac)	9201	1022		\$7,668	\$0				\$7,668
WHIPPORWIL WY (Swallow to Skylark)	24030	2670		\$20,025	\$32,199				\$52,224
YUBA CT (Pelican to end)	6591	732		\$5,493	\$10,723				\$16,216
TOTALS		0		\$191,731	\$225,273	\$68,761			\$485,765
2" GRIND & OVERLAY									
Civiv Center (Lotz to Driftwood)	22800	2533		125400	\$32,199				\$157,599
TOTALS									\$40,000
Additional design for 2018-19									\$40,000
2 YEAR TOTAL									
2017/18									\$1,308,924.33
2018/19									
Budget Forecast	1,339,000								

Victory Wy	3900	433	\$1,950						\$1,950
Vinewood Ct	9407	1045	\$4,704						\$4,704
Walnut St (School to Kellog)	24360	2707	\$12,180						\$12,180
Walnut St (Kellog to Slough))	10000	1111	\$5,000						\$5,000
Wesley Ave(140' SO Chyrl to 120' N Chyrl)	7020	780	\$3,510						\$3,510
TOTALS	954904	106100	\$477,452						\$477,452
CAPE SEALS 2017/18									
CANARY CT (CUL DE SAC)	5431	603		\$4,526	\$10,723				\$15,249
CRESTED DR (Pintail to 110' N of Whistler)	17400	1933		\$14,500	\$32,199				\$46,699
HACIENDA LN (Fortuna to Montibello)	28710	3190		\$23,925	\$21,446				\$45,371
HERON DR (Bluejay to 430' S of Bluejay)	13635	1515		\$11,363	\$10,723				\$22,086
JEANNE CT (Chryll to end)	14131	1570		\$11,776	\$0				\$11,776
LEMONWOOD DR Mosswood to Redondo)	20520	2280		\$17,100	\$21,446				\$38,546
MICHAEL CT (Marcia to end)	15001	1667		\$12,501	\$10,723				\$23,224
RICKY CT (Marcia to end)	15001	1667		\$12,501	\$10,723				\$23,224
SWALLOW CT (Swallow Ln to end)	5901	656		\$4,918	\$10,723				\$15,641
TOTALS									
SELLAR WY (Longspur to end of cul de sac)	26250	2917		\$21,875	\$21,446				\$43,321
WESTWIND WY (Emperor to end)	28275	3142		\$23,563	\$32,199				\$55,762
WESTWIND CT Westwind Ln to cul de sac)	9201	1022		\$7,668	\$0				\$7,668
WHIPPORWIL WY (Swallow to Skylark)	24030	2670		\$20,025	\$32,199				\$52,224
YUBA CT (Pelican to end)	6591	732		\$5,493	\$10,723				\$16,216
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2" GRIND & OVERLAY									
Civiv Center (Lotz to Driftwood)	22800	2533		125400	\$32,199				\$157,599
TOTALS									
Additional design for 2018-19									\$40,000
2 YEAR TOTAL									\$1,308,924.33
2017/18			\$98,761						
2018/19			\$1,210,163						
			\$1,308,924						
Budget Forecast			1,339,000						

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In May of 2018, Harris & Associates updated the Pavement Management Program (PMP) for Suisun City. For this update, about 77 centerline miles of streets were surveyed. Streets with maintenance since 2016 and were not surveyed as part of this update. The PMP provides a management tool to inventory street pavement, assess pavement condition, record historical maintenance, forecast budget needs, and view impacts of funding on citywide pavement condition over time.

The PMP is also a software-based tool for analyzing pavement conditions and recommending rehabilitation strategies based on funding levels. The software focuses on providing cost effective recommendations that enhance the overall system Pavement Condition Index (PCI). In general, asphalt concrete pavement deteriorates over time by both traffic loading and weathering. The Metropolitan Transportation Commission (MTC) software recommends that 7% of the budget be put to preventive maintenance treatments* such as surface seal or crack seals. The remaining budget is programmed for more expensive asphalt concrete overlays and reconstruction. Preventive maintenance treatments are important because they can sustain a street’s PCI at a high level and at relatively low cost. Preventive maintenance treatments can be applied to many streets (large pavement area) with a positive effect of raising the system PCI for a fraction of the cost to overlay asphalt one street (small pavement area).

The City currently uses MTC’s Pavement Management System StreetSaver® online version. The City uses the software to help make cost-effective decisions related to the street network, maximizing the City’s return on investment from available maintenance and rehabilitation funds; generating a prioritized plan; and identifying specific areas in need of maintenance and rehabilitation.

◆ **Pavement mileage & replacement value**

The City has approximately 77 centerline miles of paved streets divided into 522 pavement management segments. Table 1 breaks down Suisun City’s street pavement mileage grouped by functional class:

Table 1

Pavement Mileage by Functional Class			
Classification	Total Sections	Total Center Line Miles	Total Lane Miles
Arterial	18	6.93	13.85
Collector	199	36.02	72.31
Residential/Local	305	33.73	67.30
Totals	522	76.68	153.46

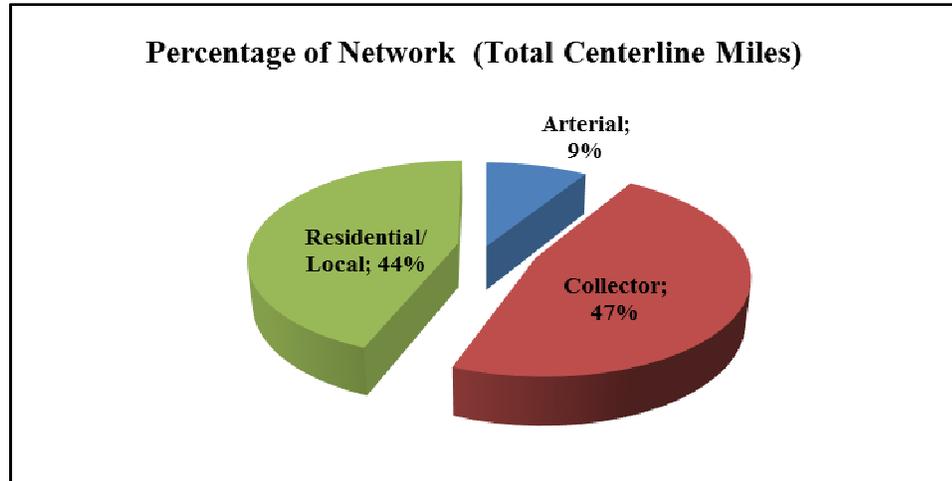
* Preventive maintenance is a schedule of planned maintenance actions aimed at the prevention of failure of streets. These actions are designed to detect, preclude, or mitigate degradation of a streets segment. The goal of a preventive maintenance approach is to minimize degradation and thus ~~help~~ **help** in or extend the useful life of the street.

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Figure 1 displays the percentage of each functional class in the overall network

Figure 1



It is important to consider the overall investment the City has in its pavements. The unit cost to repair a street section in very poor condition (consisting of moderate base failure repair, removal of existing surface, and pavement overlay to reconstruction) is from \$121.00 per square yard. The cost to reconstruct all Streets (Full replacement of the pavement, base, and structure of the Streets) is over \$180 million. See Table 2 below:

Table 2



CITY OF SUISUN CITY
701 Civic Center Blvd.
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Network Replacement Cost

Printed: 02/06/2019

Functional Class	Surface Type	Lane Miles	Unit Cost/ Square Foot	Pavement Area/ Square Feet	Cost To Replace (in thousands)
Arterial	AC	5.9	\$13.44	593,034	\$7,973
	AC/AC	7.9	\$13.44	729,600	\$9,809
Collector	AC	63.9	\$13.44	5,749,907	\$77,304
	AC/AC	8.2	\$13.44	733,475	\$9,861
	PCC	0.2	\$13.29	19,950	\$265
Residential/Local	AC	65.2	\$13.44	5,393,716	\$72,515
	AC/AC	2.1	\$13.44	167,870	\$2,257
	AC/PCC	0.0	\$13.44	2,320	\$31
	PCC	0.0	\$5.11	3,456	\$18
Grand Total:		153.5		13,393,328	\$180,033

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◆ **Condition of Suisun City’s Street Asphalt Concrete Pavement**

The PCI is an overall measure of the condition of the street surface based on a scale of zero (0) (failed) to one hundred (100) (excellent). The chart below relates PCI ranges to general pavement condition definitions.

Table 3

<u>PCI RANGE</u>	<u>CONDITION</u>
90 - 100	Excellent
70 - 89	Very Good
50 - 69	Good
25 - 49	Poor
0 - 24	Very Poor/Failed

The Citywide average Pavement Condition Index (PCI) is 61 on a zero to 100-point scale, with 100 being a new street. ‡PCIs for the City’s pavement network is based on a visual distress rating system. The overall condition of Suisun City’s street pavement is in the range of MTC’s designation “Good” category. The MTC State of Repair report states, “Approximately 75 percent of a pavement’s serviceable life has been expended by the time its PCI rating falls to 60.” Suisun City’s average PCI condition value by street classification is as follows in Table 4:

Table 4

PCI By Functional Class	
CLASSIFICATION	2018 PCI*
Arterial	67
Collector	64
Residential/Local	56
TOTAL SYSTEM	61

‡Note: PCI weighted by area.

*Calculated by an algorithm developed by the Army Corps of Engineers.

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The following Figure 2 shows the City’s total pavement mileage by condition.

Figure 2

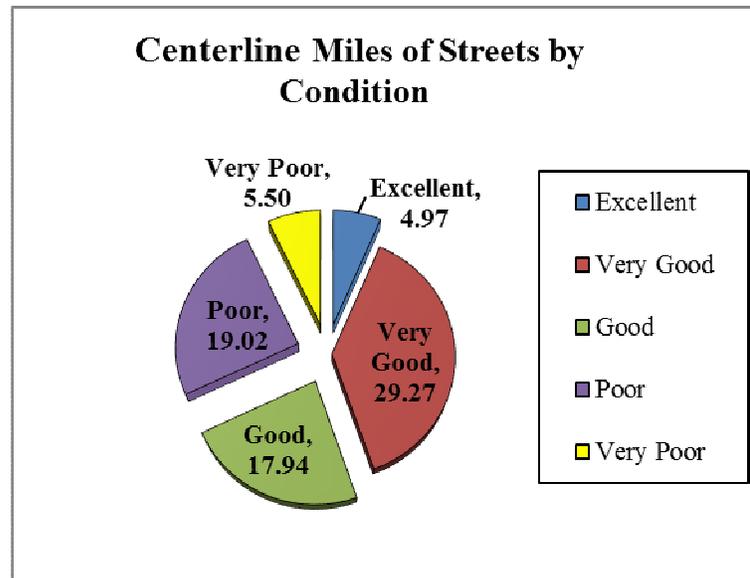


Table 5 below breaks down the percentage of streets (by area) in each condition category by functional class. About 46% of the City streets are in the “Excellent” & “Very Good” condition category and about 23% fall in the “Good” condition category. About 24% fall in the “Poor” category and about 7% fall in the “Very Poor” category.

Table 5

Condition Class	PCI Range	Arterial	Collector	Residential	Total
Excellent/Very Good (I)	70-100	4.59%	25.39%	16.19%	46.16%
Good/Fair (II)	50-69	5.05%	9.69%	8.23%	22.98%
Poor (IV)	25-49	0.24%	10.90%	12.78%	23.92%
Very Poor (V)	0-24	0.00%	2.58%	4.36%	6.94%
Totals		9.88%	48.56%	41.57%	100.00%

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Table 6 describes the condition categories, their equivalent PCI range, and typical prescribed maintenance treatments:

Table 6

Condition	PCI Range	Typical Maintenance Treatment
Excellent	90-100	Do Nothing.
Very Good	70-89	Seal Cracks/Rubberized Cape Seal/ Slurry Seals/ Thin AC Overlay 2”
Good	50-69	AC Overlay (2”) w/ or w/o Fabric / AC Overlay 2” w/ Fabric & Digouts /Rubberized Cape Seal
Poor	25-49	Pulverized AC/AB, AC Overlay with Fabric / AC Overlay 2” w/ Fabric & Digouts
Very Poor	0-24	Reconstruction

Table 6 created by Harris & Associates based on feedback from the City.

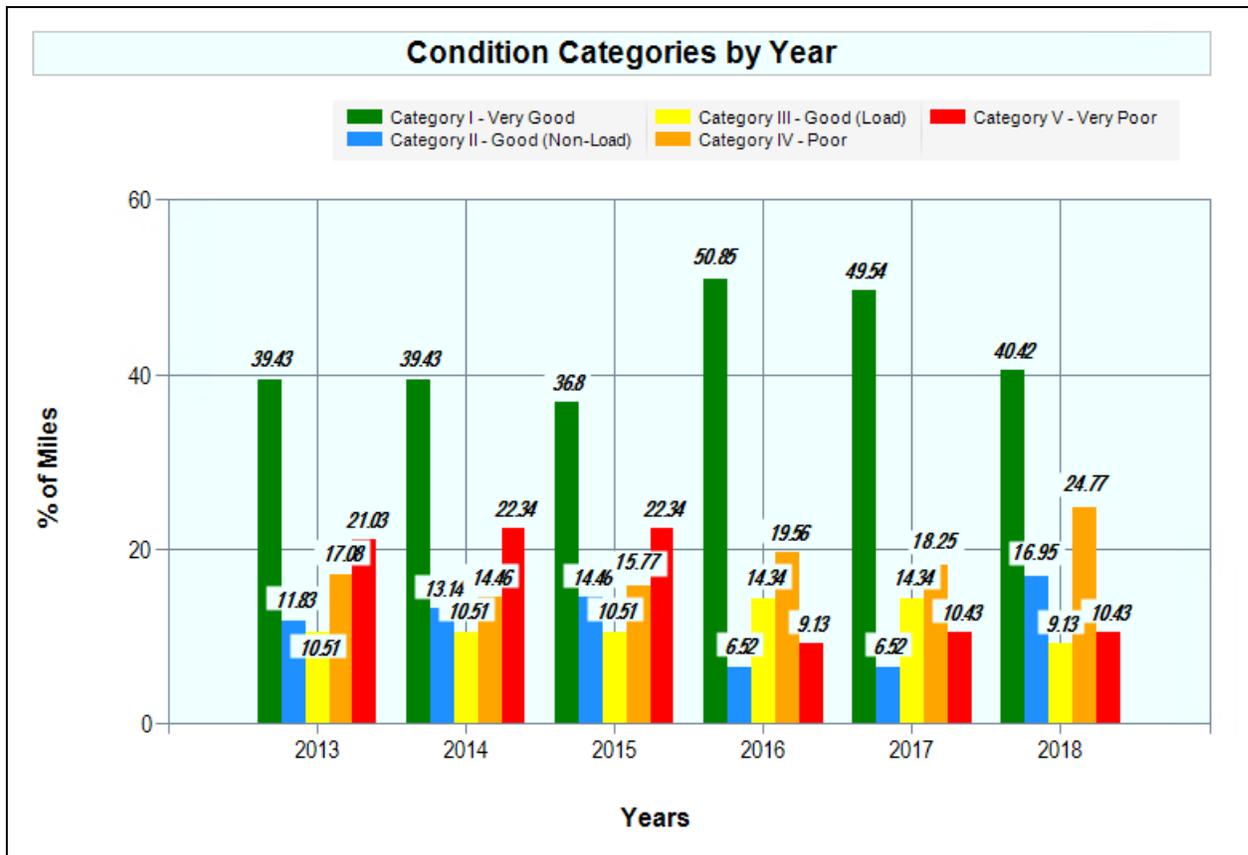
The maintenance strategy described above is based on PCI scores and the corresponding condition category. Streets with PCI scores over 90 are considered to be in excellent condition and require no treatment. Streets with scores from 70 to 89 are considered “Very Good”, but may require cracks to be sealed, cape seal, slurry seal, or a thin AC overlay. Streets with scores from 50 to 69 are considered “Good,” but may require an AC overlay with or without fabric and dig outs, or cape seal. Streets with scores from 25 to 49 are considered “Poor” and may require a pulverized AC/AB overlay with fabric or an AC overlay with or without fabric and dig outs. Streets with scores below 25 are “Very Poor” and are in need of a reconstruction. In the present condition, about 5 miles of the City’s pavement segments are in the “Excellent” category, about 29 miles in the “Very Good” category, about 18 miles in the “Good” category, about 19 miles in the “Poor” category, and about 5 miles of streets are in the “Very Poor” category.

The Condition Category by Year Graph in Figure 3 below shows the percentage of miles in each condition category from the last five years. The percentage of PMP segments in the “Very Good” category has gone up from about 39% in 2013 to about 40% in 2017. This is an indication of the ongoing preventive maintenance strategies (annual street maintenance projects) being conducted on Suisun City’s streets.

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Figure 3



◆ **Budget Analysis**

Following the treatment strategy described in Table 6 and an inflation rate of 3%, the MTC PMP software generates a Budget Needs analysis. The Budget Needs analysis projects the total budget needed to bring the City’s pavement system to a condition where most pavement sections require only preventive maintenance (i.e., PCI = 70 or higher). It is cost effective to keep pavement segments above a certain PCI because the cost to maintain a high PCI is less than to bring a street segment with a low PCI to a high PCI.

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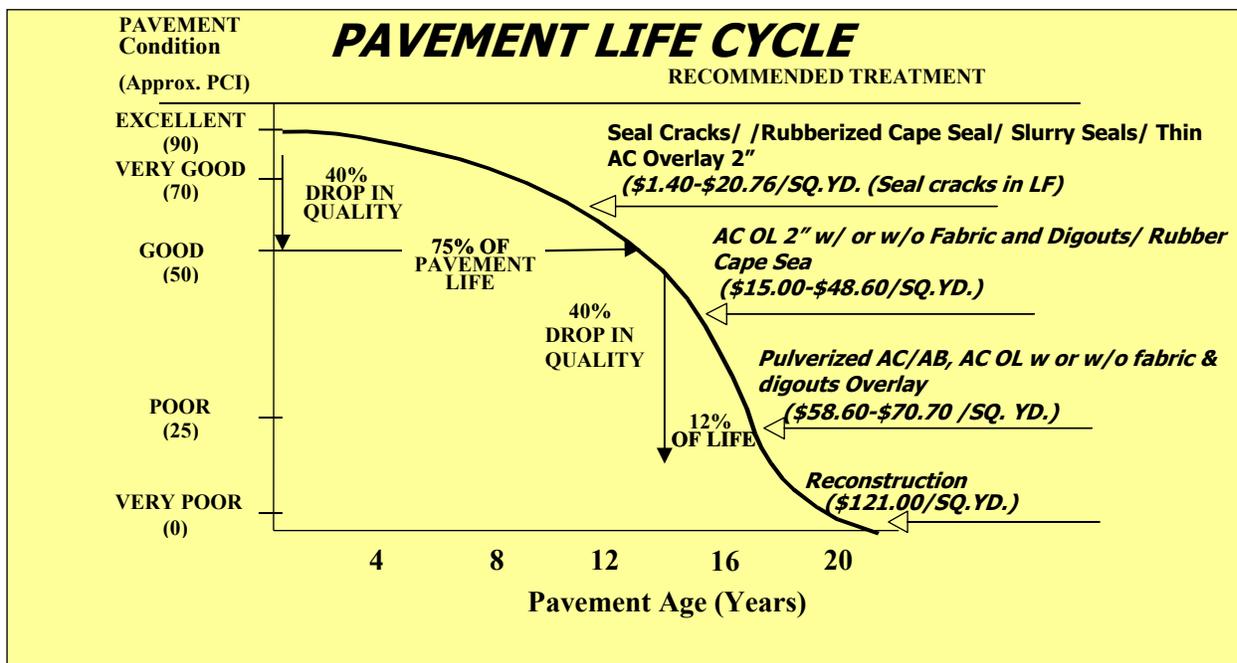
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Using the StreetSaver budget needs module, maintenance needs over the next five years were estimated at approximately \$73M for the City. The results of the budget needs analysis are summarized in Table 7 below.

Table 7

Year	2019	2020	2021	2022	2023	Totals
PCI Treated	76	77	80	81	82	N/A
PCI Untreated	59	57	54	51	48	N/A
Preventative Maintenance (\$M)	3.658	.466	.573	.002	.127	4.827
Rehab (\$M)	30.689	10.247	10.782	10.437	6.184	68.342
Total Needs (\$M)	34.348	10.714	11.356	10.439	6.311	73.170

Figure 4



Pavement generally deteriorates according to a certain pattern. Figure 4 above is a model of this pattern, shown as a graph of pavement condition versus time. Please note that this figure is not to scale. A Street's pavement begins its life in excellent condition and remains in excellent condition for a few years, without need of any maintenance. Over time, however, the condition of the street will worsen, and the rate at which its pavement condition deteriorates* will increase dramatically as the street passes the midpoint of its life. As a result of this continued deterioration, the quantity and cost of the maintenance activities needed to rehabilitate the pavement will increase in both scope and costs. It is at this point that pavement repair options must be weighed.

*A typical pavement section will deteriorate approximately 40% in the first 75% of its lifespan. However, that same pavement section, if untreated, will experience another 40% reduction in overall quality in only the next 12% of lifespan, effectively deteriorating an equivalent amount in only one-sixth (1/6) the time.

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Questions must be answered, such as: will the investment related to a preventive maintenance repair be offset by the opportunity cost of not doing such a repair, or is the pavement in such a state that it would be better to simply wait until the pavement completely deteriorates before making the repair? The answers (and, indeed, the questions themselves) depend upon the individual pavement segment. Figure 6 illustrates the benefit of addressing pavement concerns before the pavement condition reaches a poor or failed state. Maintenance activities increase the PCI value as they are applied to the segment. By allowing pavements to deteriorate, streets that once cost \$4.11 per square yard (\$/SY) to slurry seal may soon cost \$25.00/SY to overlay or \$121.00/SY to reconstruct. In other words, delays in repairs can result in costs increasing as much as 30-fold. It is not simply “pay today or pay tomorrow”, but rather a “pay today or pay more tomorrow” proposition. Overall pavement maintenance cost is reduced by the timely application of crack seals and slurry seals before the subgrade fails and requires a total pavement reconstruction.

Preventative Maintenance (PM) is a schedule of planned maintenance actions aimed at the prevention of failure of streets. These actions are designed to detect, preclude, or mitigate degradation of a street section. The goal of preventative maintenance approach is to minimize degradation and thus sustain or extend the useful life of the street. To reach that level of preventive maintenance in five (5) years, the Budget Needs analysis determined a total need of approximately \$73 million for the years 2019-2023. See Section V-A for the Needs - Projected PCI/Cost Summary.

The Budget Needs Average is defined as the cumulative budget needs over the course of the analysis period (\$73 million) divided by the number of years in the analysis period (5 years). For this study, the Budget Needs Average is \$14.6 million per year. After the Budget Needs have been calculated, Budget Scenarios are run to determine the funding levels required to maintain and/or improve the current PCI level and generate a list of street maintenance for the next five (5) years. The software analyzes each pavement section and selects a specific maintenance treatment, including do nothing, to maximize the improvement of the entire pavement system. Maintenance treatments are allocated to as many Streets as the annual budget will allow. The budget scenarios tested were calculated utilizing a 7% fixed preventative-maintenance-split, 3% interest, and 3% inflation values.

For Suisun City, the following five annual budget scenarios were generated with 7% of the annual budget applied towards preventative maintenance:

1. \$0 – No Funds (Do Nothing)
2. \$1.07M Yr.1, \$1.15M Yr. 2, \$1MYrs. 3-5– Expected Annual Budget
3. \$5M – Maintain PCI of 61
4. \$7.5M – Five Point Increase in PCI
5. \$14.6M – Unconstrained Budget

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The MTC PMP software recommends spending 7% of the budget toward preventive maintenance because it is the optimum level according to the specific conditions of the City's system. This means that 7% of the annual budget is spent on crack seals and slurry seals while the remainder of the budget is spent on overlays and reconstruction. These budgets do not account for stopgap maintenance repairs, such as emergency pothole repair.

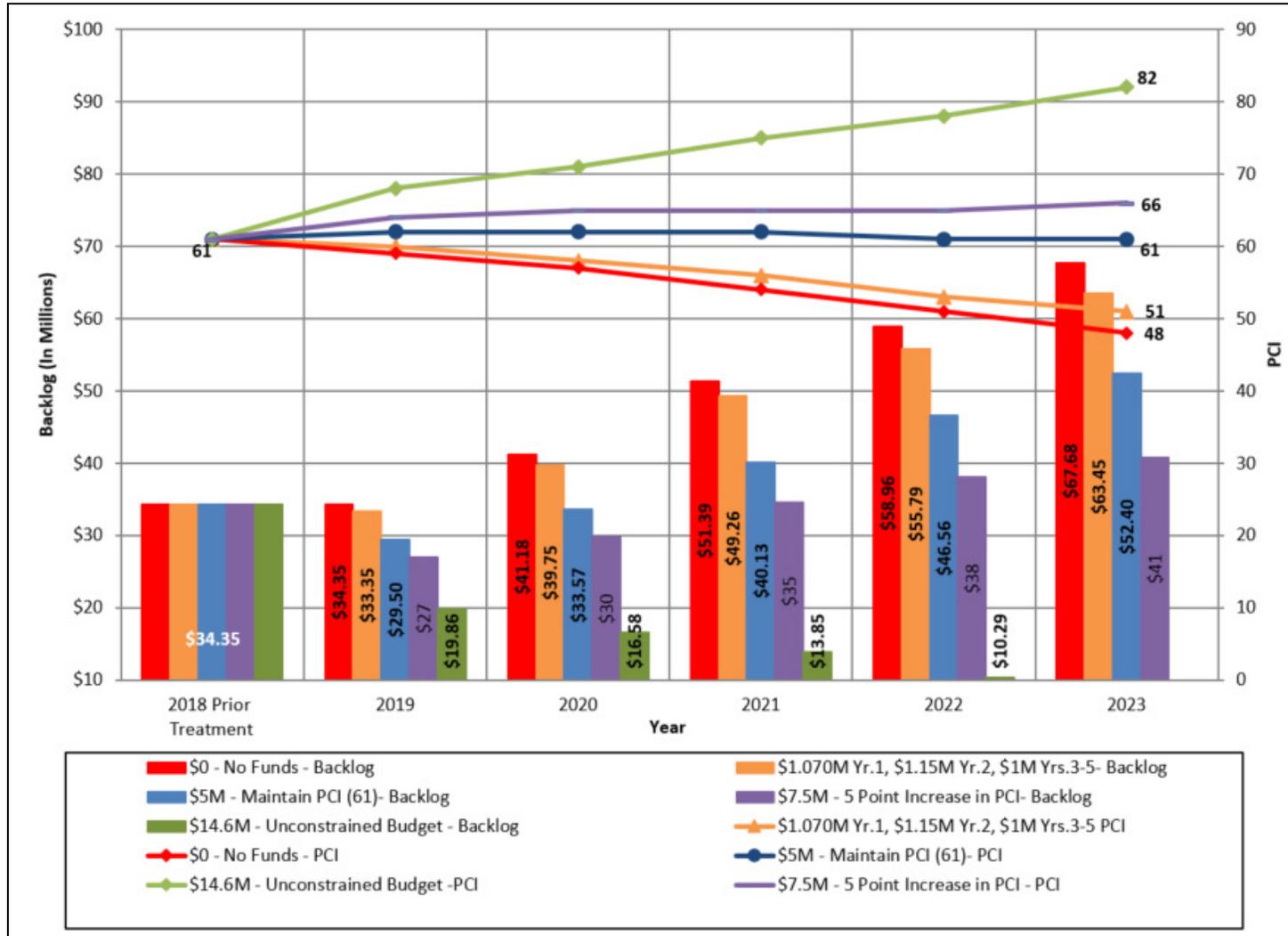
◆ **Budget Analysis Results**

After the MTC PMP software analyzes the pavement system according to the specified annual budget over a period of five (5) years, trends are evident in the PCI and deferred maintenance backlog (the amount of necessary reconstruction and overlays not performed each year due to budget constraints). An increase in deferred maintenance shows that necessary rehabilitation is not being performed. The total deferred maintenance in 2018 before any suggested maintenance is performed is about \$34 million. The following Figure 5 shows the impacts of the City's overall PCI and backlog for the 5 generated scenarios:

Deferred maintenance consists of pavement maintenance that is needed but cannot be performed due to lack of funding. Shrinking budgets have forced many agencies to defer much needed street maintenance. Deferring maintenance not only increases the frequency of resident complaints about the network condition, but also increases the costs to repair the streets. It is cost effective to keep the pavement above a certain PCI because the cost to maintain a high PCI is less than the cost to bring a street segment with a low PCI to a high PCI.

Figure 5

PCI & Deferred Maintenance Chart

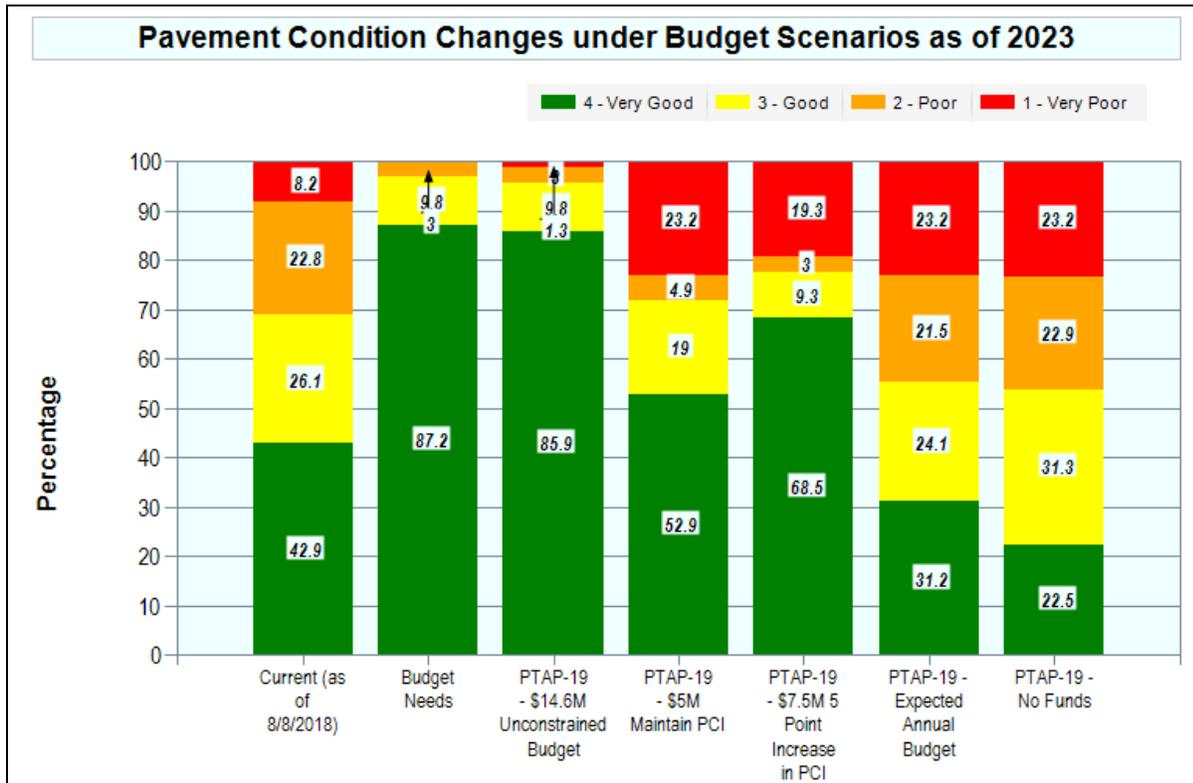


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Figure 6 contrasts the pavement changes under the analyzed budget scenarios. The percentage of streets in the “Poor” and “Very Poor” condition categories must be monitored as these represent the greatest liability to the City in regards to expense and serviceability off this really costly public asset.

Figure 6



The following PCI values reflect the average PCI and deferred maintenance after suggested treatments are applied.

- \$0 No Funds.
PCI Trend: Decreases from 61 PCI in 2018 to 48 PCI in 2023.
Deferred Maintenance Trend: Increases from \$34 million in 2018 to \$68 million in 2023
- \$1.07M Yr.1, \$1.15M Yr. 2, \$1M Yr.3-5– Expected Annual Budget
PCI Trend: Decreases from 61 PCI in 2018 to 51 PCI in 2023.
Deferred Maintenance Trend: Increases from \$34 million in 2018 to \$63 million in 2023.
- \$5M – Maintain PCI of 61
PCI Trend: From 61 PCI in 2018 to 61 PCI in 2023.
Deferred Maintenance Trend: Increases from \$34 million in 2018 to \$52 million in 2023.

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- \$7.5M – 5 Point Increase in PCI
PCI Trend: Increases from 61 PCI in 2018 to 66 PCI in 2023.
Deferred Maintenance Trend: Increases from \$34 million in 2018 to \$41 million in 2023.
- \$14.6M – Unconstrained Budget
PCI Trend: Increases from 61 PCI in 2018 to 82 PCI in 2023.
Deferred Maintenance Trend: Decreases from \$34 million in 2018 to \$3M in 2023.

Scenario charts (Figures 7 and 8) showing the impact of the five budgets on street condition and deferred maintenance backlog over a five (5) year period can be found on the following pages and in Sections V-B and V-C. The Cost Summary Reports, which provide information on pavement funding distribution by pavement condition, and the Network Condition Summary Reports, which project pavement condition trends, can be found in Section V-D.

◆ **Recommendations**

Spending an annual budget of \$5.5 million will increase the PCI from 61 to 62 after 5 years while slowing the growth of the deferred maintenance backlog.

The City should utilize cost effective treatments where appropriate, such as slurry seals and crack seals and continue to evaluate emerging cost effective techniques like rubberized chip seals, thin-bonded wearing courses and rubberized overlays. Maintenance and rehabilitation performed should also be recorded in the MTC PMP software.

Harris & Associates commends the City for its active participation in the pavement management program and also recommends that the City continue to maintain its pavement management program to be eligible for federal grants and funding. All arterials and collector routes should be re-surveyed every two years and all residential streets every four years. The costs for the distress surveys should be included in the annual pavement management budget.

The City should also perform annual database updates that include:

- Reviewing and updating the decision tree (maintenance activities and unit costs)
- Updating the street network when streets are annexed or newly constructed
- Continuing to include maintenance and rehabilitation activities

The City should update its Finance Department with any changes or adjustments that have been made to the City's street network and subsystems (streets assets and pavement subsystems that have been acquired through annexation, deletion, etc.) for GASB-34 compliance.

The City should utilize the StreetSaver Online GIS module or in-house GIS to assist in managing the streets within city limits. GIS technology is very useful to spatially view tabular reports that are derived from the pavement management system, such as scenarios, identification of maintenance and rehabilitation treatments, planning, maintenance and rehabilitation history, pavement condition index, etc. The tool is very useful for exporting information out to current GIS and AutoCAD programs.

Suisun City's overall street system is currently in the range of MTC's "Good" condition category. To help maintain and improve the current condition, certain projects have been

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recommended within the context of this program. Annual work programs for the expected annual budgets can be found in Section V-E. The report provides detailed listings of suggested maintenance projects for Suisun City based on the overall PMP suggested needs funding and base annual budgets. The report also provides a first step in identifying segments to be repaired under Suisun City's annual work programs.

Although these project listings are recommendations generated by the PMP, they are for planning purposes only and are not intended to replace sound engineering judgment. Final project recommendations should be weighed against the actual approach the City wishes to utilize in scheduling the workloads for contracting purposes. Once a street segment is identified for repair, a closer site survey and detailed project repair scope is required.

Figure 7

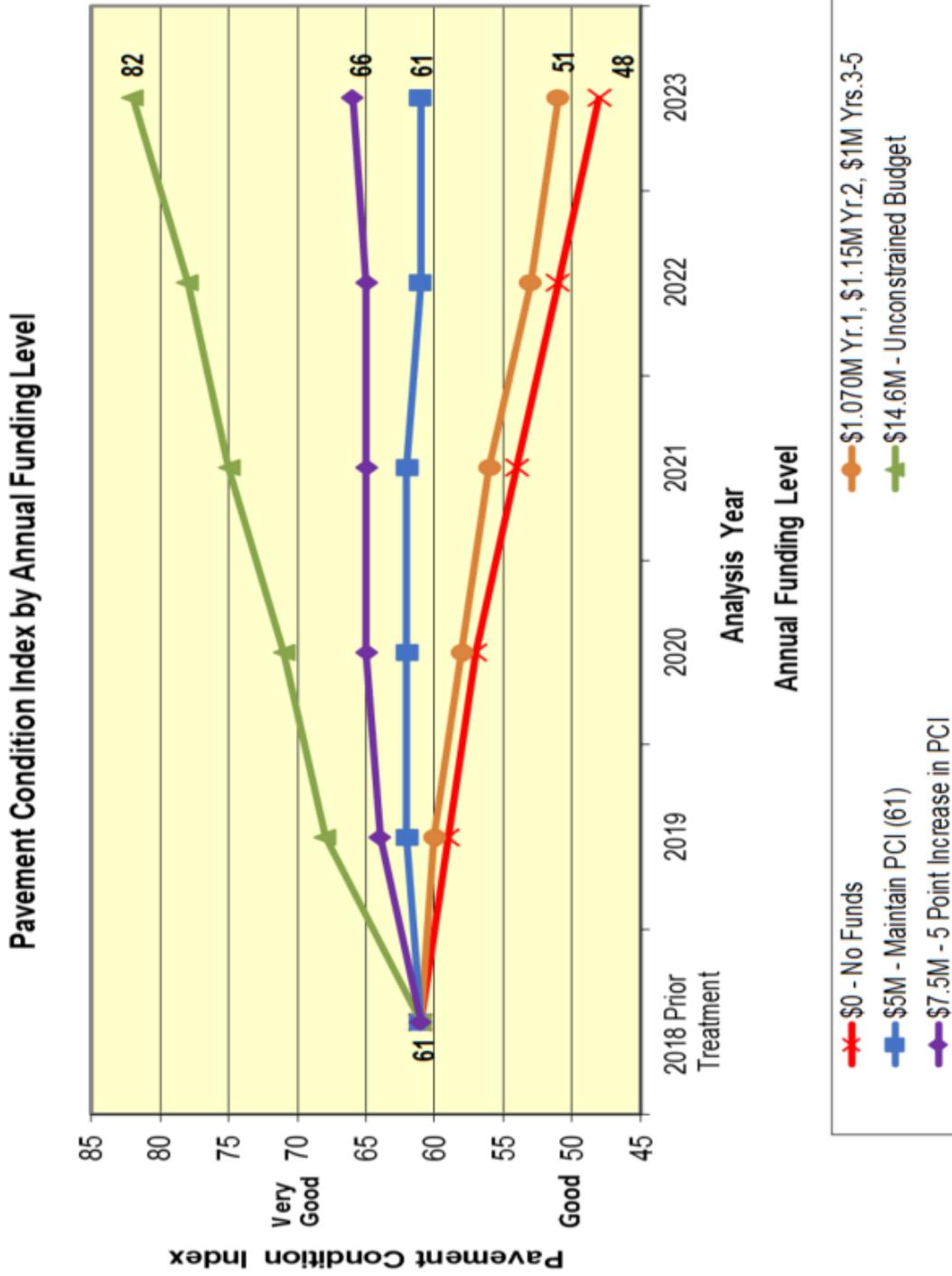
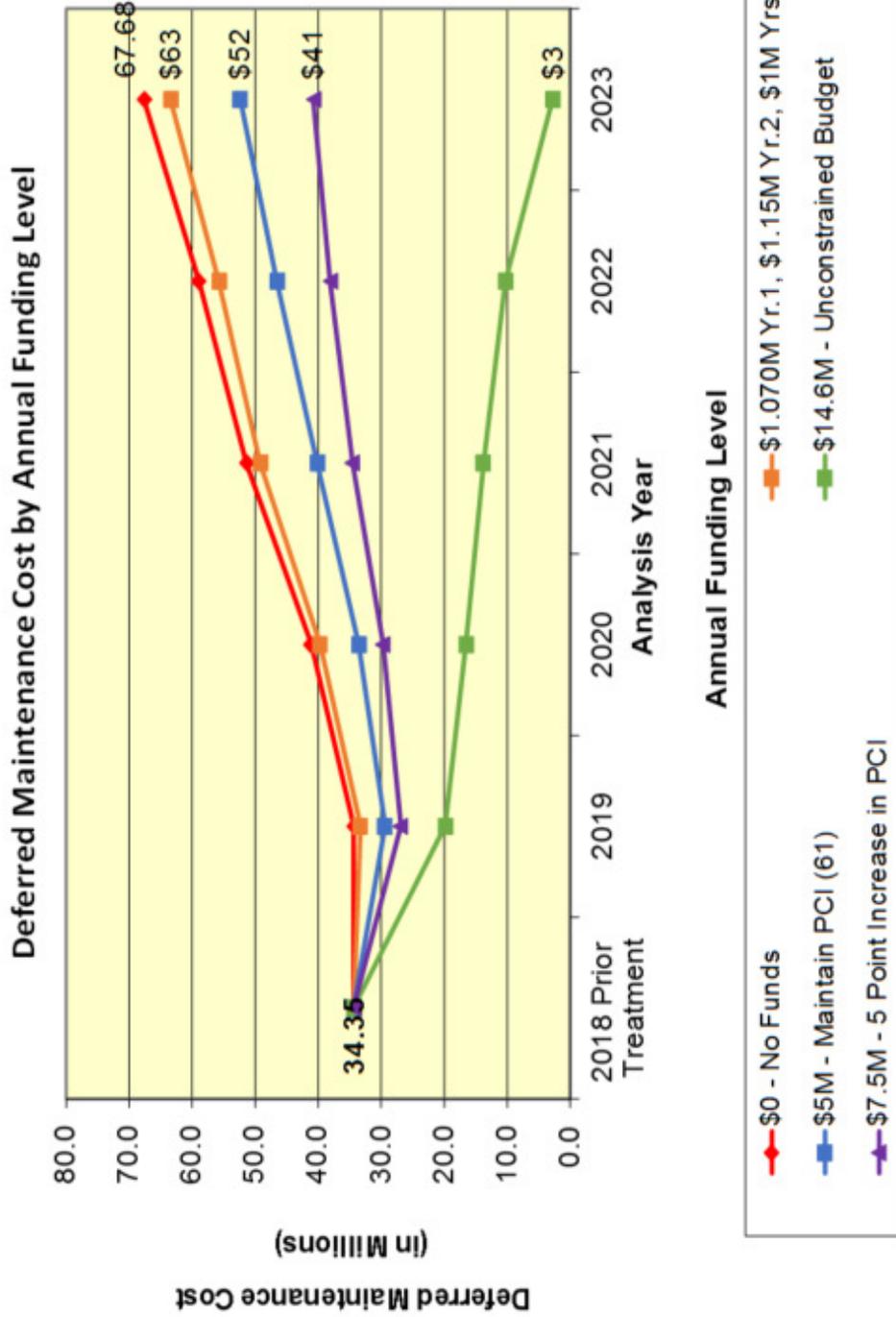


Figure 8



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Road Maintenance Applications and Terminology

Referenced from City of Elk Grove, Public Works, Pavement Management Program
<http://www.elkgrovecity.org/cms/One.aspx?portalId=109669&pageId=8494938>

Crack Sealing (\$)

Crack sealing, the most common preventive treatment, is used to fill cracks and prevent water intrusion of the pavement. This process is used to preserve pavement of fair to excellent condition and prevent future failure. Cracks occur on pavement due to traffic load and thermal stress, which can result in potholes. A crack sealant slows the deterioration process of cracks and extends the life of the road from 2-8 years on average.

Process

1. Cracks and joints are cleaned of vegetation or debris.
2. Sealing material is heated in a machine to the proper placing temperature.
3. Crack sealant is applied to cracks and squeegeed flat onto the surface.

Impact to Residents

Roads will not be closed for this treatment; however, traffic may be coordinated by construction workers. The drying time of crack sealant is very quick, allowing cars to drive across it almost immediately.

Slurry Seal (\$)

Slurry Seal is a combination of fine aggregate and emulsified asphaltic oil. It is used to fix minor pavement distresses and restore a uniform surface. Aggregate includes sand-like rocks or pebbles that are mixed with the asphaltic oil to improve skid resistance, visibility, and road handling. Crack sealant is applied before starting the Slurry Seal process in order to fill cracks and prevent water intrusion that can penetrate into the structural section. This treatment can extend the life of the road from 5-7 years on average.

Process

1. Pavement failure areas are dugout and repaired.
2. Cracks are cleaned of vegetation or debris and filled with crack sealant.
3. Existing traffic stripes and markings are removed.
4. Slurry Seal mixture is applied using a slurry truck. The mixture is squeegeed by hand to ensure uniformity.
5. Temporary traffic stripes and markings are placed immediately.
6. 2 weeks later, permanent striping is replaced.

Impact to Residents

3-4 weeks prior to the slurry treatment process, preparation activities such as repair of damaged pavement and crack sealing may begin. Traffic delays can be expected during repair of pavement failure areas; however, roads are typically kept open. During the Slurry Seal process, the road is closed to traffic. The road will be reopened once the mixture is cured, typically within 4-6 hours. Adjacent property owners will be notified via door hanger notices at least 72 hours prior to the treatment process. "No Parking" signs with specified construction times will be placed on affected streets 48 hours prior to the process. Vehicles may not be parked on affected roads during the specified times; however, they may be parked outside of the construction zone if you plan to use them that day. You may consider using alternate routes in order to avoid possible traffic delays. Residents with special needs may contact the City beforehand in order to plan accordingly. All work is coordinated with transit and waste providers to minimize impacts to service.

Cape Seal (\$\$) & Rubberized Cape Seal (\$\$\$)

Cape Seal, a combination of Chip Seal and Slurry Seal, is usually applied on residential roads. The Chip Seal improves the strength of the road's surface and the Slurry Seal provides uniformity of the surface. There is approximately a 5-day interval period between the Chip Seal and Slurry Seal. Crack sealant is applied before starting the Cape Seal process in order to fill cracks and prevent water intrusion. This treatment can delay reflection cracking on HMA overlays and extend the life of the road from 8-10 years on average.

A Rubberized Cape seal includes an asphalt rubber chip seal of performance graded asphalt rubber at very high application rates. The binder is applied to the existing roadway before high quality, hot, pre-coated chips, are placed and rolled into the binder. After curing, excess aggregate is swept from the road and removed as soon as the surface is cooled.

Process

1. Pavement failure areas are dugout and repaired.
2. Streets are cleaned of vegetation or debris, and cracks are filled with crack sealant.
3. For the Chip Seal, a distributor truck is used to apply asphalt binder to the pavement. Aggregate chips are spread on top of the binder and a roller is used to embed the chips into the surface.
4. After curing, streets are swept to remove any loose chips.
5. Approximately 5 days later, the Slurry Seal process begins. Streets are swept once again. Any aggregate chips that did not seal properly will be repaired.
6. Slurry Seal is applied using a slurry truck and squeegeed by hand to ensure uniformity. Once the material has cured, manholes and other utility valve covers are adjusted to final grade.
7. Permanent striping is replaced 2 weeks later.

Impact to Residents

Preparation activities such as repair of damaged pavement and crack sealing may begin as early as 3-4 weeks in advance. Traffic delays can be expected during repair of pavement failure areas; however, roads are typically not closed. During the Chip Seal process, roads will be temporarily closed for 1-2 hours. After the material has cured, limited driving speeds will be advised in order to prevent loose gravel and chips from dislodging. Approximately 5 days later, the road will be temporarily closed again for the Slurry Seal application. Slurry mixture typically cures within 4 to 6 hours. Adjacent property owners will be notified via door hanger notices at least 72 hours prior to the treatment. "No Parking" signs with specified construction times will be placed on affected streets 48 hours prior to the process. Vehicles may not be parked on affected roads during the specified times; however, they may be parked outside of the construction zone if you plan to use them that day. You may consider using alternate routes in order to avoid possible traffic delays. Residents with special needs may contact the City in order to plan accordingly. All work is coordinated with transit and waste providers to minimize impacts to service.

Hot Mix Asphalt (HMA) Overlay (\$\$\$\$)

Hot Mix Asphalt (HMA) Overlay involves a composition of asphalt concrete and aggregate. It is used to treat poor pavement conditions when Slurry Seal, Microsurfacing, or Cape Seal treatments are not suitable. The overlay provides a restored surface which is smooth and can withstand heavy traffic. It is generally applied to arterial streets which have higher volume traffic. A pavement reinforcement fabric is sometimes applied before starting the HMA overlay process in order to prevent reflective cracking. Generally, this treatment can extend the life of a road by up to 20 years.

Process

1. Pavement failure areas are dugout and repaired.
2. Where needed, a leveling course is applied to the road in order to restore proper profile and cross-section.
3. Streets are cleaned of vegetation or debris.
4. Wedge grinding and conform grinding are performed and streets are swept.
5. Pavement reinforcement fabric is laid and HMA is applied and compacted with a roller.
6. Days later, manholes and other utility valve covers are adjusted to final grade.
7. 2 weeks later, permanent striping is replaced.

Impact to Residents

Preparation activities may begin as early as 3-4 weeks in advance for repair of damaged pavement and crack sealing. Traffic delays can be expected during repair of pavement failure areas; however, roads are typically not closed. For the overlay process, roads will be closed for several hours until the material has cured enough to withstand traffic. Adjacent property owners will be notified via door hanger notices at least 72 hours before and “No Parking” signs with specified construction times will be placed on affected streets 48 hours before the process. Vehicles may not be parked on affected roads during the specified times; however, they may be parked outside of the construction zone if you plan to use them that day. Coordinate with construction workers to determine an estimate time of when construction will take place across your property if you need to utilize your driveway. Residents with special needs may contact the City in order to plan accordingly. All work is coordinated with transit and waste providers to minimize impacts to service.

Full Depth Reclamation (\$\$\$\$\$)

Full Depth Reclamation (FDR) is a process in which the existing worn-out pavement is excavated and recycled to reconstruct the new pavement structure. It is used when pavements are severely distressed and need to be removed and replaced. The deteriorated asphalt is pulverized, mixed with cement and water, and then compacted to form a stronger road base. The new road base is then overlaid with a new layer of asphalt concrete, completing the reconstruction of the road. FDR has cost savings of 30-40% and a lower construction time in comparison to other road replacement or reconstruction alternatives.

Process

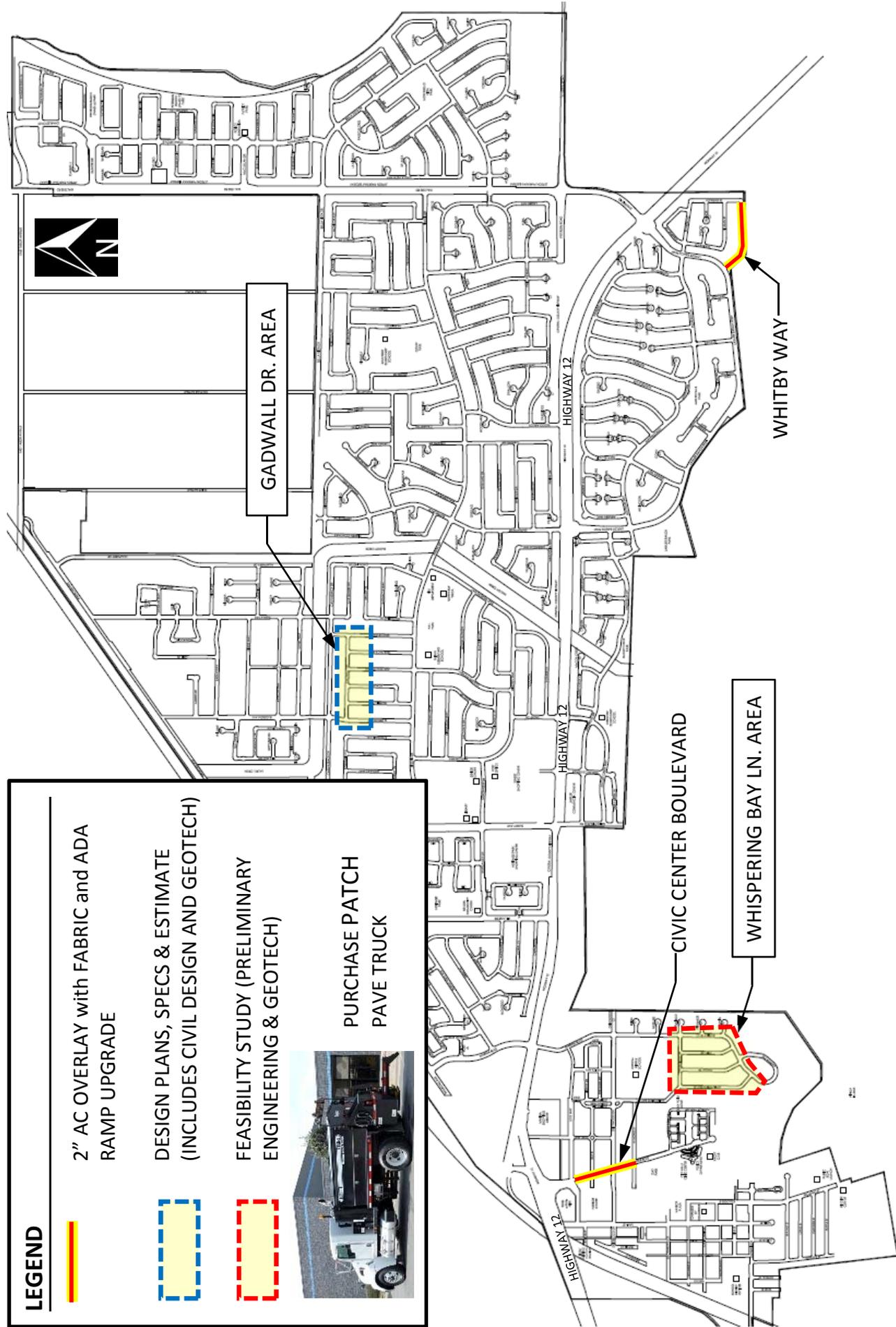
1. A reclaiming machine is used to pulverize the existing asphalt pavement and base material.
2. The asphalt is mixed with cement, water, and other additives resulting in a stronger road base.
3. The new base is shaped and compacted to the surface.
4. Once the base is completed, new layers of asphalt concrete are applied to complete the road.

Impact to Residents

During the pulverizing process, full road closures will be in effect. After the recycled base material has been applied, roads may be opened to slow-moving traffic, depending on the traffic demands. During the asphalt overlay process, roads will be closed again until the surface has cured. Special detours may be open to accommodate traffic. Residents will be notified via door hanger notices at least 72 hours prior to construction. “No Parking” signs with specified times will be placed on affected streets 48 hours prior to construction. Vehicles may not be parked on affected roads during the specified times; however, they may be parked outside of the construction zone if you plan to use them that day. Residents with special needs may contact the City beforehand in order to plan accordingly. All work is coordinated with transit and waste providers to minimize impacts to service.

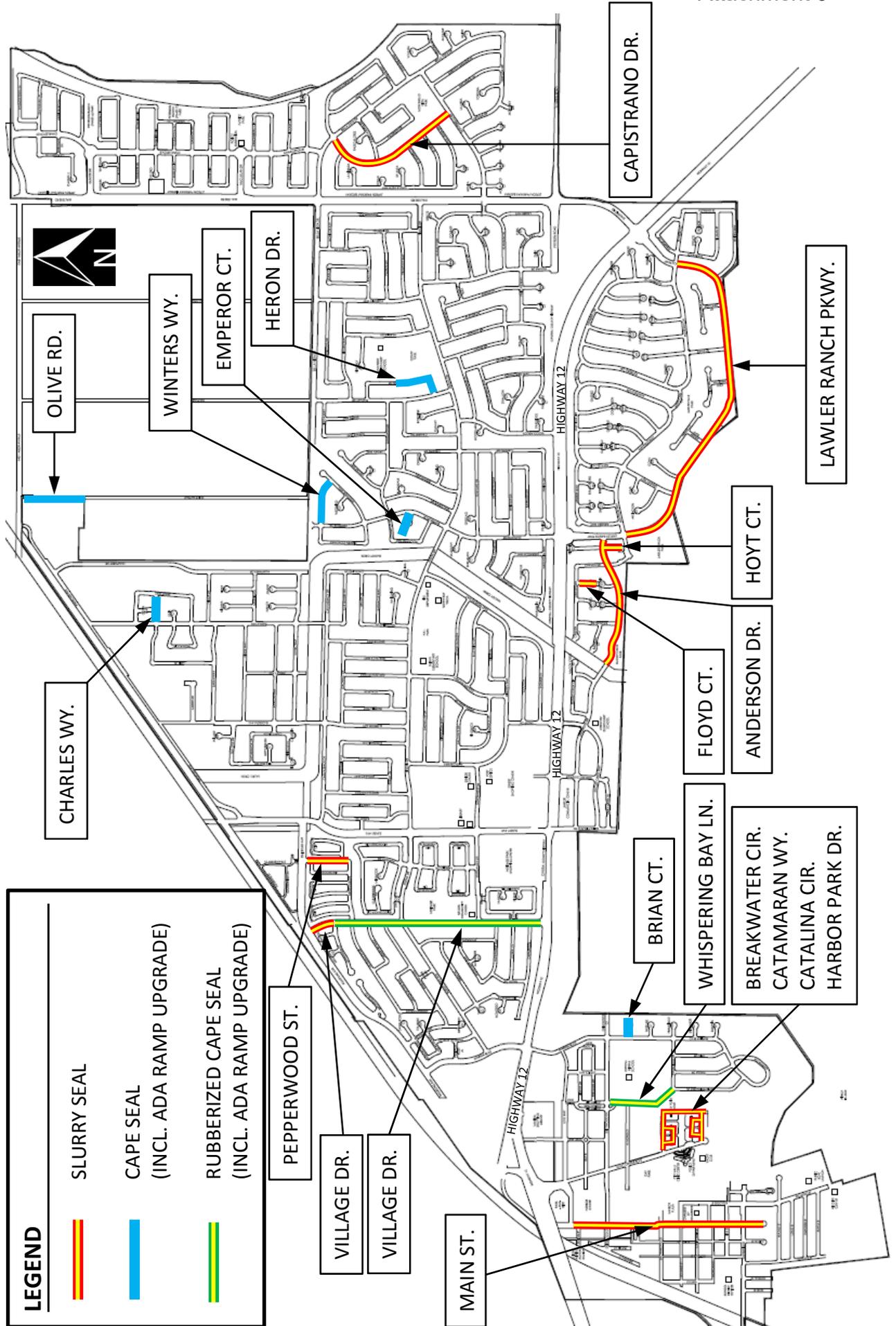
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Suisun City Public Works Department Pavement Management Program – 2019 Project Recommendations



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Suisun City Public Works Department Pavement Management Program – 2020 Project Recommendations



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Pavement Management Program - Engineer's Estimate

FY2018-2019 Street Repair Program Recommendations																			
Street Information										Seal Cracks (\$1.54/ft)	Slurry Seal Type II (\$3.00/sy)	Cape Seal (\$9.00/sy)	Rubber Cape Seal (\$16.50/sy)	2" AC Overlay w/Fabric (\$35/sy)	2" AC Overlay w/Fabric and Digouts (\$50/sy)	Digout Patch Pave (\$12/sf)	ADA Ramps (\$8000/ea)	Other (Contingency, Engineering, Inspection)	Estimated Cost
Street Name	From	To	Width (ft)	Length (ft)	Area (sq ft)	Functional Class	Surface Type	Current PCI	ADA Ramps (ea)	\$ 1.54	\$ 3.00	\$ 9.00	\$ 16.50	\$ 35.00	\$ 50.00	\$ 12.00	\$ 8,000.00		
Civic Center Drive (Lotz to Driftwood)	Lotz	Almond	39	950	37050	C - Collector	A - AC	73	10					\$ 144,083			\$ 80,000	\$ 30,000	\$ 254,083
Whitby Way	Lawler Ranch Parkway	Potrero Street	32	1115	35680	C - Collector	A - AC	18	0	\$ 1,717.10	\$ 11,893			\$ 69,378				\$ 8,127	\$ 91,115
Gadwall Drive																		\$ 40,000	\$ 40,000
Whispering Bay Lane Area (Francisco Dr/Marina Blvd)																		\$ 50,000	\$ 50,000
Purchase Patch Pave Truck Materials (Tack Coat, Crack Seal, Hot Mix Asphalt)																			\$ 200,000
Total Estimated FY2018-2019 Recommended Program Cost																			\$ 650,199
FY2019-2020 Street Repair Program Recommendations																			
PEPPERWOOD ST.	RAILROAD AVE.	ASHWOOD DR.	32	660	21,120	R - Residential/Local	A - AC	40	5,299.44	\$ 1,016.40	\$ 7,040.00							\$ 805.64	\$ 8,862.04
FLOYD CT.	CRAVEN CT.	CUL-DE-SAC	30	265	10,116	R - Residential/Local	A - AC	67	0	\$ 408.10	\$ 3,372.00							\$ 378.01	\$ 4,158.11
CAPISTRANO DR.	MONTEBELLO DR.	75 N OF EL MORO LN	38	850	32,300	C - Collector	A - AC	67	0	\$ 1,309.00	\$ 10,766.67							\$ 1,207.57	\$ 13,283.23
CAPISTRANO DR.	75 N. OF EL MORRO LN.	BELLA VISTA DR.	36	1,870	67,320	C - Collector	A - AC	81	0	\$ 2,879.80	\$ 22,440.00							\$ 2,531.98	\$ 27,851.78
CATAMARAN WY.	CIVIC CENTER BLVD	HARBOR PARK DR.	21	406	8,526	C - Collector	A - AC	70	0	\$ 625.24	\$ 2,842.00							\$ 346.72	\$ 3,813.96
HARBOR PARK DR.	CIVIC CENTER BLVD.	TERMINUS	21	1,290	27,090	C - Collector	A - AC	76	0	\$ 1,986.60	\$ 9,030.00							\$ 1,101.66	\$ 12,118.26
BREAKWATER CIR.	CATAMARAN WAY	CATAMARAN WAY	21	540	11,340	R - Residential/Local	A - AC	76	0	\$ 831.60	\$ 3,780.00							\$ 461.16	\$ 5,072.76
CATALINA CIR.	HARBOR PARK DR.	HARBOR PARK DR.	21	552	11,592	R - Residential/Local	A - AC	73	0	\$ 850.08	\$ 3,864.00							\$ 471.41	\$ 5,185.49
ANDERSON DR.	E. OF FLOOD CANAL	LAWLER RANCH PKWY.	34	1,945	66,130	C - Collector	A - AC	67	0	\$ 2,995.30	\$ 22,043.33							\$ 2,503.86	\$ 27,542.50
HOYT CT.	ANDERSON DR.	CUL-DE-SAC	30	280	10,309	R - Residential/Local	A - AC	54	0	\$ 431.20	\$ 3,436.33							\$ 386.75	\$ 4,254.29
MAIN ST.	S. OF CORDELI A ST.	S. OF MORGAN ST.	35	520	18,200	C - Collector	A - AC	52	6,069.45	\$ 800.80	\$ 6,066.67							\$ 686.75	\$ 7,554.21
MAIN ST.	DRIFTWOOD DR.	LOTZ WAY	40	470	18,800	C - Collector	A - AC	54	6,700.19	\$ 723.80	\$ 6,266.67							\$ 699.05	\$ 7,689.51
MAIN ST.	Solano St	Morgan St	38	510	19,380	C - Collector	A - AC	78	14,912.22	\$ 785.40	\$ 6,460.00							\$ 724.54	\$ 7,969.94
MAIN ST.	Driftwood Dr	Solano St	38	1,100	41,800	C - Collector	O - AC/AC	81	24,150.3	\$ 1,694.00	\$ 13,933.33							\$ 1,562.73	\$ 17,190.07
LAWLER RANCH PKWY.	MAYFIELD WAY	POTRERO ST.	32	5,150	164,800	A - Arterial	A - AC	70	0	\$ 7,931.00	\$ 54,933.33							\$ 6,286.43	\$ 69,150.77
HERON DR.	620' S. OF BLUEJAY DR.	BLUEJAY DR.	29	750	21,750	R - Residential/Local	A - AC	4	2			\$ 21,750.00				\$ 1,000.00	\$ 16,000.00	\$ 3,875.00	\$ 42,625.00
EMPEROR CT.	EMPEROR DR.	CUL-DE-SAC	29	190	7,751	R - Residential/Local	A - AC	9	2			\$ 7,751.00				\$ 1,000.00	\$ 16,000.00	\$ 2,475.10	\$ 27,226.10
WHISPERING BAY LN.	255' N. OF FRANCISCO DR.	DRIFTWOOD DR.	30	740	22,200	R - Residential/Local	A - AC	12	4			\$ 40,700.00				\$ 5,000.00	\$ 32,000.00	\$ 7,770.00	\$ 85,470.00
WHISPERING BAY LN.	FRANCISCO DR.	255' N. OF FRANCISCO DR.	30	255	7,650	C - Collector	A - AC	13	1			\$ 14,025.00				\$ 5,000.00	\$ 8,000.00	\$ 2,702.50	\$ 29,727.50
BRIAN CT.	MARINA BLVD.	CUL-DE-SAC	31	210	8,347	R - Residential/Local	A - AC	13	0			\$ 8,347.00				\$ 1,000.00		\$ 934.70	\$ 10,281.70
CHARLES WAY	WORLEY WAY	PHILIP WAY	24	400	9,600	R - Residential/Local	A - AC	13	2			\$ 9,600.00				\$ 1,000.00	\$ 16,000.00	\$ 2,660.00	\$ 29,260.00
WINTERS WAY	E. OF HIDDEN COVE WAY	WESTWIND WAY	29	900	26,100	R - Residential/Local	A - AC	14	4			\$ 26,100.00				\$ 2,000.00	\$ 32,000.00	\$ 6,010.00	\$ 66,110.00
OLIVE AVE	E. TABOR	613 FT S/O E. TABOR	22	613	13,486	R - Residential/Local	A - AC	23	0			\$ 13,486.00				\$ 10,000.00	\$ -	\$ 2,348.60	\$ 25,834.60
VILLAGE DR.	PINTAIL DR.	LEAFWOOD CT.	49	990	48,510	C - Collector	A - AC	18	12			\$ 88,935.00				\$ 10,000.00	\$ 96,000.00	\$ 19,493.50	\$ 214,428.50
VILLAGE DR.	S.R. 12	PINTAIL DR.	49	2,000	98,000	C - Collector	A - AC	36	16			\$ 179,666.67				\$ 10,000.00	\$ 128,000.00	\$ 31,766.67	\$ 349,433.33
VILLAGE DR.	LEAFWOOD CT.	RAILROAD AVE.	49	383	18,767	C - Collector	A - AC	71	0	\$ 589.82	\$ 6,255.67							\$ 684.55	\$ 7,530.04
Materials (Tack Coat, Crack Seal, Hot Mix Asphalt)																			\$ 50,000.00
Total Estimated FY2019-2020 Recommended Program Cost																			\$ 1,159,623.69

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RESOLUTION NO. 2019-__

RESOLUTION ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2019-20 AND AN AMENDED PROJECTS LIST FOR FISCAL YEAR 2018-2019 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City of Suisun City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of Suisun City must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City of Suisun City, will receive an estimated \$530,000 in RMRA funding in Fiscal Year 2019-20 from SB 1; and

WHEREAS, this is the third year in which the City of Suisun City is receiving SB 1 funding and will enable the City of Suisun City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City of Suisun City has undergone a robust public process to ensure public input into our community's transportation priorities/the project list; and

WHEREAS, the City of Suisun City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City of Suisun City maintain and rehabilitate more than 25 streets/roads throughout the City/County this year by applying Slurry

Seals to preserve good roads, applying Cape Seals to at-risk low volume residential/collector roads, applying Rubberized Cape Seals to high volume collector roads, and applying asphalt overlay to poor roads, furthermore this program will pave one hundred similar projects in the next five years and many more into the future; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City of Suisun City streets and roads are in an “good” condition and this revenue will help us maintain our residential/local streets in a “good” condition, while improving the overall quality of our collector and arterial streets over the next decade bringing the major roads into a “very good” condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in engineering to develop creative and feasible solutions to reconstruct our failed residential roads, finally addressing our local roads that have experienced deferred maintenance over the years due to inadequate funding, properly repairing potholes and failed street sections, preserving our best streets, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of Suisun City, State of California, as follows:

1. The foregoing recitals are true and correct.
2. The following list of proposed projects will be funded in-part or solely with fiscal year 2019-20 Road Maintenance and Rehabilitation Account revenues:

City of Suisun City - Fiscal Year 2019-2020 Local Streets and Roads Proposed Projects List					
Pavement Treatment Description	Location	Estimated Useful Life	Estimated Useful Life	Estimated Project Start	Estimated Project End
		Minimum	Maximum		
Crack Seal and Slurry Seal	Floyd Court (Craven Ct to Cul-de-sac)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Capistrano Drive (Montebello to 75 N or El Moro Ln)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Capistrano Drive (75 N of El Morro Ln to Bella Vista Dr)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Catamaran Way (Civic Center to Harbor Park)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Harbor Park Drive (Civic Center to Terminus)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Breakwater Circle	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Catalina Circle	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Anderson Drive (E of Flood Canal to Lawler Ranch Parkway)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Hoyt Court	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Main St (S of Cordelia St to S of Morgan St)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Main St (Driftwood Dr to Lotz Way)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Main St (Solano St to Morgan St)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Main Street (Driftwood Dr to Solano St)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Lawler Rancy Parkway (Mayfield Wy to Potrero St)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Lawler Ranch Parkway (Potrero St to Hwy 12 E End)	20	50	7/1/2019	6/30/2020
Crack Seal and Slurry Seal	Village Drive (Leafwood Ct to Railroad Ave)	10	30	7/1/2019	6/30/2020
Cape Seal with Digouts and ADA Ramp Upgrades	Heron Drive (620' S of Blue Jay Dr to Blue Jay Dr)	10	30	7/1/2019	6/30/2020
Cape Seal with Digouts and ADA Ramp Upgrades	Emperor Court	10	30	7/1/2019	6/30/2020
Cape Seal with Digouts	Brian Court	10	30	7/1/2019	6/30/2020
Cape Seal with Digouts and ADA Ramp Upgrades	Charles Way (Worley Rd to Philip Way)	10	30	7/1/2019	6/30/2020
Cape Seal with Digouts and ADA Ramp Upgrades	Winters Way (E of Hidden Cove Way to Westwind Way)	10	30	7/1/2019	6/30/2020
Cape Seal with Digouts	Olive Avenue (E Tabor to 613 ft S E Tabor	10	30	7/1/2019	6/30/2020
Rubberized Cape Seal with Digouts and ADA Ramp Upgrades	Village Drive (Pintail to Leafwood Court)	10	30	7/1/2019	6/30/2020
Rubberized Cape Seal with Digouts and ADA Ramp Upgrades	Village Drive (Hwy 12 to Pintail)	10	30	7/1/2019	6/30/2020
Rubberized Cape Seal with Digouts and ADA Ramp Upgrades	Whispering Bay Lane (255' N of Franciso Dr to Driftwood Dr)	10	30	7/1/2019	6/30/2020
Rubberized Cape Seal with Digouts and ADA Ramp Upgrades	Whispering Bay Lane (Franciso Dr to 225' N or Francisco Dr)	10	30	7/1/2019	6/30/2020

3. The following City of Suisun City Fiscal Year 2018-19 Local Streets and Roads Amended Projects List may utilize fiscal year 2019-20 Road Maintenance and Rehabilitation Account revenues in their delivery. With the listing of these projects in the adopted fiscal year resolution, the City/County is reaffirming to the public and the State our intent to fund these projects with Road Maintenance and Rehabilitation Account revenues:

City of Suisun City - Fiscal Year 2018-19 Local Streets and Roads Amended Projects List					
Pavement Treatment Description	Location	Estimated Useful Life Minimum	Estimated Useful Life Maximum	Estimated Project Start	Estimated Project End
Hot Mix Asphalt Overlay, Adjust Utilities to Grade, and Upgrade ADA Ramps	Civic Center Blvd (Lotz Drive to Almond Drive)	20	50	5/1/2019	7/1/2020
Hot Mix Asphalt Overlay	Whitby Way	20	50	5/1/2019	7/1/2020
Civil Design Phase for Reconstruction	Gadwall Drive	20	50	5/1/2019	7/1/2020
Planning Phase for Civil Design and Reconstruction	Whispering Bay Lane Area including Marina Blvd and Franciso Drive	20	50	5/1/2019	7/1/2020

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Suisun City duly held on Tuesday, the 2nd day of April, 2019 by the following vote:

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

WITNESS my hand and the seal of said City this 2nd day of April, 2019.

Donna Pock, CMC

Deputy City Clerk

AGENDA TRANSMITTAL

MEETING DATE: April 2, 2019

CITY AGENDA ITEM: Small Wireless Facilities

- A. Council Adoption of Urgency Ordinance No.: _____ An Interim Urgency Ordinance to Allow and Regulate Wireless Telecommunication Facilities in the Public Right-Of-Way and Corresponding Design Standards.
- B. Council Adoption of Resolution No. 2019-___: A Resolution of the City Council of the City of Suisun City, California, Approving City Council Policy 2019-01 Regarding Small Wireless Facilities.

FISCAL IMPACT: No fiscal impacts are associated with the ordinance. However, installation of wireless facilities would be subject to fees and yield potential lease revenue. Staff will bring to City Council a proposed Master License Agreement for use of City infrastructure in the ROW and a fee resolution for any fees associated with these applications at a later date.

BACKGROUND: In recent years, however, carriers increasingly seek to place wireless facilities in the City’s public right of way (“PROW”) on utility poles, streetlights and new poles. The demand for such wireless installations, particularly small wireless facilities (or “SWFs”), is expected to grow exponentially over the next several years given the expansion of home streaming video, social media, drones, self-driving cars and the Internet of Things (IoT) serving homes and businesses. To accommodate this expansion, the telecommunications industry is starting to look for small cell 5G (fifth generation) technology. 5G technology is distinguished from the present 4G service by use of low power transmitters with coverage radius of approximately 400 feet. 5G thus requires close spacing of antennas and more of them. PROW street light poles and other poles are, therefore, suited for 5G SWFs.

On September 27, 2018, the FCC released a Declaratory Ruling and Third Report and Order (the “FCC Order”) significantly limiting state and local management of SWFs in the PROW (and, in a limited way, SWFs on private property). In short, the FCC Order does the following:

- Defines SWFs as up to 50 feet in height, including antennas, or mounted on structures no more than 10% taller than other adjacent structures; or that do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; each antenna is no more than 3 cubic feet in volume, and the total associated wireless equipment on one structure is no more than 28 cubic feet in volume.
- Caps all fees that local governments can charge to the actual and reasonable cost of providing service. This limitation applies to fees for SWFs located on private property as well.

PREPARED BY:

Tim McNamara, Development Services Director

REVIEWED/APPROVED BY:

Kris Lofthus, Acting City Manager

- Imposes shot clocks of 60 days for SWFs added to existing structures (regardless of whether the structure already supports a wireless service) and 90 days for SWFs proposing a new structure. The shortened shot clocks also apply to applications for SWFs on private property.
- Preempts all aesthetic requirements for SWFs in the PROW unless they are (1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; (3) objective; and (4) published in advance. (Effective April 14, 2019.)

This report introduces an urgency ordinance to provide the regulatory framework and standards for permitting the installation of SWFs within the City’s PROW. Staff has been working with the City Attorney’s office to draft such ordinance. The proposed urgency ordinance and corresponding design standards have been revised in response to the FCC Order. The proposed urgency ordinance also addresses “eligible facilities requests”—a category of “by-right” installations that were established by the FCC several years ago, but never acknowledged in the City’s current version of its Municipal Code.

STAFF REPORT: The Federal Telecommunications Act is intended to ensure that the public has sufficient access to telecommunication services. Based on this Federal law, a local government shall not prohibit or have the effect of prohibiting the provision of personal wireless services. Further, no State or local government may dictate, or even consider, wireless entitlements based on “the environmental (health) effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.” A zoning authority’s mere consideration of health effects, including potential effects on property values due to potential radio frequency emissions, may not serve as “substantial evidence” for purposes of denying a wireless facility. The City’s role in the siting and design of WCFs is generally limited to aesthetics.

Wireless telecommunications providers are treated as telephone companies under their State franchise conferred in California Public Utilities Code Section 7901, and thus are entitled to use the PROW to deploy their equipment. However, even with their right to occupy the PROW, under Section 7901 providers may *not* “unreasonably subject the public use to inconvenience or discomfort; to unreasonably trouble, annoy, molest, embarrass, inconvenience; to unreasonably hinder, impede, or obstruct the public use.” These limitations on Section 7901 have been interpreted broadly enough to include concerns related to the appearance of a facility,” and thus Section 7901 allows cities to condition a wireless permit on (i) aesthetic concerns, (ii) restricting the location of proposed facilities due to public safety reasons or other local concerns or even deny applications in appropriate circumstances, and (iii) to exercise reasonable control over the time, place and manner of “when, where, and how telecommunications service providers gain entry to the public rights-of-way,” including the need for encroachment permits. (See, Pub. Util. Code § 7901.)

The new FCC Order significantly changes Federal law to shorten time frames and other requirements on local review of SWFs in the PROW. Now, if a city does not render a decision on a SWF application within a specified time period (60 days for installations on existing structures, and 90 days for new structures), *the failure to meet the deadline for action will be presumed to violate federal law.*

On aesthetics, spacing restrictions and undergrounding requirements, the FCC declares that such requirements will not be preempted if they are reasonable, no more burdensome than those applied to other types of infrastructure deployments, and objective and published in advance. In essence, this new standard for aesthetic conditions means that cities can impose aesthetic requirements to the extent they are “technically feasible” for the provider. This is a significant departure from the “least intrusive means” analysis that developed in the Ninth Circuit over the last few decades. The FCC Order purports to overturn the “least intrusive means” standard entirely, with the new standards taking effect on April 15, 2019.¹

Aesthetic standards implementing the FCC Order must be reasonable, objective, *and published ahead of time*. If a city does not have “published” its design standards, then it does not appear that any standards can be enforced. It is therefore important that the City update its ordinance with new standards and procedures by April 14, 2019 or shortly thereafter. Staff therefore recommends the Council adopt an ordinance setting out the permitting procedures for SWFs in the PROW. The proposed ordinance seeks to balance the community’s need for wireless services, the industry’s need to deploy quickly, and the City’s obligation to maintain safety and protect the aesthetic qualities of our neighborhoods. As drafted, the proposed ordinance would:

- Add a new Chapter 12.28 to the Municipal Code, Wireless Facilities in the Public Right of Way. For all wireless facility installations in the PROW, the urgency ordinance provides, among other regulations, the permit and review procedures as well as the operation and maintenance standards. The ordinance treats wireless installations in the PROW similar to other installations in the ROW by requiring an encroachment permit. Once the encroachment permit is issued, the carrier may still need to obtain traffic control plans, construction permits and if necessary, a license to attach to City infrastructure.
- The substantially shorter “shot clocks” established by the FCC Order render discretionary review by the planning commission (or any other hearing body) much more difficult, if not logistically impossible. To this end, the proposed ordinance presents an entirely new administrative review process for SWF applications, with public works taking the lead of administratively reviewing SWF applications.
- The new ordinance recognizes, and establishes procedures and standards for, “eligible facility requests” pursuant to Federal law. These are ministerial modifications and collocations that must be approved by-right, which provisions were not included in the current Municipal Code, despite being required by law since 2012.
- Given the short time that the City has to act on these applications under Federal law, having two days to process appeals, staff recommends that the appeals be heard by an independent hearing officer, who can hold hearings on short notice within the short time frame. Doing so also provides an independent level of oversight over the decisions before they become final and subject to challenge in court.

¹ While the legal validity of both of these FCC orders is being litigated, the effectiveness of the orders has not been stayed. Further, another FCC order that was released in August 2018 prohibits cities from imposing a moratorium on wireless installations, which means that there can be no pause in accepting or processing applications to allow a city to study and address potential issues.

- The ordinance contains a comprehensive list of permit conditions that will apply to wireless encroachment permits, including insurance requirements, indemnity, performance bond for removal upon abandonment, and maintenance and inspection requirements. The permits are in effect for a term of 10 years, which stems from a State law that allows the City to limit the permits to 10 years; compared to utility poles, for example, which are erected in perpetuity.
- Staff sensed the importance of public awareness and involvement for wireless facilities. The ordinance thus requires applicants to provide mailed notices to owners, occupants and multi-family building property managers within ___ feet of proposed SWFs and major facilities before they are approved.
- Finally, the ordinance allow the flexibility needed in the face of rapidly changing wireless laws and technology. Rather than publish SWF design standards in the ordinance, staff proposes that such standards should be adopted as administrative regulations that may be readily and quickly adapted given the frequency and magnitude of changes in law and technology surrounding wireless installations.

To accompany the new ordinance, staff has also prepared a separate City Council Policy regarding small wireless facilities that will provide the industry direction on the City's aesthetic, location and design requirements. For example, the proposed design standards recommend that when there is a choice in location, carriers should choose to site on a pole or street light that is between structures and not immediately adjacent to a structure, that paint and design should blend with surrounding structures, that signage should be limited, and that lighting be prohibited unless required by the Federal Aviation Administration. This draft document is provided as an attachment to this report and once approved by the Council, will be promptly published by staff on the City's website as required by the FCC Order. The proposed City Council policy is attached to this report for City Council consideration or approval; staff recommends that the City Council adopt the design standards with the ordinance.

ENVIRONMENTAL: The ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. Most of the terms and scope of city discretion are guided by existing State and Federal law. The ordinance creates an administrative process to process requests for wireless facilities in the PROW and the City's discretion with these applications is limited. The ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries. Alternatively, the ordinance is exempt from CEQA because the City Council's adoption of the ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (State CEQA Guidelines, § 15061(b)(3)). Installations, if any, would further be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land), as these facilities are allowed under Federal and State law, are by their nature smaller when placed in the PROW and subject to various siting and design preferences to prevent aesthetic impact to the extent feasible.

RECOMMENDATION: Staff recommends that the City Council:

1. Adopt Ordinance No.____: An Interim Urgency Ordinance to Allow and Regulate Wireless Telecommunication Facilities in the Public Right-Of-Way and Corresponding Design Standards.
2. Adopt Resolution No. 2019-____: A Resolution of the City Council of the City of Suisun City, California, Approving City Council Policy 2019-01 Regarding Small Wireless Facilities.

ATTACHMENTS:

1. Ordinance No. ____: An Interim Urgency Ordinance to Allow and Regulate Wireless Telecommunication Facilities in the Public Right-Of-Way and Corresponding Design Standards.
2. Resolution 2019 - ____: A Resolution of the City Council of the City of Suisun City, California, Approving City Council Policy 2019-01 Regarding Small Wireless Facilities.

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ORDINANCE NO. ____

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF CITY OF SUISUN CITY, CALIFORNIA, ADDING CHAPTER 12.28
OF THE SUISUN CITY MUNICIPAL CODE**

A. The City Council may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws. Further, Government Code Section 36937(b) authorizes the adoption of an urgency ordinance for the immediate preservation of the public peace, health or safety.

B. Significant changes in Federal and State law that affect local authority over wireless communications facilities ("WCFs") have occurred, including but not limited to the following:

- i. On November 18, 2009, the Federal Communications Commission ("FCC") adopted a declaratory ruling (the "2009 Shot Clock"), which established presumptively reasonable timeframes for State and local governments to act on applications for WCFs.
- ii. On February 22, 2012, Congress adopted Section 6409(a) of the Middle Class Tax Relief and Job Creation Act ("Section 6409(a)"), which mandated that State and local governments approve certain modifications and collocations to existing WCFs, known as eligible facilities requests.
- iii. On October 17, 2014, the FCC adopted a report and order that, among other things, implemented new limitations on how State and local governments review applications covered by Section 6409(a), established an automatic approval for such applications when the local reviewing authority fails to act within 60 days, and also further restricted generally applicable procedural rules under the 2009 Shot Clock.
- iv. On October 9, 2015, California adopted Assembly Bill No. 57 (Quirk), which deemed approved any WCF applications when the local reviewing authority fails to act within the 2009 Shot Clock timeframes.
- v. On August 2, 2018, the FCC adopted a declaratory ruling that formally prohibited express and de facto moratoria for all telecommunications services and facilities under 47 U.S.C. § 253(a).
- vi. On September 26, 2018, the FCC adopted a declaratory ruling and report and order (hereafter, the "FCC Ruling") that, among other things, (1) creates a new regulatory classification for small wireless facilities ("SWFs"), (2) requires State and local governments to process applications for SWFs within 60 days or 90 days, (3) establishes a national standard for an effective prohibition, (4) provides that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition, and (5) limits the fees that can be charged for the facilities.

C. In addition to the changes described above, new Federal laws and regulations that drastically alter local authority over WCFs are currently pending, including without limitation, the following:

- i. On March 30, 2017, the FCC issued a Notice of Proposed Rulemaking (WT Docket No. 17-79, WC Docket No. 17-84) and has acted on some of the noticed issues referenced above, but may adopt forthcoming rulings and/or orders that further limit local authority over wireless facilities deployment.
- ii. On June 28, 2018, United States Senator John Thune introduced and referred to the Senate Committee on Commerce, Science and Transportation the "STREAMLINE Small Cell Deployment Act" (S. 3157) that, among other things, would apply specifically to small cell WCFs and require local governments to review applications based on objective standards, shorten the 2009 Shot Clock timeframes, require all proceedings to occur within the 2009 Shot Clock timeframes, and provide a "deemed granted" remedy for failure to act within the applicable 2009 Shot Clock.

D. Given the rapid and significant changes in Federal and State law, the actual and effective prohibition on moratoria to amend local policies in response to such changes and the significant adverse consequences for noncompliance with Federal and State law, the City Council desires to add Chapter 12.28 of the Suisun City Municipal Code, entitled "Chapter 12.28 - WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY" (the "Ordinance") to allow greater flexibility and responsiveness to the new Federal and State laws while still preserving the City's traditional authority to the maximum extent practicable.

E. The City Council of the City of Suisun City deems it necessary to adopt an urgency ordinance pursuant to Government Code Section 36937(b) to add regulations to the Suisun City Municipal Code to regulate the placement of SWFs and WCFs in the public rights-of-way, finding the urgency to do so based upon the following facts:

- i. The global wireless telecommunications industry has developed and is starting to install SWFs primarily in public rights-of-way. SWFs are designed to accommodate "5G" technology. Wireless telecommunications providers have made inquiries with the City of Suisun City and other California cities about installing SWFs in municipal rights-of-way, and some other California cities are already receiving applications for such facilities.
- ii. The Federal Telecommunications Act of 1996 preempts and declares invalid all state and local rules that restrict entry or limit competition in both local and long-distance telephone service, and the FCC has adopted regulations for the implementation of that Act.
- iii. Section 7901 of the California Public Utilities Code authorizes telephone and telegraph corporations to construct telephone or telegraph lines along and upon any public road or highway, along or across any of the waters or

lands within this state, and to erect poles, posts, piers, or abatements for supporting the insulators, wires, and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the road or highway or interrupt the navigation of the waters.

- iv. Section 7901.1 of the California Public Utilities Code confirms the right of municipalities to exercise reasonable control as to the time, place, and manner in which roads, highways, and waterways are accessed, which control must be applied to all entities in an equivalent manner and may involve the imposition of fees.
- v. The FCC adopted its FCC Ruling expressly to "reduce regulatory barriers to the deployment of wireless infrastructure and to ensure that our nation remains the leader in advanced wireless services and wireless technology." (FCC Ruling, ¶29.) The FCC Ruling is intended to facilitate the spread, growth, and accumulation of SWFs over a short period of time in order to enable deployment of technology that the FCC Ruling claims will enable increased competition in healthcare, Internet of Things applications, lifesaving car technologies, and creation of jobs.
- vi. SWFs are primarily installed within public rights-of-way and as such create significant and far-reaching local concerns about traffic and pedestrian safety, land use conflicts and incompatibilities including excessive height of poles and towers; creation of visual and aesthetic blights arising from excessive size, heights, noise or lack of camouflaging of wireless facilities including the associated pedestals, meters, equipment and power generators, and protection and preservation of public property, all of which may negatively impact the unique quality and character of the City and the public health, safety and welfare thereof. Accordingly, regulating the installation of SWFs in the public right-of-way is necessary to protect and preserve the aesthetics in the community, as well as the values of properties within the City.
- vii. The FCC Ruling sets forth new standards for state and local government regulations of SWFs, which standards restrict the aesthetic requirements that localities can impose upon such facilities. Any aesthetic standard adopted by cities must be: (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) objective and published in advance.
- viii. That portion of the FCC Ruling requiring aesthetic standards for SWFs to be reasonable, no more burdensome than on other infrastructure, and objective and pre-published, goes into effect April 15, 2019. Standards that are not published in advance of that date will not be enforceable as to any application incoming to the City until proper standards are published. Ad hoc aesthetic standards are not enforceable. Cities that have aesthetic, spacing, or undergrounding standards currently in place may continue to

judge applications against their current standards. However, by April 15, cities may only enforce aesthetic, undergrounding and spacing standards that are reasonable, no more burdensome than those applied to other types of infrastructure deployments, and objective and published in advance.

- ix. Without the immediate implementation through an urgency ordinance of regulations specific to the siting of SWFs in the public right-of-way, the City Council will be unable to adopt and implement such regulations before the April 15, 2019 effective date for design standards. SWFs could therefore be approved that are inconsistent with the regulations being developed by the City as permitted by federal and state laws.

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

SECTION 1. The facts set forth in the recitals in this Ordinance are true and correct and incorporated by reference. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in the Ordinance.

SECTION 2. The Ordinance is consistent with the City’s General Plan, Suisun City Municipal Code, Suisun City Zoning Code and applicable Federal and State law.

SECTION 3. The Ordinance will not be detrimental to the public interest, health, safety, convenience or welfare.

SECTION 4. The Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City’s boundaries. The Ordinance is further exempt from CEQA because the City Council’s adoption of the Ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (State CEQA Guidelines, § 15061(b)(3)). Installations, if any, would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land).

SECTION 5. The Ordinance is hereby adopted by the addition of a new Chapter 12.28, “WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY” in Title 12 of the Suisun City Municipal Code to read in its entirety as shown in Exhibit “A” attached hereto and incorporated herein by this reference.

SECTION 6. Based on the foregoing recitals and all facts of record stated before the City Council, the City Council finds and determines that the immediate preservation of the public health, safety and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b), and take effect immediately upon adoption.

- x. SWFs are primarily installed within public rights-of-way and as such create significant and far-reaching local concerns about traffic and pedestrian safety, land use conflicts and incompatibilities including excessive height of poles and towers; creation of visual and aesthetic blights arising from excessive size, heights, noise or lack of camouflaging of wireless facilities including the associated pedestals, meters, equipment and power generators, and protection and preservation of public property, all of which may negatively impact the unique quality and character of the City and the public health, safety and welfare thereof.
- xi. Accordingly, regulating the installation of SWFs in the public right-of-way is necessary to protect and preserve the aesthetics in the community, as well as the values of properties within the City.
- xii. However, that portion of the FCC Ruling requiring aesthetic standards for SWFs to be reasonable, no more burdensome than on other infrastructure, and objective and pre-published, goes into effect April 15, 2019. Standards that are not published in advance of that date will not be enforceable as to any application incoming to the City until proper standards are published.
- xiii. Furthermore, pursuant to the FCC Ruling, new shortened Shot-Clocks have already taken effect with respect to SWFs (either 60 or 90 days for full determination upon each application, including all notice periods, supplemental permits, and appeal periods). These shorter timeframes leave the City with inadequate time and resources to timely process incoming SWF applications under federal law absent significant streamlining of the City's current practices and procedures. Therefore, it is of utmost need for the City to immediately establish a streamlined process for SWF application review.

Therefore, this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and its urgency is hereby declared.

SECTION 7. If the provisions in this Ordinance conflict in whole or in part with any other City regulation or ordinance adopted prior to the effective date of this section, the provisions in this Ordinance will control.

SECTION 8. If any subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or otherwise unenforceable, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declare that they would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional or otherwise unenforceable.

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SECTION 9. This Ordinance is hereby declared to be an urgency measure and shall become effective immediately upon adoption by at least a four-fifths (4/5) vote of the City Council pursuant to Government Code section 36937(b).

SECTION 10. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Suisun City.

ADOPTED, SIGNED and APPROVED this __ day of _____, 2019.

MAYOR, Lori Wilson

ATTEST:

City Clerk, Linda Hobson

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STATE OF CALIFORNIA)
COUNTY OF _____)
CITY OF _____)

I, _____, CITY CLERK OF THE CITY OF _____, DO HEREBY CERTIFY that the foregoing Ordinance Number _____ was duly adopted by the City Council of the City of _____ at a regular meeting of said Council on the __ day of _____, 2019, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

City Clerk, _____

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**Chapter 12.28 - WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC
RIGHT-OF-WAY**

12.28.010 - PURPOSE.

The purpose and intent of this chapter is to provide a uniform and comprehensive set of regulations and standards for the permitting, development, siting, installation, design, operation and maintenance of wireless telecommunications facilities in the city's public right-of-way. These regulations are intended to prescribe clear and reasonable criteria to assess and process applications in a consistent and expeditious manner, while reducing the impacts associated with wireless telecommunications facilities. This chapter provides standards necessary (1) for the preservation of the public right-of-way ("PROW") in the city for the maximum benefit and use of the public, (2) to promote and protect public health and safety, community welfare, visual resources and the aesthetic quality of the city consistent with the goals, objectives and policies of the general plan, and (3) to provide for the orderly, managed and efficient development of wireless telecommunications facilities in accordance with the state and federal laws, rules and regulations, including those regulations of the Federal Communications Commission ("FCC") and California Public Utilities Commission ("CPUC"), and (4) to ensure that the use and enjoyment of the PROW is not inconvenienced by the use of the PROW for the placement of wireless facilities. The city recognizes the importance of wireless facilities to provide high-quality communications service to the residents and businesses within the city, and the city also recognizes its obligation to comply with applicable Federal and State laws. This chapter shall be constructed and applied in consistency with the provisions of state and federal laws, and the rules and regulations of FCC and CPUC. In the event of any inconsistency between any such laws, rules and regulations and this chapter, the laws, rules and regulations shall control.

12.28.020 - DEFINITIONS.

"Accessory equipment" means any and all on-site equipment, including, without limitation, back-up generators and power supply units, cabinets, coaxial and fiber optic cables, connections, equipment buildings, shelters, radio transceivers, transmitters, pedestals, splice boxes, fencing and shielding, surface location markers, meters, regular power supply units, fans, air conditioning units, cables and wiring, to which an antenna is attached in order to facilitate the provision of wireless telecommunication services.

"Antenna" means that specific device for transmitting and/or receiving radio frequency or other signals for purposes of wireless telecommunications services. "Antenna" is specific to the antenna portion of a wireless telecommunications facility.

"Antenna array" shall mean two or more antennas having active elements extending in one or more directions, and directional antennas mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support, all of which elements are deemed to be part of the antenna.

"Base station" shall have the meaning as set forth in Title 47 Code of Federal Regulations (C.F.R.) Section 1.40001(b)(1), or any successor provision. This means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network (regardless of the technological configuration, and encompassing DAS

and small cells). “Base station” does not encompass a tower or any equipment associated with a tower. Base station includes, without limitation:

1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small cells).
3. Any structure other than a tower that, at the time the relevant application is filed with the city under this chapter, supports or houses equipment described in paragraphs 1 and 2 of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
4. “Base station” does not include any structure that, at the time the relevant application is filed under this chapter, does not support or house equipment described in paragraphs 1 and 2 of this definition. Other structures that do not host wireless telecommunications facilities are not “base stations.”

As an illustration and not a limitation, the FCC’s definition of “base station” refers to any structure that actually supports wireless equipment even though it was not originally intended for that purpose. Examples include, but are not limited to, wireless facilities mounted on buildings, utility poles, light standards or traffic signals. A structure without wireless equipment replaced with a new structure designed to bear the additional weight from wireless equipment constitutes a base station.

“Cellular” means an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.

“City” means the City of Suisun City.

“Code” means the Suisun City Municipal Code.

“Collocation” bears the following meanings:

1. For the purposes of any eligible facilities request, the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(2), as may be amended, which defines that term as “[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.” As an illustration and not a limitation, the FCC’s definition means to add transmission equipment to an existing facility and does not necessarily refer to two or more different facility operators in the same location; and
2. For all other purposes, the same as defined in 47 CFR 1.6002(g)(1) and (2), as may be amended, which defines that term as (1) Mounting or installing an antenna facility on a pre-existing structure, and/or (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

“Collocation facility” means the eligible support structure on, or immediately adjacent to, which a collocation is proposed, or a wireless telecommunications facility that includes collocation facilities. (See, Gov. Code, § 65850.6(d).)

“COW” means a “cell on wheels,” which is a portable, self-contained wireless telecommunications facility that can be moved to a location and set up to provide wireless telecommunication services, which facility is temporarily rolled in, or temporarily installed, at a location. Under this chapter, the maximum time a facility can be installed to be considered a COW is five (5) days. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

“Distributed antenna system” or “DAS” means a network of spatially separated antennas (nodes) connected to a common source (a hub) via a transport medium (often fiber optics) that provide wireless telecommunications service within a specific geographic area or building. DAS includes the transport medium, the hub, and any other equipment to which the DAS network or its antennas or nodes are connected to provide wireless telecommunication services.

“Eligible facilities request” means any request for modification to an existing eligible support structure that does not substantially change the physical dimensions of such structure, involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment;
3. Replacement of transmission equipment (replacement does not include completely replacing the underlying support structure); or
4. Hardening through structural enhancement where such hardening is necessary to accomplish the eligible facilities request, but does not include replacement of the underlying support structure.

“Eligible facilities request” does not include modifications or replacements when an eligible support structure was constructed or deployed without proper local review, was not required to undergo local review, or involves equipment that was not properly approved. “Eligible facilities request” does include collocation facilities satisfying all the requirements for a non-discretionary collocation facility pursuant to Government Code Section 65850.6.

“Eligible support structure” means any support structure located in the PROW that is existing at the time the relevant application is filed with the city under this chapter.

“Existing” means a support structure, wireless telecommunications facility, or accessory equipment that has been reviewed and approved under the city’s applicable zoning or siting process, or under another applicable state or local regulatory review process, and lawfully constructed prior to the time the relevant application is filed under this chapter. However, a support structure, wireless telecommunications facility, or accessory equipment that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is “existing” for purposes of this chapter. “Existing” does not apply to any structure that (1) was illegally constructed without all proper local agency approvals, or (2) was constructed in noncompliance with such approvals. “Existing” does not apply where an existing support structure is proposed to be replaced in furtherance of the proposed wireless telecommunications facility.

“Facility(ies)” means wireless telecommunications facility(ies).

“FCC” means the Federal Communications Commission.

“Ground-mounted” means mounted to a pole, tower or other freestanding structure which is specifically constructed for the purpose of supporting an antenna or wireless telecommunications facility and placed directly on the ground at grade level.

“Lattice tower” means an open framework structure used to support one or more antennas, typically with three or four support legs.

“Located within (or in) the public right-of-way” includes any facility which in whole or in part, itself or as part of another structure, rests upon, in, over or under the PROW.

“Modification” means a change to an existing wireless telecommunications facility that involves any of the following: collocation, expansion, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, changes in size, shape, color, visual design, or exterior material. “Modification” does not include repair, replacement or maintenance if those actions do not involve whatsoever any expansion, alteration, enlargement, intensification, reduction, or augmentation of an existing wireless telecommunications facility.

“Monopole” means a structure composed of a pole or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm and similar monopoles camouflaged to resemble faux trees or other faux objects attached on a monopole (e.g. water tower).

“Mounted” means attached or supported.

“OTARD antennas” means antennas covered by the “over-the-air reception devices” rule in 47 C.F.R. sections 1.4000 et seq. as may be amended or replaced from time to time.

“Permittee” means any person or entity granted a WTFP pursuant to this chapter.

“Personal wireless services” shall have the same meaning as set forth in 47 United States Code Section 332(c)(7)(C)(i).

“Planning director” means the director of planning, or his or her designee.

“Pole” means a single shaft of wood, steel, concrete or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of this code.

“Public works director” means the director of public works, or his or her designee.

“Public right-of-way” or “PROW” means a strip of land acquired by reservation, dedication, prescription, condemnation, or easement that allows for the passage of people and goods. The PROW includes, but is not necessarily limited to, streets, curbs, gutters, sidewalks, roadway medians, and parking strips. The PROW does not include lands owned, controlled or operated by the city for uses unrelated to streets or the passage of people and goods, such as, without limitation, parks, city hall and community center lands, city yards, and lands supporting reservoirs, water towers, police or fire facilities and non-publicly accessible utilities.

“Replacement” refers only to replacement of transmission equipment, wireless telecommunications facilities or eligible support structures where the replacement structure will be of like-for-like kind to resemble the appearance and dimensions of the structure or equipment replaced, including size, height, color, landscaping, materials and style. I

1. In the context of determining whether an application qualifies as an eligible facilities request, the term “replacement” relates only to the replacement of transmission equipment and does not include replacing the support structure on which the equipment is located.
2. In the context of determining whether a SWF application qualifies as being placed upon a new eligible support structure or qualifies as a collocation, an application proposing the “replacement” of the underlying support structure qualifies as a new pole proposal.

“RF” means radio frequency.

“Small cell” means a low-powered antenna (node) that has a range of 10 meters to two kilometers. The nodes of a “small cell” may or may not be connected by fiber. “Small,” for purposes of “small cell,” refers to the area covered, not the size of the facility. “Small cell” includes, but is not limited to, devices generally known as microcells, picocells and femtocells.

“Small cell network” means a network of small cells.

“Spectrum Act” means Section 6409(a) of the Middle Class Tax Relief Act and Job Creation Act of 2012, 47 U.S.C. §1455(a).

“Substantial change” has the same meaning as “substantial change” as defined by the FCC at 47 C.F.R. 1.40001(b)(7). Notwithstanding the definition above, if an existing pole-mounted cabinet is proposed to be replaced with an underground cabinet at a facility where there are no pre-existing ground cabinets associated with the structure, such modification may be deemed a non-substantial change, in the discretion of the public works director and based upon his/her reasonable consideration of the cabinet’s proximity to residential view sheds, interference to public views and/or degradation of concealment elements. If undergrounding the cabinet is technologically infeasible such that it is materially inhibitive to the project, the public works director may allow for a ground mounted cabinet. A modification or collocation results is a “substantial change” to the physical dimensions of an eligible support structure if it does any of the following:

1. It increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
2. It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
3. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets. However, for towers and base stations located in the public rights-of-way, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are

more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

4. It entails any excavation or deployment outside the current site. For purposes of this Subsection, excavation outside the current site occurs where excavation more than twelve feet from the eligible support structure is proposed;
5. It defeats the concealment or stealthing elements of the eligible support structure; or
6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs 1 through 4 of this definition.
7. For all proposed collocations and modifications, a substantial change occurs when:
 - a. The proposed collocation or modification involves more than the standard number of new equipment cabinets for the technology involved, but not to exceed four equipment cabinets;
 - a. The proposed collocation or modification would defeat the concealment elements of the support structure; or
 - b. The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval that is inconsistent with the thresholds for a substantial change described in this Section.

The thresholds and conditions for a “substantial change” described in this Section are disjunctive such that the violation of any individual threshold or condition results in a substantial change. The height and width thresholds for a substantial change described in this Section are cumulative for each individual support structure. The cumulative limit is measured from the physical dimensions of the original structure for base stations, and for all other facilities sites in the PROW from the smallest physical dimensions that existed on or after February 22, 2012, inclusive of originally approved-appurtenances and any modifications that were approved prior to that date.

“Support structure” means a tower, pole, base station or other structure used to support a wireless telecommunications facility.

“SWF” means a “small wireless facility” as defined by the FCC in 47 C.F.R. 1.6002(l) as may be amended, which are personal wireless services facilities that meet all the following conditions that, solely for convenience, have been set forth below:

1. The facilities:
 - a. Is mounted on an existing or proposed structure 50 feet or less in height, including antennas, as defined in Title 47 C.F.R. Section 1.1320(d); or

- c. Is mounted on an existing or proposed structure no more than 10 percent taller than other adjacent structures, or
 - d. Does not extend an existing structure on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
2. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume;
 3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
 4. The facility does not require antenna structure registration under 47 C.F.R. Part 17;
 5. The facility is not located on Tribal lands, as defined under Title 36 C.F.R. Section 800.16(x); and
 6. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in Title 47 C.F.R. Section 1.1307(b).

“SWF Regulations” means those regulations adopted by the city council (City Council Policy 2019-01) implementing the provisions of this chapter applicable to SWFs and further regulations and standards applicable to SWFs.

“Telecommunications tower” or “tower” bears the meaning ascribed to wireless towers by the FCC in 47 C.F.R. § 1.40001(b)(9), including without limitation a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

“Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

“Utility pole” means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission. A telecommunications tower is not a utility pole.

“Wireless telecommunications facility” means equipment and network components such as antennas, accessory equipment, support structures, and emergency power systems that are integral to providing wireless telecommunications services. Exceptions: The term “wireless telecommunications facility” does not apply to the following:

1. Government-owned and operated telecommunications facilities.
2. Emergency medical care provider-owned and operated telecommunications facilities.
3. Mobile services providing public information coverage of news events of a temporary nature.
4. Any wireless telecommunications facilities exempted from this code by federal law or state law.

“Wireless telecommunications services” means the provision of services using a wireless telecommunications facility or a collocation facility, and shall include, but not limited to, the following services: personal wireless services as defined in the federal Telecommunications Act of 1996 at 47 U.S.C. § 332(c)(7)(C) or its successor statute, cellular service, personal communication service, and/or data radio telecommunications.

“WTFP” means a “wireless telecommunications facility permit” required by this chapter, which may be categorized as either a Major WTFP or an Administrative WTFP.

12.28.030 - APPLICABILITY.

- A. This chapter applies to the siting, construction or modification of any and all wireless telecommunications facilities proposed to be located in the public right-of-way as follows:
- B. Pre-existing Facilities in the ROW. Nothing in this chapter shall validate any existing illegal or unpermitted wireless facilities. All existing wireless facilities shall comply with and receive a wireless encroachment permit, when applicable, to be considered legal and conforming.
- C. This chapter does not apply to the following:
 1. Amateur radio facilities;
 2. OTARD antennas;
 3. Facilities owned and operated by the city for its use or for public safety purposes;
 4. Any entity legally entitled to an exemption pursuant to state or federal law or governing franchise agreement, excepting that to the extent such the terms of state or federal law, or franchise agreement, are preemptive of the terms of this chapter, then the terms of this chapter shall be severable to the extent of such preemption and all remaining regulations shall remain in full force and effect.
 5. Installation of a COW or a similar structure for a temporary period in connection with an emergency or event at the discretion of the public works director, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement, or removal of existing facilities.
- D. Public use. Except as otherwise provided by state or federal law, any use of the PROW authorized pursuant to this chapter will be subordinate to the city’s use and use by the public.

12.28.040 - WIRELESS TELECOMMUNICATIONS FACILITY PERMIT REQUIREMENTS.

- A. Administration. Unless a matter is referred to the planning director as provided below, The public works director is responsible for administering this chapter. As part of the administration of this chapter, the public works director may:
1. Interpret the provisions of this chapter;
 2. Develop and implement standards governing the placement and modification of wireless telecommunications facilities consistent with the requirements of this chapter, including regulations governing collocation and resolution of conflicting applications for placement of wireless facilities;
 3. Develop and implement acceptable design, location and development standards for wireless telecommunications facilities in the PROW, taking into account the zoning districts bounding the PROW;
 4. Develop forms and procedures for submission of applications for placement or modification of wireless facilities, and proposed changes to any support structure consistent with this chapter;
 5. Collect, as a condition of the completeness of any application, any fee established by this chapter;
 6. Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with federal laws and regulations;
 7. Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued;
 8. Require, as part of, and as a condition of completeness of any application, that an applicant for a wireless encroachment permit send notice to members of the public that may be affected by the placement or modification of the wireless facility and proposed changes to any support structure;
 9. Subject to appeal as provided herein, determine whether to approve, approve subject to conditions, or deny an application; and
 10. Take such other steps as may be required to timely act upon applications for placement of wireless telecommunications facilities, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.
- B. Administrative Wireless Telecommunications Facilities Permits (“Administrative WTFP”).
1. An Administrative WTFP, subject to the public works director’s approval, may be issued for wireless telecommunications facilities, collocations, modifications or replacements to an eligible support structure that meet the following criteria:

- a. The proposal is determined to be for a SWF; or
 - b. The proposal is determined to be an eligible facilities request; or
 - c. Both.
2. In the event that the public works director determines that any application submitted for an Administrative WTFP does not meet the administrative permit criteria of this chapter, the public works director shall convert the application to a Major WTFP and refer it to the planning director for planning commission hearing.
 3. Except in the case of an eligible facilities request, the public works director may refer, in his/her discretion, any application for an Administrative WTFP to the planning director, who shall have discretion to further refer the application to planning commission for hearing. If the planning director determines not to present the Administrative WTFP application to the planning commission for hearing, the application shall be relegated back to the public works director for processing. This exercise of discretion shall not apply to an eligible facilities request.
- C. Major Wireless Telecommunications Facilities Permit (“Major WTFP”). All other new wireless telecommunications facilities or replacements, collocations, or modifications to a wireless telecommunications facility that are *not* qualified for an Administrative WTFP shall require a Major WTFP subject to planning commission hearing and approval unless otherwise provided for in this chapter.
- D. Special Provisions for SWFs; SWF Regulations. Notwithstanding any other provision of this chapter as provided herein, all SWFs are subject to a permit as specified in the SWF Regulations, which is adopted and may be amended by city council resolution. All SWFs, shall comply with the SWF Regulations, as they may be amended from time to time.
1. The SWF Regulations are intended to be constructed in consistency with, and addition to, the terms and provisions of this chapter. To the extent general provisions of this chapter are lawfully applicable to SWFs, such terms shall apply unless in contradiction to more specific terms set forth in the SWF Regulations, in which case the more specific terms of the SWF Regulations shall control.
- E. Other Permits Required. In addition to any permit that may be required under this chapter, the applicant must obtain all other required prior permits or other approvals from other city departments, or state or federal agencies. Any permit granted under this chapter is subject to the conditions and/or requirements of other required prior permits or other approvals from other city departments, state or federal agencies. Building and encroachment permits, and all city standards and requirements therefor, are applicable.
- F. Eligible Applicants. Only applicants who have been granted the right to enter the PROW pursuant to state or federal law, or who have entered into a franchise agreement with the city permitting them to use the PROW, shall be eligible for a WTFP pursuant to this chapter.

12.28.050 - APPLICATION FOR WIRELESS TELECOMMUNICATIONS FACILITY PERMITS.

- A. Generally. Unless the SWF Regulations specifically provide otherwise, the applicant shall submit a paper copy and an electronic copy of any application, amendments, or supplements to a WTFP application, or responses to requests for information regarding an WTFP, in accordance with the provisions of this section. SWF applications shall be governed by any additional terms set forth in the SWF Regulations, and in the event of an inconsistency between the provisions of this Section and the terms of the SWF Regulations, the Regulations shall control.
1. All applications for WTFPs shall be initially submitted to the public works director. In addition to the information required of an applicant for an encroachment permit or any other permit required by this code, each applicant shall fully and completely submit to the city a written application on a form prepared by the public works director and published on the city's website.
 2. Application Submittal Appointment. All WTFP applications must be submitted to the public works director at a pre-scheduled application submission appointment. City staff will endeavor to provide applicants with an appointment within five business days after receipt of a written request. A WTFP application will only be reviewed upon submission of a complete application therefor.
 3. If the wireless telecommunications facility will also require the installation of fiber, cable or coaxial cable, such cable installations shall be included within the application form and processed in conjunction with the proposal for vertical support structure(s). Applicants shall simultaneously request fiber installation or other cable installation when seeking to install antennas in the PROW. Standalone applications for the installation of fiber, cable or coaxial cable, or accessory equipment designed to serve an antenna must include all features of the wireless telecommunications facility proposed.
- B. Application Contents—Administrative WTFPs. The content of the application form for facilities subject to an Administrative WTFP shall be determined by the public works director, but at a minimum shall include the following:
1. The name of the applicant, its telephone number and contact information, and if the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider that will be using the wireless facility.
 2. The name of the owner of the structure, if different from the applicant, and a signed and notarized owner's authorization for use of the structure.
 3. A complete description of the proposed wireless telecommunications facility and any and all work that will be required to install or modify it, including, but not limited to, detail regarding proposed excavations, if any; detailed site plans showing the location of the wireless telecommunications facility, and dimensioned drawings with specifications for each element of the wireless facility, clearly describing the site and all structures and facilities at the site before and after installation or modification; and

a dimensioned map identifying and describing the distance to the nearest residential dwelling unit and any historical structure within 500 feet of the facility. Before and after 360 degree photo simulations must be provided.

4. Documentation sufficient to show that the proposed facility will comply with generally-applicable health and safety provisions of the Municipal Code and the FCC's radio frequency emissions standards.
 5. A copy of the lease or other agreement, if any, between the applicant and the owner of the property to which the proposed facility will be attached.
 6. If the application is for a SWF, the application shall state as such and shall explain why the proposed facility meets the definition of a SWF.
 7. If the application is for an eligible facilities request, the application shall state as such and must contain information sufficient to show that the application qualifies as an eligible facilities request, which information must demonstrate that the eligible support structure was not constructed or deployed without proper local review, was not required to undergo local review, or involves equipment that was not properly approved. This shall include copies of all applicable local permits in-effect and as-built drawings of the current site. Before and after 360 degree photo simulations must be provided, as well as documentation sufficient to show that the proposed facility will comply with generally-applicable health and safety provisions of the Municipal Code and the FCC's radio frequency emissions standards.
 8. For SWFs, the application must contain all additional application information, if any, required by the SWF Regulations.
 9. The Administrative WTFP applicant shall submit a mailing list and envelopes, stamped and addressed, for all properties and record owners of properties within 300 feet of the project location. Insufficient postage and/or illegible addressing shall be a basis to deem the application incomplete.
 10. If the applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of federal law, or otherwise violate applicable law, the application must provide all information on which the applicant relies on in support of that claim. Applicants are not permitted to supplement this showing if doing so would prevent the City from complying with any deadline for action on an application.
- C. Application Contents—Major WTFPs. The public works director shall develop an application form and make it available to applicants upon request and post the application form on the city's website. The application form for a Major WTFP shall require the following information, in addition to all other information determined necessary by the public works director:
1. The name, address and telephone number of the applicant, owner and the operator of the proposed wireless telecommunication facility.

2. If the applicant does not, or will not, own the support structure, the applicant shall provide a duly-executed letter of authorization from the owner of the structure. If the owner of the support structure is the applicant, but such owner/applicant will not directly provide wireless telecommunications services, the owner/applicant shall provide a duly-executed letter of authorization from the person(s) or entity(ies) that will provide those services.
3. A full written description of the proposed wireless telecommunications facility and its purpose.
4. Detailed engineering plans of the proposed wireless telecommunications facility and related report prepared by a professional engineer registered in the state documenting the following:
 - a. Height/elevation, diameter, layout and design of the facility, including technical engineering specifications, economic and other pertinent factors governing selection of the proposed design, together with evidence that demonstrates that the proposed facility has been designed to be the least intrusive equipment within the particular technology available to the carrier for deployment.
 - b. A photograph and model name and number of each piece of the facility or proposed antenna array and accessory equipment included.
 - c. Power output and operating frequency for the proposed antenna array (including any antennas existing as of the date of the application serving the carrier identified in the application).
 - d. Total anticipated capacity of the wireless telecommunications facility for the subject carrier, indicating the number and types of antennas and power and frequency ranges, which can be accommodated.
 - e. Sufficient evidence of the structural integrity of the support structure as required by the city.
5. A written description identifying the geographic service area to be served by the proposed WTFP, plus geographic or propagation maps showing applicant's service area objectives.
6. A justification study which includes the rationale for selecting the proposed wireless telecommunication facility design, support structure and location. A detailed explanation of the applicant's coverage objectives that the proposal would serve, and how the proposed use is the least intrusive means for the applicant to cover such objectives. This shall include:
 - a. A meaningful comparative analysis that includes the factual reasons why the proposed location and design deviates is the least noncompliant or intrusive location and design necessary to reasonably achieve the applicant's reasonable

objectives of covering an established significant gap (as established under state and federal law).

- b. Said study shall include all eligible support structures and/or alternative sites evaluated for the proposed WTFP, and why said alternatives are not reasonably available, technically feasible options that most closely conform to the local values. The alternative site analysis must include the consideration of at least two eligible support structures; or, if no eligible support facilities are analyzed as alternatives, why no eligible support facilities are reasonably available or technically feasible.
 - c. If a portion of the proposed facility lies within a jurisdiction other than the city's jurisdiction, the applicant must demonstrate that alternative options for locating the project fully within one jurisdiction or the other is not a viable option. Applicant must demonstrate that it has obtained all approvals from the adjacent jurisdiction for the installation of the extra-jurisdictional portion of the project.
7. Site plan(s) to scale, specifying and depicting the exact proposed location of the proposed wireless telecommunications facility, location of accessory equipment in relation to the support structure, access or utility easements, existing utilities, adjacent land uses, and showing compliance with all design and safety requirements set forth in this chapter.
 8. A completed environmental assessment application, or in the alternative any and all documentation identifying the proposed WTFP as exempt from environmental review (under the California Environmental Quality Act, Public Resources Code 21000–21189, the National Environmental Policy Act, 42 U.S.C. §4321 *et seq.*, or related environmental laws). Notwithstanding any determination of environmental exemption issued by another governmental entity, the city reserves its right to exercise its rights as a responsible agency to review *de novo* the environmental impacts of any WTFP application.
 9. An accurate visual impact analysis showing the maximum silhouette, view-shed analysis, color and finish palette and proposed screening for the wireless telecommunications facility, including scaled photo simulations from at least three different angles.
 10. Completion of the radio frequency (RF) emissions exposure guidelines checklist contained in Appendix A to the FCC's "Local Government Official's Guide to Transmitting Antenna RF Emission Safety" to determine whether the facility will be "categorically excluded" as that term is used by the FCC.
 11. For a facility that is not categorically excluded under the FCC regulations for RF emissions, the applicant shall submit an RF exposure compliance report prepared and certified by an RF engineer acceptable to the city that certifies that the proposed facility, as well as any facilities that contribute to the cumulative exposure in the subject area, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective

radio power “ERP”) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.

12. Copies of any documents that the applicant is required to file pursuant to Federal Aviation Administration regulations for the proposed wireless telecommunications facility.
 13. A noise study prepared by a qualified acoustic engineer documenting that the level of noise to be emitted by the proposed wireless telecommunications facility will comply with this code, including Chapter 8.28 (Noise) of this code.
 14. A traffic control plan when the proposed installation is on any street in a non-residential zone. The city shall have the discretion to require a traffic control plan when the applicant seeks to use large equipment (e.g. crane).
 15. A scaled conceptual landscape plan showing existing trees and vegetation and all proposed landscaping, concealment, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the wireless telecommunication facility.
 16. Certification that applicant is a telephone corporation or a statement providing the basis for its claimed right to enter the right-of-way. If the applicant has a certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission, it shall provide a copy of its CPCN.
 17. Evidence that the proposed wireless facility qualifies as a “personal wireless services facility” as defined in United States Code, Title 47, Section 332(c)(7)(C)(ii).
 18. Address labels for use by the city in noticing all property owners within 500 feet of the proposed wireless telecommunication facility and, if applicable, all public hearing information required by the municipal code for public noticing requirements.
 19. Any other information and/or studies reasonably determined to be necessary by the public works or planning director(s) may be required.
- D. Fees and Deposits Submitted with Application(s). For all WTFPs, application fee(s) shall be required to be submitted with any application, as established by city council resolution and in accordance with California Government Code Section 50030. Notwithstanding the foregoing, no application fee shall be refundable, in whole or in part, to an applicant for a WTFP unless paid as a refundable deposit.
- E. Independent Expert. The public works and/or planning director, as applicable, is authorized to retain on behalf of the city one or more independent, qualified consultant(s) to review any WTFP application. The review is intended to be a review of technical aspects of the proposed

wireless telecommunications facility and shall include, but not limited to, application completeness or accuracy, structural engineering analysis, or compliance with FCC radio frequency emissions standards.

- F. **Costs.** Reasonable costs of city staff, consultant and attorney time (including that of the city attorney) pertaining to the review, processing, noticing and hearing procedures directly attributable to a WTFP shall be reimbursable to the City. To this end, the public works and/or planning director, as applicable, may require applicants to enter a trust/deposit reimbursement agreement, in a form approved by the city attorney, or other established trust/deposit accounting mechanism for purposes of obtaining an applicant deposit from which the direct costs of City processing of an application may be drawn-down.
- G. **Effect of State or Federal Law on Application Process.** In the event a state or federal law prohibits the collection of any information or application conditions required by this Section, the public works director is authorized to omit, modify or add to that request from the city's application form in consultation with the city attorney. Requests for waivers from any application requirement of this Section shall be made in writing to the public works director or his or her designee. The public works director may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of a waiver, the city will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the WTFP sought. All waivers approved pursuant to this Subsection shall be (1) granted only on a case-by-case basis, and (2) narrowly-tailored to minimize deviation from the requirements of the municipal code.
- H. **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, any application governed under this chapter will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the city on any application within thirty (30) calendar days after the application is deemed incomplete in a written notice to the applicant. The public works or planning director (as applicable) may, in his/her discretion, grant a written extension for up to an additional thirty (30) calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension.
- I. **Waiver of Applications Superseded by Submission of New Project.** If an applicant submits a WTFP application, but substantially revises the proposed facility during the application process prior to any city hearing or decision on such application, the substantially revised application shall be deemed a new application for all processing purposes, including federal shot clocks, and the prior submittals deemed waived and superseded by the substantially revised application. For purposes of this subparagraph, "substantially revised" means that the project as initially-proposed has been alternately proposed for a location 300 feet or more from the original proposal or constitutes a substantial change in the dimensions or equipment that was proposed in the original WTFP application.
- J. **Rejection for Incompleteness.** WTFPs will be processed, and notices of incompleteness provided, in conformity with state, local, and federal law. If such an application is incomplete, it may be rejected by the public works director by notifying the applicant in writing and specifying the material omitted from the application.

12.28.060 - REVIEW PROCEDURE.

- A. Generally. Wireless telecommunications facilities shall be installed and modified in a manner that minimizes risks to public safety and utilizes installation of new support structures or equipment cabinets in the PROW only after all existing and replacement structure options have been exhausted, and where feasible, places equipment underground, and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located; ensures that installations are subject to periodic review to minimize the intrusion on the PROW; and ensures that the City bears no risk or liability as a result of the installations, and that such use does not inconvenience the public, interfere with the primary uses of the ROW, or hinder the ability of the City or other government agencies to improve, modify, relocate, abandon, or vacate the PROW or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the PROW.
- B. Collocation Encouraged. Where the facility site is capable of accommodating a collocated facility upon the same site in a manner consistent with the permit conditions for the existing facility, the owner and operator of the existing facility shall allow collocation of third-party facilities, provided the parties can mutually agree upon reasonable terms and conditions.
- C. Findings Required for Approval.
1. Administrative WTFP Applications for SWFs. For WTFP applications proposing a SWF, the public works director or planning director, as the case may be, shall approve such application if, on the basis of the application and other materials or evidence provided in review thereof, all of the following findings can be made:
 - a. The facility qualifies as a SWF; and
 - b. The facility meets all standards, requirements and further findings as may be specified in the SWF Regulations; and
 - c. The facility is not detrimental to the public health, safety, and welfare; and
 - d. The facility meets applicable requirements and standards of State and Federal law.
 2. Administrative WTFP Applications for Eligible Facility Requests. For WTFP applications proposing an eligible facilities request, the public works director shall approve such application if, on the basis of the application and other materials or evidence provided in review thereof, all of the following findings can be made:
 - a. That the application qualifies as an eligible facilities request; and
 - b. That the proposed facility will comply with all generally-applicable laws.
 3. Major WTFP Applications. No Major WTFP shall be granted unless all of the following findings are made by the applicable decision-maker:

- a. If applicable, all notices required for the proposed WTFP have been given, including the inclusion, or placement on-site, of photo simulations for the proposed facility.
 - b. The proposed wireless telecommunications facility has been designed and located in compliance with all applicable provisions of this chapter.
 - c. If applicable, the applicant has demonstrated its inability to locate on an eligible support structure.
 - d. The applicant has provided sufficient evidence supporting the applicant's claim that it has the right to enter the public right-of-way pursuant to state or federal law, or the applicant has entered into a franchise agreement with the city permitting them to use the public right-of-way.
 - e. The applicant has demonstrated the proposed installation is designed such that the proposed installation represents the least intrusive means possible, supported by factual evidence and a meaningful comparative analysis to show that all alternative locations and designs identified in the application review process were technically infeasible or not reasonably available.
- D. Notice; Decisions. The provisions in this Section describe the procedures for the approval process, any required notice and public hearings for a WTFP application.
1. Administrative WTFPs: Notice of a WTFP application for a SWF shall be mailed to owners and occupants of real property surrounding the proposed SWF site in the manner specified in the SWF Regulations. Applications qualifying for eligible facilities requests shall not require notice.
 2. Major WTFP Applications. Any Major WTFP application shall require notice and a public hearing. Notice of such hearing shall be provided in accordance with Government Code Section 65091. Public notices shall include color photo simulations from three different angles depicting the wireless telecommunication facility as proposed to be considered by the planning commission. If the application proposes the use of an existing or replacement eligible support structure, such simulations shall be posted upon the proposed support structure for a period of at least thirty (30) days prior to the date of approval; such posted simulations shall remain in-place until final decision on the application is reached.
 3. Written Decision Required for All WTFP Determinations. Unless otherwise specified for SWF's in the SWF Regulations, all final decisions made pursuant to this chapter, including those for administratively-processed permits and eligible facilities requests, shall be in writing and based on substantial evidence in the written administrative record. Within five days after any decision to grant, approve, deny or conditionally grant a WTFP application, the public works director or planning director, as applicable, shall provide written notice including the following:

- a. A general explanation of the decision, including the findings required for the decision, if any, and how those findings were supported or not supported by substantial evidence;
 - b. A general description of the property involved;
 - c. Information about applicable rights to appeal the decision and explanation of how that right may be exercised; and
 - d. To be given by first class mail to:
 - (i) The project applicant and property owner,
 - (ii) Any person who submitted written comments concerning the WTFP,
 - (iii) Any person who has filed a written request with the city to receive such notice, and
 - (iv) Any homeowner association on file with the city that has jurisdiction over the WTFP site.
4. Once a WTFP is approved, no changes shall be made to the approved plans without review and approval in accordance with this chapter.

E. Appeals.

1. Administrative WTFP Appeals. Any person claiming to be adversely affected by an administrative decision pursuant to this chapter may appeal such decision. The appeal will be considered by a hearing officer appointed by the city manager. The hearing officer may decide the issues de novo and whose written decision will be the final decision of the city. An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the wireless facility. Because Section 332(c)(7) of the Telecommunications Act preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, appeals of the administrative decision premised on the environmental effects of radio frequency emissions will not be considered.
 - a. Where the administrative decision grants an application based on a finding that denial would result in a prohibition or effective prohibition under applicable federal law, the decision shall be automatically appealed to the hearing officer. All appeals must be filed within two (2) business days of the written administrative decision, unless the public works director extends the time therefore. An extension may not be granted where extension would result in approval of the application by operation of law.
 - b. Any appeal shall be conducted so that a timely written decision may be issued in accordance with applicable law. For SWFs, the appeal shall be conducted in accordance with any procedures adopted in the SWF Regulations.

2. Appeals on Major WTFPs shall proceed as provided in accordance with the appeal provisions in Chapter 18.84 the Municipal Code (Appeals). The appellate authority may hear the appeal de novo.
- F. Notice of Shot Clock Expiration. The city acknowledges there are federal and state shot clocks which may be applicable to a proposed wireless telecommunications facility. That is, federal and state law provide time periods in which the city must approve or deny a proposed wireless telecommunications facility. As such, the applicant is required to provide the city written notice of the expiration of any shot clock, which the applicant shall ensure is received by the city (e.g. overnight mail) no later than 20 days prior to the expiration.

12.28.070 – DESIGN AND DEVELOPMENT STANDARDS.

- A. SWF Design and Development Standards. SWFs are subject to those design and development standards and conditions of approval set forth in the SWF Regulations. The city’s grant of a WTFP for a SWF does not waive, and shall not be construed to waive, any standing by the city to challenge any FCC orders or rules related to small cell facilities, or any modification to those FCC orders or rules.
- B. Eligible Facilities Request Design and Development Standards. Approved eligible facilities requests for which the findings set forth in Section 12.28.060 have been made are subject to the following conditions, unless modified by the approving authority:
1. WTFP subject to conditions of underlying permit. Any WTFP granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit and all such conditions that were applicable to the facility prior to approval of the subject eligible facility request.
 2. No permit term extension. The city’s grant or grant by operation of law of an eligible facilities request permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the city’s grant or grant by operation of law of a eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall have the same term as the underlying permit or other regulatory approval for the subject tower or base station.
 3. No waiver of standing. The city’s grant or grant by operation of law of an eligible facilities request does not waive, and shall not be construed to waive, any standing by the city to challenge Section 6409(a) of the Spectrum Act, any FCC rules that interpret Section 6409(a) of the Spectrum Act, or any modification to Section 6409(a) of the Spectrum Act.
- C. Major WTFP Design and Development Standards. All wireless telecommunications facilities subject to a Major WTFP that are located within the PROW shall be designed and maintained as to minimize visual, noise and other impacts on the surrounding community and shall be planned, designed, located, and erected in accordance with the following standards:

1. General Guidelines.
 - a. The applicant shall employ screening, undergrounding and camouflage design techniques in the design and placement of wireless telecommunications facilities in order to ensure that the facility is as visually screened as possible, to prevent the facility from dominating the surrounding area and to minimize significant view impacts from surrounding properties and public views, all in a manner that achieves compatibility with the community and in compliance with this code.
 - b. Screening shall be designed to be architecturally compatible with surrounding structures using appropriate techniques to camouflage, disguise, and/or blend into the environment, including landscaping, color, and other techniques to minimize the facility's visual impact as well as be compatible with the architectural character of the surrounding buildings or structures in terms of color, size, proportion, style, and quality.
 - c. Wireless telecommunications facilities shall be located consistent with Section 12.28.080 (Location Restrictions) unless an exception is granted.
2. Traffic Safety. All facilities shall be designed and located in such a manner as to avoid adverse impacts on traffic safety.
3. Blending Methods. All facilities shall have subdued colors and non-reflective materials that blend with the materials and colors of the surrounding area, infrastructure and structures.
4. Equipment. The applicant shall use the least visible equipment for the provision of wireless telecommunications services that is technically feasible. Antenna elements shall be flush mounted, to the extent feasible, with all cables and wires clipped-up or otherwise out of public view. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators or carriers. Unless otherwise provided in this Section, antennas shall be situated as close to the ground as technically feasible.
5. Support Structures.
 - a. Pole-Mounted Only. Only pole-mounted antennas (excepting wooden poles per subparagraph 5.b below) shall be permitted in the public right-of-way. Mountings to all other forms of support structure in the public right-of-way are prohibited unless an exception pursuant to Section 12.28.080 is granted.
 - b. Utility Poles. Wireless telecommunications facilities shall not be located on wooden poles unless an exception pursuant to Section 12.28.080 is granted. The maximum height of any antenna shall not exceed 48 inches above the height of an existing utility pole, nor shall any portion of the antenna or equipment mounted on a pole be less than 24 feet above any drivable road surface. All installations on utility poles shall fully comply with the California

Public Utilities Commission general orders, including, but not limited to, General Order 95, as may be revised or superseded.

- c. Light Poles. The maximum height of any antenna shall not exceed four feet above the existing height of a light pole. Any portion of the antenna or equipment mounted on a pole shall be no less than 16½ feet above any drivable road surface.
- d. Replacement Poles. If an applicant proposes to replace a pole that is an eligible support structure to accommodate the proposed facility, the replacement pole shall be designed to resemble the appearance and dimensions of existing poles near the proposed location, including size, height, color, materials and style to the maximum extent feasible.
- e. Equipment mounted on a support structure shall not exceed four (4) cubic feet in dimension.
- f. No new guy wires shall be allowed unless required by other laws or regulations.
- g. An exception pursuant to Section 12.28.080 shall be required to erect any new support structure (non-eligible support structure) that is not the replacement of an existing eligible support structure.
- h. As applicable to all new support structures (non-eligible support structures), regardless of location, the following requirements shall apply:
 - (i) Such new support structure shall be designed to resemble existing support structures of the same type in the right-of-way near that location, including size, height, color, materials and style, with the exception of any existing structural designs that are scheduled to be removed and not replaced.
 - (ii) Such new support structures that are not replacement structures shall be located at least 90 feet from any eligible support structure to the extent feasible.
 - (iii) Such new support structures shall not adversely impact public view corridors and shall be located to the extent feasible in an area where there is existing natural or other feature that obscures the view of the new support structure. The applicant shall further employ concealment techniques to blend the new support structure with said features including but not limited to the addition of vegetation if feasible.
 - (iv) A justification analysis shall be submitted for all new support structures that are not replacements to demonstrate why an eligible support facility cannot be utilized and demonstrating the new structure is the least intrusive means possible, including a demonstration that the new structure is designed to be the minimum functional height and width required to support the proposed wireless telecommunications facility.

- i. All cables, including, but not limited to, electrical and utility cables, shall be run within the interior of the support structure and shall be camouflaged or hidden to the fullest extent feasible. For all support structures wherein interior installation is infeasible, conduit and cables attached to the exterior shall be mounted flush thereto and painted to match the structure.
6. Space. Each facility shall be designed to occupy the least amount of space in the right-of-way that is technically feasible.
7. Wind Loads. Each facility shall be properly engineered to withstand wind loads as required by this code or any duly adopted or incorporated code. An evaluation of high wind load capacity shall include the impact of modification of an existing facility.
8. Obstructions. Each component part of a facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, incommode the public's use of the right-of-way, or cause safety hazards to pedestrians and motorists.
9. Public Facilities. A facility shall not be located within any portion of the public right-of-way interfering with access to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility.
10. Screening. All ground-mounted facility, pole-mounted equipment, or walls, fences, landscaping or other screening methods shall be installed at least 18 inches from the curb and gutter flow line.
11. Accessory Equipment. Not including the electric meter, all accessory equipment shall be located underground, except as provided below:
 - a. Unless city staff determines that there is no room in the public right-of-way for undergrounding, or that undergrounding is not feasible, an exception pursuant to Section 12.28.080 shall be required in order to place accessory equipment above-ground and concealed with natural or manmade features to the maximum extent possible.
 - b. When above-ground is the only feasible location for a particular type of accessory equipment and will be ground-mounted, such accessory equipment shall be enclosed within a structure, and shall not exceed a height of five feet and a total footprint of 15 square feet, and shall be fully screened and/or camouflaged, including the use of landscaping, architectural treatment, or acceptable alternate screening. Required electrical meter cabinets shall be screened and/or camouflaged. Also, while pole-mounted equipment is generally the least favored installation, should pole-mounted equipment be sought, it shall be installed as required in this chapter.
 - c. In locations where homes are only along one side of a street, above-ground accessory equipment shall not be installed directly in front of a residence. Such above-ground accessory equipment shall be installed along the side of the street with no homes.

12. Landscaping. Where appropriate, each facility shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs. Additional landscaping shall be planted, irrigated and maintained by applicant where such landscaping is deemed necessary by the city to provide screening or to conceal the facility.
13. Signage. No facility shall bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.
14. Lighting.
 - a. No facility may be illuminated unless specifically required by the Federal Aviation Administration or other government agency. Beacon lights are not permitted unless required by the Federal Aviation Administration or other government agency.
 - b. Legally required lightning arresters and beacons shall be included when calculating the height of facilities such as towers, lattice towers and monopoles.
 - c. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on the surrounding neighborhoods.
 - d. Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and lights, and must install such lights so as to avoid illumination impacts to adjacent properties to the maximum extent feasible. The city may, in its discretion, exempt an applicant from the foregoing requirement when the applicant demonstrates a substantial public safety need.
 - e. The applicant shall submit a lighting study which shall be prepared by a qualified lighting professional to evaluate potential impacts to adjacent properties. Should no lighting be proposed, no lighting study shall be required.
15. Noise.
 - a. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 7:00 p.m. and 7:00 a.m.
 - b. At no time shall equipment noise from any facility exceed the noise levels permitted by Chapter 8.28 of this code.
16. Security. Each facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight or attractive nuisances. The public works director or the approving city body, as applicable, may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location and/or accessibility, a facility has the potential to become an attractive nuisance. Additionally, no lethal devices or elements shall be installed as a security device.

17. Modification. Consistent with current state and federal laws and if permissible under the same, at the time of modification of a wireless telecommunications facility, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise and other impacts, including, but not limited to, undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.
18. The installation and construction approved by a wireless telecommunications facility permit shall begin within one year after its approval or it will expire without further action by the city.
19. Conditions of Approval. All Major WTFPs shall be subject to such conditions of approval as reasonably imposed by the public works director or the approving city body, as applicable, as well as any modification of the conditions of approval deemed necessary by the public works director or the approving city body.

12.28.080 -LOCATION RESTRICTIONS; EXCEPTIONS FOR NON-COMPLIANT MAJOR WIRELESS TELECOMMUNICATIONS FACILITIES.

- A. Locations Requiring an Exception. Major WTFPs are strongly disfavored in certain areas and on certain support structures. Therefore the following locations are permitted only when an exception has been granted pursuant to Subsection B hereof:
1. Protect environmental resources; protect residents against adverse health effects.
 2. Protect visual character; don't create visual blight.
 3. Protect environmental resources; protect residents against adverse health effects.
 4. Commercial or industrial zones.
 5. Antennas must connect to an already existing utility pole that can support its weight.
 6. Servicing wires must be installed within the width of the existing utility.
 7. All ground-mounted equipment not to be installed inside the pole must be undergrounded, flush to the ground, within three (3) feet of the utility pole.
 8. Dedicated power source to be installed and metered separately.
 9. 1,500 feet minimum between each Small Cell facility.
 10. No Small Cell shall be within 500 feet of any residence.

An encroachment permit must be obtained for any work in the right-of-way.

- B. Required Findings for an Exception on Major WTFPs. For any Major WTFP requiring an “exception” under this chapter, no such exception shall be granted unless the applicant demonstrates with clear and convincing evidence all the following:
1. The proposed wireless facility qualifies as a "personal wireless services facility" as defined in United States Code, Title 47, Section 332(c)(7)(C)(ii);
 2. The applicant has provided the city with a clearly defined significant gap (as established under state and federal law) and a clearly defined potential site search area.
 - a. In the event the applicant seeks to install a wireless telecommunications facility to address service coverage concerns, full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent wireless telecommunications facilities without the proposed facility, predicted service coverage levels from all adjacent facilities serving applicant with the proposed facility, and predicted service coverage levels from the proposed facility without all adjacent facilities.
 - b. In the event the applicant seeks to address service capacity concerns, a written explanation and propagation maps identifying the existing facilities with service capacity issues together with competent evidence to demonstrate the inability of those facilities to meet capacity demands.
 3. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why any alternative location(s) or design(s) suggested by the city or otherwise identified in the administrative record, including but not limited to potential alternatives identified at any public meeting or hearing, are not technically feasible or reasonably available; and
 4. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why the proposed location and design deviates is the least noncompliant location and design necessary to reasonably achieve the applicant's reasonable objectives of covering an established significant gap (as established under state and federal law).
 5. The applicant has demonstrated that strict compliance with any provision in this chapter for a Major WTFP would effectively prohibit the provision of personal wireless services.
- C. Scope. The planning commission or public works director, as applicable, shall limit an exemption for a Major WTFP to the extent to which the applicant demonstrates such exemption is necessary to reasonably achieve its objectives of covering an established significant gap (as established under state and federal law). The planning commission or public works director, as applicable, may adopt conditions of approval as reasonably necessary to promote the purposes in this chapter and protect the public health, safety and welfare.

12.28.090 - OPERATION AND MAINTENANCE STANDARDS.

All wireless telecommunications facilities must comply at all times with the following operation and maintenance standards:

- A. The permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations and other rules, including, without limitation, those applying to use of the PROW. The permittee shall ensure that all equipment and other improvements to be constructed and/or installed in connection with the approved WTFP are maintained in a manner that is not detrimental or injurious to the public health, safety, and general welfare and that the aesthetic appearance is continuously preserved, and substantially the same as shown in the approved plans at all times relevant to the WTFP.
- B. Unless otherwise provided herein, all necessary repairs and restoration shall be completed by the permittee, owner, operator or any designated maintenance agent at its sole cost within 48 hours:
 - 1. After discovery of the need by the permittee, owner, operator or any designated maintenance agent; or
 - 2. After permittee, owner, operator or any designated maintenance agent receives notification from the city.
- C. Insurance. The permittee shall obtain and maintain throughout the term of the permit a type and amount of insurance as specified by city's risk management. The relevant policy(ies) shall name the city, its elected/appointed officials, commission members, officers, representatives, agents, and employees as additional insured. The permittee shall use its best efforts to provide thirty (30) days prior notice to the public works director of to the cancellation or material modification of any applicable insurance policy.
- D. Indemnities. The permittee and, if applicable, the owner of the property upon which the wireless facility is installed shall defend, indemnify and hold harmless the city, its agents, officers, officials, and employees (i) from any and all damages, liabilities, injuries, losses, costs, and expenses, and from any and all claims, demands, law suits, writs of mandamus, and other actions or proceedings brought against the city or its agents, officers, officials, or employees to challenge, attack, seek to modify, set aside, void or annul the city's approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs, and expenses, and any and all claims, demands, law suits, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors, or independent contractors. In the event the city becomes aware of any such actions or claims the city shall promptly notify the permittee and, if applicable, the private property owner and shall reasonably cooperate in the defense. The city shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the city's defense, and the property owner and/or Permittee (as applicable) shall reimburse the city for any costs and expenses directly and necessarily incurred by the city in the course

- E. Performance Bond. Prior to issuance of a wireless encroachment permit, the permittee shall file with the city, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to 100% of the cost of removal of the facility as specified in the application for the WTFP or as that amount may be modified by the public works director in in the permit based on the characteristics of the installation. The permittee shall reimburse the city for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the city council. Reimbursement shall be paid when the security is posted and during each administrative review.
- F. Adverse Impacts on Adjacent Properties. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, and removal of the facility. All facilities, including each piece of equipment, shall be located and placed in a manner so as to not interfere with the use of the PROW, impede the flow of vehicular or pedestrian traffic, impair the primary use and purpose of poles/signs/traffic signals or other infrastructure, interfere with outdoor dining areas or emergency facilities, or otherwise obstruct the accessibility of the PROW.
- G. Contact Information. Each permittee of a wireless telecommunications facility shall provide the public works director with the name, address and 24-hour local or toll free contact phone number of the permittee, the owner, the operator and the agent responsible for the maintenance of the facility (“contact information”). Contact information shall be updated within seven days of any change.
- H. All facilities, including, but not limited to, telecommunication towers, poles, accessory equipment, lighting, fences, walls, shields, cabinets, artificial foliage or camouflage, and the facility site shall be maintained in good condition, including ensuring the facilities are reasonably free of:
1. Subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to city streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems (water, sewer, storm drains, gas, oil, electrical, etc.) that result from any activities performed in connection with the installation and/or maintenance of a wireless facility in the PROW.
 2. General dirt and grease;
 3. Chipped, faded, peeling, and cracked paint;
 4. Rust and corrosion;
 5. Cracks, dents, and discoloration;
 6. Missing, discolored or damaged artificial foliage or other camouflage;

7. Graffiti, bills, stickers, advertisements, litter and debris. All graffiti on facilities must be removed at the sole expense of the permittee within forty eight (48) hours after notification from the City.
 8. Broken and misshapen structural parts; and
 9. Any damage from any cause.
- I. All trees, foliage or other landscaping elements approved as part of the facility shall be maintained in neat, safe and good condition at all times, and the permittee, owner and operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping. No amendment to any approved landscaping plan may be made until it is submitted to and approved by the public works director.
 - J. The permittee shall replace its facilities, after obtaining all required permits, if maintenance or repair is not sufficient to return the facility to the condition it was in at the time of installation.
 - K. Each facility shall be operated and maintained to comply at all conditions of approval. The permittee, when directed by the city, must perform an inspection of the facility and submit a report to the public works director on the condition of the facility to include any identified concerns and corrective action taken. Additionally, as the city performs maintenance on city-owned infrastructure, additional maintenance concerns may be identified. These will be reported to the permittee. The city shall give the permittee thirty (30) days to correct the identified maintenance concerns after which the city reserves the right to take any action it deems necessary, which could include revocation of the permit. The burden is on the Permittee to demonstrate that it complies with the requirements herein. Prior to issuance of a permit under this Chapter, the owner of the facility shall sign an affidavit attesting to understanding the City's requirement for performance of annual inspections and reporting.
 - L. All facilities permitted pursuant to this chapter shall comply with the American with Disabilities Act.
 - M. The permittee is responsible for obtaining power to the facility and for the cost of electrical usage.
 - N. Failure to comply with the city's adopted noise standard after written notice and reasonable opportunity to cure have been given shall be grounds for the city to revoke the permit.
 - O. Interference.
 1. The permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement, or property without the prior consent of the owner of that structure, improvement, or property. No structure, improvement, or property owned by the city shall be moved to accommodate a permitted activity or encroachment, unless the city determines that such movement will not adversely affect the city or any surrounding businesses or residents, and the permittee pays all costs and expenses related to the relocation of the city's structure, improvement, or property. Prior to commencement of any work pursuant to a wireless encroachment permit, the permittee shall provide the city with documentation establishing to the city's

satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement, or property within the PROW or city utility easement to be affected by permittee's facilities.

2. The facility shall not damage or interfere in any way with city property, the city's operations or the operations of prior-existing, third party installations. The city will reasonably cooperate with the permittee and/or carrier to carry out such activities as are necessary to correct the interference.
 - a. Signal Interference. The permittee shall correct any such interference within 24 hours of written notification of the interference. Upon the expiration of the 24-hour cure period and until the cause of the interference is eliminated, the permittee shall cease operation of any facility causing such interference until such interference is cured.
 - b. Physical Interference. The city shall give the permittee thirty (30) days to correct the interference after which the city reserves the right to take any action it deems necessary, which could include revocation of the permit.
 3. The City at all times reserves the right to take any action it deems necessary, in its sole discretion, to repair, maintain, alter, or improve the sites. Such actions may temporarily interfere with the operation of the facility. The City will in all cases, other than emergencies, give the applicant 30 days written notification of such planned, non-emergency actions.
- P. RF Exposure Compliance. All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards. After transmitter and antenna system optimization, but prior to unattended operations of the facility, the permittee or its representative must conduct on-site post-installation RF emissions testing to demonstrate actual compliance with the FCC Office of Engineering and Technology Bulletin 65 RF emissions safety rules for general population/uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit.
1. Testing of any equipment shall take place on weekdays only, and only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is prohibited on holidays that fall on a weekday. In addition, testing is prohibited on weekend days.
- Q. Records. The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition or fails to produce true and complete copies of such records within a reasonable time after a written request from the city, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee.

- R. Attorney's Fees. In the event the city determines that it is necessary to take legal action to enforce any of these conditions, or to revoke a permit, and such legal action is taken, the permittee shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the city, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the city should otherwise agree with permittee to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

12.28.100 - NO DANGEROUS CONDITION OR OBSTRUCTIONS ALLOWED.

No person shall install, use or maintain any wireless telecommunications facility that in whole or in part rests upon, in or over any public right-of-way, when such installation, use or maintenance endangers or is reasonably likely to endanger the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such facility unreasonably interferes with or unreasonably impedes the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, the use of poles, posts, traffic signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture or other objects permitted at or near said location.

12.28.110 - NONEXCLUSIVE GRANT; NO POSSESSORY INTERESTS.

- A. No permit or approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the city for any purpose whatsoever. Further, no approval shall be construed as a warranty of title.
- B. No possessory interest is created by a WTFP. However, to the extent that a possessory interest is deemed created by a governmental entity with taxation authority, the permittee acknowledge that the city has given to the applicant notice pursuant to California Revenue and Taxation Code Section 107.6 that the use or occupancy of any public property pursuant to a WTFP may create a possessory interest which may be subject to the payment of property taxes levied upon such interest. Wireless telecommunications facility operators shall be solely liable for, and shall pay and discharge prior to delinquency, any and all possessory interest taxes or other taxes, fees, and assessments levied against their right to possession, occupancy, or use of any public property pursuant to any right of possession, occupancy, or use created by the WTFP.
- C. The permission granted by a WTFP shall not in any event constitute an easement on or an encumbrance against the PROW. No right, title, or interest (including franchise interest) in the PROW, or any part thereof, shall vest or accrue in permittee by reason of a wireless encroachment permit or the issuance of any other permit or exercise of any privilege given thereby.

12.28.120 - PERMIT EXPIRATION; ABANDONMENT OF APPLICATIONS.

- A. Permit Term. Unless Government Code Section 65964, as may be amended, authorizes the city to issue a permit with a shorter term, a permit for any wireless telecommunications facility shall be valid for a period of ten (10) years, unless pursuant to another provision of this code it lapses sooner or is revoked. At the end of ten (10) years from the date of issuance, such permit shall automatically expire.

- B. A permittee may apply for a new permit within 180 days prior to expiration. Said application and proposal shall comply with the city's current code requirements for wireless telecommunications facilities.
- C. Timing of Installation. The installation and construction authorized by a WTFP shall begin within one (1) year after its approval, or it will expire without further action by the city. The installation and construction authorized by a WTFP shall conclude, including any necessary post-installation repairs and/or restoration to the PROW, within thirty (30) days following the day construction commenced.
- D. Commencement of Operations. The operation of the approved facility shall commence no later than ninety (90) days after the completion of installation, or the WTFP will expire without further action by the city. The permittee shall provide the public works director notice that operations have commenced by the same date.

12.28.130 - CESSATION OF USE OR ABANDONMENT.

- A. A wireless telecommunications facility is considered abandoned and shall be promptly removed as provided herein if it ceases to provide wireless telecommunications services for 90 or more consecutive days unless the permittee has obtained prior written approval from the director which shall not be unreasonably denied. If there are two or more users of a single facility, then this provision shall not become effective until all users cease using the facility.
- B. The operator of a facility shall notify the public works director in writing of its intent to abandon or cease use of a permitted site or a nonconforming site (including unpermitted sites) within ten days of ceasing or abandoning use. Notwithstanding any other provision herein, the operator of the facility shall provide written notice to the public works director of any discontinuation of operations of 30 days or more.
- C. Failure to inform the public works director of cessation or discontinuation of operations of any existing facility as required by this Section shall constitute a violation of any approvals and be grounds for:
 - 1. Litigation;
 - 2. Revocation or modification of the permit;
 - 3. Acting on any bond or other assurance required by this article or conditions of approval of the permit;
 - 4. Removal of the facilities by the city in accordance with the procedures established under this code for abatement of a public nuisance at the owner's expense; and/or
 - 5. Any other remedies permitted under this code or by law.

12.28.140 - REMOVAL AND RESTORATION—PERMIT EXPIRATION, REVOCATION OR ABANDONMENT.

- A. Upon the expiration date of the permit, including any extensions, earlier termination or revocation of the WTFP or abandonment of the facility, the permittee, owner or operator shall

remove its wireless telecommunications facility and restore the site to the condition it was in prior to the granting of the WTFP, except for retaining the landscaping improvements and any other improvements at the discretion of the city. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the city. Expired, terminated or revoked wireless telecommunications facility equipment shall be removed from the site at no cost or expense to the City.

- B. Failure of the permittee, owner or operator to promptly remove its facility and restore the property within 90 days after expiration, earlier termination or revocation of the WTFP, or abandonment of the facility, shall be a violation of this code. Upon a showing of good cause, an extension may be granted by the public works director where circumstances are beyond the control of the permittee after expiration. Further failure to abide by the timeline provided in this Section shall be grounds for:
1. Prosecution;
 2. Acting on any security instrument required by this chapter or conditions of approval of permit;
 3. Removal of the facilities by the city in accordance with the procedures established under this code for abatement of a public nuisance at the owner's expense; and/or
 4. Any other remedies permitted under this code or by law.
- C. **Summary Removal.** In the event any city director or city engineer determines that the condition or placement of a wireless telecommunications facility located in the public right-of-way constitutes a dangerous condition, obstruction of the public right-of-way, or an imminent threat to public safety, or determines other exigent circumstances require immediate corrective action (collectively, "exigent circumstances"), such director or city engineer may cause the facility to be removed summarily and immediately without advance notice or a hearing. Written notice of the removal shall include the basis for the removal and shall be served upon the permittee and person who owns the facility within five business days of removal and all property removed shall be preserved for the owner's pick-up as feasible. If the owner cannot be identified following reasonable effort or if the owner fails to pick-up the property within 60 days, the facility shall be treated as abandoned property.
- D. **Removal of Facilities by City.** In the event the city removes a wireless telecommunications facility in accordance with nuisance abatement procedures or summary removal, any such removal shall be without any liability to the city for any damage to such facility that may result from reasonable efforts of removal. In addition to the procedures for recovering costs of nuisance abatement, the city may collect such costs from the performance bond posted and to the extent such costs exceed the amount of the performance bond, collect those excess costs in accordance with this code. Unless otherwise provided herein, the city has no obligation to store such facility. Neither the permittee, owner nor operator shall have any claim if the city destroys any such facility not timely removed by the permittee, owner or operator after notice, or removal by the city due to exigent circumstances.

12.28.150 - EFFECT ON OTHER ORDINANCES.

Compliance with the provisions of this chapter shall not relieve a person from complying with any other applicable provision of this code. In the event of a conflict between any provision of this chapter and other sections of this code, this chapter shall control.

12.28.160 - STATE OR FEDERAL LAW.

The implementation of this chapter and decisions on applications for placement of wireless telecommunications facilities in the PROW shall, at a minimum, ensure that the requirements of this chapter are satisfied, unless it is determined that the applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this Chapter may be waived, but only to the minimum extent required to avoid the prohibition or violation.

12.28.170 – LEGAL NONCONFORMING WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY.

- A. Legal nonconforming wireless telecommunications facilities are those facilities that existed but did not conform to this chapter on the date this chapter became effective.
- B. Legal nonconforming wireless telecommunications facilities shall, within ten years from the date this chapter became effective, be brought into conformity with all requirements of this article; provided, however, that should the owner desire to expand or modify the facility, intensify the use, or make some other change in a conditional use, the owner shall comply with all applicable provisions of this code at such time, to the extent the city can require such compliance under federal and state law.
- C. An aggrieved person may file an appeal to the city council of any decision of the public works director or other deciding body made pursuant to this Section. In the event of an appeal alleging that the ten-year amortization period is not reasonable as applied to a particular property, the city council may consider the amount of investment or original cost, present actual or depreciated value, dates of construction, amortization for tax purposes, salvage value, remaining useful life, the length and remaining term of the lease under which it is maintained (if any), and the harm to the public if the structure remains standing beyond the prescribed amortization period, and set an amortization period accordingly for the specific property.

RESOLUTION NO. 2019-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SUISUN CITY, CALIFORNIA, APPROVING CITY COUNCIL POLICY REGARDING
SMALL WIRELESS FACILITIES**

The City Council of the City of Suisun City does resolve as follows:

1. Findings. The City Council hereby makes the following findings:

A. Significant changes in federal law have recently been enacted, which affect local authority over small wireless facilities, as defined in 47 CFR 1.6002(1).

B. In response to these legislative changes, the City proposes adoption of a new City Council Policy, which would establish requirements for permitting, operation, and maintenance of small wireless facilities within the City of Suisun City.

C. This City Council Policy would provide the maximum amount of local control for small wireless facilities considering the revisions to federal law.

2. Action.

A. The above recitations are true and correct.

B. The City Council Policy and all associated exhibits are hereby approved, attached hereto as Exhibit A.

3. Adoption. PASSED AND ADOPTED at a meeting of the City Council held on April 2, 2019, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

Lori Wilson, MAYOR

APPROVED AS TO FORM:
_____, CITY ATTORNEY

ATTEST:
Linda Hobson, CITY CLERK

By: _____

By: _____

Exhibits:

A. City Council Policy Regarding Small Wireless Facilities

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COUNCIL POLICY
SMALL WIRELESS FACILITIES PER 47 CFR 1.6002(1)
“SWF REGULATIONS”

<u>SUBJECT:</u> Small Wireless Facilities (Administrative Approvals and Standards)	<u>POLICY NO.:</u> 2019-01	<u>DATE ADOPTED:</u>
	<u>AUTHORITY:</u> Resolution No. 2019-__	

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SECTION 1. GENERAL PROVISIONS

SECTION 1.1 PURPOSE AND INTENT

This Policy is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or California state law; (6) impose any unfair, unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the City to preempt any applicable federal or California law.

SECTION 1.2 GENERAL DEFINITIONS

- (a) **Undefined Terms.** Undefined phrases, terms or words in this Policy will have the meanings assigned to them in Chapter 12.28 of the Suisun City Municipal Code, as may be amended or superseded, and, if not defined therein, will have their ordinary meanings. If any definition assigned to any phrase, term or word in this Policy conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control.
- (b) **Defined Terms.**
- (1) **“approval authority”** means the City official responsible for reviewing applications for small cell permits and vested with the authority to approve, conditionally approve or deny such applications as provided in this Policy. The approval authority for applications in connection with small wireless facilities within the public rights-of-way shall be the Directors of Public Works and Development Services.
 - (2) **“arterial road”** means a road designed primarily for long-distance travel with a typical curb-to-curb width of 100 feet to 60 feet, high traffic capacity and low accessibility from neighboring roads. The term “arterial road” as used in this Policy includes freeways, prime arterials, urban major and major roadways as defined in the City of Suisun_ General Plan, Circulation Element.
 - (3) **“collector road”** means a road designed primarily as a connection between local roads and arterials, with a typical curb-to-curb width of 60 feet, moderate to low traffic capacity and high accessibility from local roads. The term “collector road” as used in this Policy includes, 2-lane collectors as defined in the City of Suisun City General Plan, Circulation Element.

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- (4) **“concealed”** or **“concealment”** means camouflaging techniques that integrate the transmission equipment into the surrounding natural and/or built environment such that the average, untrained observer cannot directly view the equipment but would likely recognize the existence of the wireless facility or concealment technique. Camouflaging concealment techniques include, but are not limited to: (1) facade or rooftop mounted pop-out screen boxes; (2) antennas mounted within a radome above a streetlight; (3) equipment cabinets in the public rights-of-way painted or wrapped to match the background; and (4) an isolated or standalone faux-tree.
- (5) **“decorative pole”** means any pole that includes decorative or ornamental features, design elements and/or materials intended to enhance the appearance of the pole or the public rights-of-way in which the pole is located.
- (6) **“FCC Shot Clock”** means the presumptively reasonable time frame within which the City generally must act on a given wireless application, as defined by the FCC and as may be amended from time to time.
- (7) **“ministerial permit”** means any City-issued non-discretionary permit required to commence or complete any construction or other activity subject to the City's jurisdiction. Ministerial permits may include, without limitation, a building permit, construction permit, electrical permit, encroachment permit, excavation permit and/or traffic control permit.
- (8) **“personal wireless services”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.
- (9) **“personal wireless service facilities”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded, which defines the term as facilities that provide personal wireless services.
- (10) **“RF”** means radio frequency or electromagnetic waves generally between 30 kHz and 300 GHz in the electromagnetic spectrum range.
- (11) **“Section 6409”** means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended.

SECTION 2. SMALL WIRELESS FACILITIES

SECTION 2.1 APPLICABILITY; REQUIRED PERMITS AND APPROVALS

- (a) **Applicable Wireless Facilities.** Except as expressly provided otherwise in this Policy, the provisions in this Policy shall be applicable to all existing small wireless facilities (SWFs) and all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, relocate or otherwise deploy small wireless facilities within the City's jurisdictional and territorial boundaries within the public rights-of-way (PROW).

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SECTION 2.2 SMALL CELL PERMIT APPLICATION REQUIREMENTS; PRE-APPLICATION PUBLIC NOTICING REQUIREMENTS

- (a) **Small Cell Permit Application Contents.** All applications for a SWF WTFP must include all the information and materials required in this subsection (a), unless exempted by the approval authority.
- (1) **Application Form.** The applicant shall submit a complete, duly executed SWF WTFP application on the then-current form prepared pursuant to the Suisun City Municipal Code Chapter 12.28.
 - (2) **Application Fee.** The applicant shall submit the applicable SWF WTFP application fee established by City Council resolution. Batched applications must include the applicable application fee for each SWF in the batch.
 - (3) **Construction Drawings.** The applicant shall submit true and correct construction drawings, prepared, signed and stamped by a California licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape features. The construction drawings must: (i) contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes without limitation the manufacturer, model number and physical dimensions; (ii) identify all structures within ___ feet from the proposed project site and call out such structures' overall height above ground level; (iii) depict the applicant's plan for electric and data backhaul utilities, which shall include the locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and (iv) demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.
 - (4) **Site Survey.** For any SWF proposed to be located within the PROW, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer. The survey must identify and depict all existing boundaries, encroachments and other structures within 250 feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below-grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks and other street furniture; and (viii) existing trees, planters and other landscaping features.

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- (5) **Photo Simulations.** The applicant shall submit site photographs and photo simulations that show the existing location and proposed SWF in context from at least three vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point.
- (6) **Project Narrative and Justification.** The applicant shall submit a written statement that explains in plain factual detail whether and why the proposed wireless facility qualifies as a SWF as defined by the FCC in 47 C.F.R. 1.6002(l). A complete written narrative analysis will state the applicable standard and all the facts that allow the City to conclude the standard has been met—bare conclusions not factually supported do not constitute a complete written analysis. As part of the written statement the applicant must also include (i) whether and why the proposed support is a structure as defined by the FCC in 47 C.F.R. § 1.6002(m); and (ii) whether and why the proposed wireless facility meets each required finding for a SWF permit as provided in Section 2.4.
- (7) **RF Compliance Report.** The applicant shall submit an RF exposure compliance report that certifies that the proposed SWF, as well as any collocated wireless facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must be prepared and certified by an RF engineer acceptable to the City. The RF report must include the actual frequency and power levels (in watts ERP) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.
- (8) **Public Notice.** *Prior to a SWF application being deemed complete, applicants shall submit proof of mailing of public notice to all owners and occupants of real property, and the resident manager for any multi-family dwelling unit that includes ten (10) or more units, within 300 feet of the proposed SWF.* The notice must contain: (1) a general project description and dimensioned, full color photo simulations; (2) the applicant's identification and contact information as provided on the application submitted to the City; (3) contact information for the approval authority; (4) a statement that the approval authority will act on the application without a public hearing but will accept written public comments that evaluate the application for compliance with the standards in this Policy; (5) a statement that the FCC requires the City to act on small cell permit applications, which includes any administrative appeals, in 60 days for attachments to existing structures and 90 days for new structures, unless the applicant voluntarily agrees to toll the timeframe for review; and (6) a deadline for submission of written public comments to the approval authority, which deadline shall not be less than thirty (30) days after mailing of said notice.

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- (9) **Regulatory Authorization.** The applicant shall submit evidence of the applicant's regulatory status under federal and California law to provide the services and construct the SWF proposed in the application.
- (10) **Site Agreement.** For any SWF proposed to be installed on any structure owned or controlled by the City and located within the public rights-of-way, the applicant must enter into a site agreement prepared on a form prepared by the City and approved by the City Attorney that states the terms and conditions for such non-exclusive use by the applicant. No changes shall be permitted to the City's form site agreement except as may be indicated on the form itself. Any unpermitted changes to the City's form site agreement shall be deemed a basis to deem the application incomplete.
- (11) **Acoustic Analysis.** The applicant shall submit an acoustic analysis prepared and certified by an engineer for the proposed SWF and all associated equipment including all environmental control units, sump pumps, temporary backup power generators and permanent backup power generators demonstrating compliance with the City's noise regulations. The acoustic analysis must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of an acoustic analysis, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits.
- (12) **Wind Load Analysis.** The applicant shall submit a wind load analysis with an evaluation of high wind load capacity and shall include the impact of modification of an existing facility.
- (13) **Environmental Data.** A completed environmental assessment application, or in the alternative any and all documentation identifying the proposed WTFP as exempt from environmental review (under the California Environmental Quality Act, Public Resources Code 21000–21189, the National Environmental Policy Act, 42 U.S.C. §4321 *et seq.*, or related environmental laws). Notwithstanding any determination of environmental exemption issued by another governmental entity, the city reserves its right to exercise its rights as a responsible agency to review *de novo* the environmental impacts of any WTFP application.
- (14) **FAA Documentation.** Copies of any documents that the applicant is required to file pursuant to Federal Aviation Administration regulations for the proposed wireless telecommunications facility.
- (15) **Traffic Control Plan (TCP).** A traffic control plan when the proposed installation is on any street in a non-residential zone. The city shall have the discretion to require a traffic control plan when the applicant seeks to use large equipment (e.g. crane).
- (16) **Landscape Plan.** A scaled conceptual landscape plan showing existing trees and vegetation and all proposed landscaping, concealment, screening and proposed

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irrigation with a discussion of how the chosen material at maturity will screen the SWF and its accessory equipment.

- (17) **CPCN.** Certification that applicant is a telephone corporation or a statement providing the basis for its claimed right to enter the PROW. If the applicant has a certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission, it shall provide a copy of its CPCN.
- (b) **Additional Requirements.** The City Council authorizes the approval authority to develop, publish and from time to time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the approval authority finds necessary, appropriate or useful for processing any application governed under this Policy. All such requirements and materials must be in written form and publicly stated to provide all interested parties with prior notice (or posted upon the City's website).

SECTION 2.3 SMALL CELL PERMIT APPLICATION SUBMITTAL AND COMPLETENESS REVIEW

- (a) **Pre-Submittal Conferences.** For purposes of SWFs only, and notwithstanding any contrary provisions of Chapter 12.28 of the Suisun City Municipal Code, the City does not require pre-submittal appointments for the submission of SWF WTFPs. However, the City strongly encourages applicants to schedule and attend a pre-submittal conference with the approval authority for all proposed SWF projects, and particularly those that involve more than five SWFs. This voluntary pre-submittal conference does not cause the FCC Shot Clock to begin and is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process; any latent issues in connection with the proposed project, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other City departments responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that City staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The approval authority shall use reasonable efforts to provide the applicant with an appointment within five working days after receiving a written request and any applicable fee or deposit to reimburse the City for its reasonable costs to provide the services rendered in the pre-submittal conference.
- (b) **Batched Applications.** Applicants may submit up to five individual applications for a SWF permit in a batch; provided, however, that small wireless facilities in a batch must be proposed with substantially the same equipment in the same configuration on the same support structure type. Each application in a batch must meet all the requirements for a complete application, which includes without limitation the application fee for each site in the batch. If any application in a batch is incomplete, the entire batch shall be deemed incomplete. If any application is withdrawn or deemed withdrawn from a batch, the entire

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batch shall be deemed withdrawn. If any application in a batch fails to meet the required findings for approval, the entire batch shall be denied.

- (c) **Additional Procedures.** The City Council authorizes the approval authority to establish other reasonable rules and regulations for duly filed applications. All such rules and regulations must be in written form and publicly stated to provide all interested parties with prior notice (or posted upon the City's website).

SECTION 2.4 ADDITIONAL FINDINGS FOR SWFs

- (a) **Required Findings.** In addition to those finding requirements set forth in Chapter 12.28 of the Suisun City Municipal Code SWF WTFP, the following findings are required for the approval or conditional approval of a SWF application:
- (1) The proposed SWF would not be located on a prohibited support structure identified in this Policy;
 - (2) The proposed SWF would utilize the most preferred support structure and location within 250 feet from the originally proposed site in any direction, or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred support structure(s) or locations within 250 feet would be technically infeasible;
 - (3) All public notices required for the application have been given.
- (b) Because Section 332(c)(7) of the Telecommunications Act preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, no decision upon a SWF application shall be premised upon the environmental or health effects of RF emissions, nor shall public comments be considered to the extent they are premised upon the environmental or health effects of RF emissions.

SECTION 2.5 STANDARD CONDITIONS OF APPROVAL

- (a) **General Conditions.** In addition to all other conditions adopted by the approval authority and Chapter 12.28 of the Suisun City Municipal Code, a SWF permit, all SWF WTFPs issued under this Policy shall be automatically subject to the conditions in this subsection (a).
- (1) **Post-Installation Certification.** Within 60 calendar days after the permittee commences full, unattended operations of a SWF approved or deemed-approved, the permittee shall provide the approval authority with documentation reasonably acceptable to the approval authority that the SWF has been installed and/or constructed in strict compliance with the approved construction drawings and photo simulations. Such documentation shall include without limitation as-built drawings, GIS data and site photographs.
 - (2) **Adverse Impacts on Other Properties.** In addition to those requirements in Chapter 12.28 of the Suisun City Municipal Code the permittee shall not perform

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or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare a state of emergency within the City. The approval authority may issue a stop work order for any activities that violates this condition in whole or in part.

- (3) **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff, agents, contractors or other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee. Notwithstanding the prior sentence, the City's officers, officials, staff, agents, contractors or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City's officers, officials, staff or other designees while any such inspection or emergency access occurs.
- (4) **Future Undergrounding Programs.** If other public utilities or communications providers in the PROW underground their facilities in the segment of the PROW where the permittee's SWF is located, the permittee must underground its equipment except the antennas and any other equipment that must be placed above ground to function. Accessory equipment such as radios and computers that require an environmentally controlled underground vault to function shall not be exempt from this condition. SWFs installed on wood utility poles that will be removed pursuant to the undergrounding program may be reinstalled on a streetlight that complies with the City's standards and specifications. Such undergrounding shall occur at the permittee's sole cost and expense except as may be reimbursed through tariffs approved by the state public utilities commission for undergrounding costs.
- (5) **Electric Meter Upgrades.** If the commercial electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure, the permittee on its own initiative and at its sole cost and expense shall remove the separate or ground-mounted electric meter and enclosure. Prior to removing the electric meter, the permittee shall apply for any encroachment and/or other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.
- (6) **Rearrangement and Relocation.** The permittee acknowledges that the City, in its sole discretion and at any time, may: (i) change any street grade, width or location; (ii) add, remove or otherwise change any improvements in, on, under or along any street owned by the City or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles

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and utility systems for gas, water, electric or telecommunications; and/or (iii) perform any other work deemed necessary, useful or desirable by the City (collectively, "City work"). The City reserves the rights to do any and all City work without any admission on its part that the City would not have such rights without the express reservation in the SWF permit. If the Public Works Director determines that any City work will require the permittee's SWF located in the PROW to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's SWF within a reasonable time after the Public Works Director's notice, the City may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense. The City may exercise its rights to rearrange or relocate the permittee's SWF without prior notice to permittee when the Public Works Director determines that the City work is immediately necessary to protect public health or safety. The permittee shall reimburse the City for all costs and expenses in connection with such work within 10 days after a written demand for reimbursement and reasonable documentation to support such costs.

SECTION 2.6 SECTION 2.6. LOCATION REQUIREMENTS

- (a) **Preface to Location Requirements.** Applications that involve lesser-preferred locations or structures may be approved so long as the applicant demonstrates that either (1) no more preferred locations or structures exist within 250 feet from the proposed site; or (2) any more preferred locations or structures within 250 feet from the proposed site would be technically infeasible to achieve the operator's service objectives, as supported by clear and convincing evidence in the written record. The final subsection of this Section 2.6 identifies "prohibited" support structures on which the City shall not approve any small cell permit application for any competitor or potential competitor.
- (1) Allowable locations for SWFs are on existing or replacement infrastructure such as street lights and utility poles.
 - (2) When locating in an alley, the SWF shall be placed at a height above the roof line of adjacent buildings to avoid being placed adjacent to a window. When locating in a walk-street, the facility shall be placed below the roof line of the adjacent buildings.
 - (3) When choosing locations, choose locations in between occupiable buildings rather than immediately adjacent to occupiable buildings, and not adjacent to a window.
 - (4) If the SWF is not able to be placed on existing infrastructure, the applicant shall provide a map of existing infrastructure in the service area and describe why each such site was not feasible.

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- (b) **Locations in the Public Rights-of-Way.** The City prefers small wireless facilities in the public rights-of-way to be installed in locations, ordered from most preferred to least preferred, as follows:
- (1) Locations within commercial or industrial districts on or along arterial roads;
 - (2) Locations within commercial or industrial districts on or along collector roads;
 - (3) Locations within commercial or industrial districts on or along local roads;
 - (4) Locations within residential districts on or along arterial roads;
 - (5) Locations within residential districts on or along collector roads;
 - (6) Any location in any district within 250 feet from any structure approved for a residential use.
- (c) **Support Structures in the Public Rights-of-Way.** The City prefers SWFs to be installed on support structures in the PROW, ordered from most preferred to least preferred, as follows:
- (1) Existing or replacement streetlight poles;
 - (2) Existing or replacement wood utility poles;
 - (3) New, non-replacement streetlight poles;
 - (4) New, non-replacement poles for small wireless facilities.
- (d) **Prohibited Support Structures.** The City prohibits SWFs to be installed on the following support structures:
- (1) Decorative poles;
 - (2) Strand-mounted wireless facilities are prohibited;
 - (3) Traffic signs, poles, cabinets and related devices;
 - (4) Any utility pole scheduled for removal or relocation within 12 months from the time the approval authority acts on the small cell permit application;
 - (5) New, non-replacement wood poles.

SECTION 2.7 DESIGN STANDARDS

- (a) **Visual & Other General Standards.** SWFs shall be designed in the least visible means possible and to be compatible with support structure/surroundings.

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- (1) **Noise.** SWFs and all accessory equipment and transmission equipment must comply with all applicable noise control standards and regulations in the Suisun City Municipal Code, as may be amended or superseded, and shall not exceed, either on an individual or cumulative basis, the noise limit in the applicable district/zone.
- (2) **Lights.** SWFs shall not include any lights that would be visible from publicly accessible areas, except as may be required under Federal Aviation Administration, FCC, other applicable regulations for health and safety. All equipment with lights (such as indicator or status lights) must be installed in locations and within enclosures that mitigate illumination impacts visible from publicly accessible areas. The provisions in this subsection (a)(2) shall not be interpreted or applied to prohibit installations on streetlights or luminaires installed on new or replacement poles as may be required under this Policy.
- (3) **Landscape Features.** SWFs shall not displace any existing landscape features unless: (A) such displaced landscaping is replaced with native and/or drought-resistant plants, trees or other landscape features approved by the approval authority and (B) the applicant submits and adheres to a landscape maintenance plan. The landscape plan must include existing vegetation, and vegetation proposed to be removed or trimmed, and the landscape plan must identify proposed landscaping by species type, size and location. Landscape maintenance must be performed in accordance with the Suisun City Municipal Code and the City's Landscape Manual, as either may be amended or superseded.
 - (A) If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select, plant and maintain replacement landscaping in an appropriate location for the species. Only International Society of Arboriculture certified workers under the supervision of a licensed arborist shall be used to install the replacement tree(s). Any replacement tree must be substantially the same size as the damaged tree. The permittee shall, at all times, be responsible to maintain any replacement landscape features.
 - (B) To preserve existing landscaping in the public rights-of-way, all work performed in connection with SWFs shall not cause any street trees to be trimmed, damaged or displaced. If any street trees are damaged or displaced, the applicant shall be responsible, at its sole cost and expense, to plant and maintain replacement trees at the site for the duration of the permit term.
- (4) **Site Security Measures.** SWFs may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices, to prevent unauthorized access, theft or vandalism. The approval authority shall not approve any barbed wire, razor ribbon, electrified fences or any similarly dangerous security measures. All exterior surfaces on SWFs shall be constructed from or coated with graffiti-resistant materials.

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- (5) **Signage; Advertisements.** All SWFs shall contain a site identification sticker that accurately identifies the site owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. SWFs may not bear any other signage or advertisements unless expressly approved by the City, required by law or recommended under FCC, OSHA, Federal Aviation Administration or other United States governmental agencies for compliance with RF emissions regulations. Permittees shall:
- (A) Remove or paint over unnecessary equipment manufacturer decals and fill-in any visibly depressed manufacturer logos on equipment.
 - (B) Utilize the smallest and lowest visibility stickers required by government or electric utility regulations.
 - (C) Use sticker colors that are muted.
 - (D) Signage shall be maintained in legible condition and the carrier will be required to replace any faded signage within thirty (30) days of receiving written notification from the City that it is in need of replacing.
- (6) **Compliance with Health and Safety Regulations.** All SWFs shall be designed, constructed, operated and maintained in compliance with all generally applicable health and safety regulations, which includes without limitation all applicable regulations for human exposure to RF emissions.
- (b) **Dimensions; Design.** Wireless facilities shall be as small, short and unobtrusive as possible.
- (1) **Overall Height.** SWFs may not exceed either (A) the minimum separation from electrical lines required by applicable safety regulations, plus four feet or (B) four feet above the existing support structure. In addition, SWFs shall be located no higher than 10% or 10 feet, whichever is greater, than the height otherwise permitted in the immediately adjacent zoning district.
 - (2) **Concealment.** All antennas and associated mounting equipment, hardware, cables or other connectors must be completely concealed within an opaque antenna shroud or radome. The antenna shroud or radome must be painted a flat, non-reflective color to match the underlying support structure. The wireless facility and accessory equipment shall be camouflaged with use of one or more concealment elements to blend the facility with surrounding materials and colors of the adjacent street light or utility pole to which it is mounted. Concealment elements include:
 - (A) Radio frequency transparent screening;
 - (B) Approved, specific colors;
 - (C) Use of non-reflective material(s);

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- (D) Minimizing the size of the site;
 - (E) Integrating the installation into existing or replacement utility infrastructure;
 - (F) Installing new infrastructure that matches existing infrastructure in the area surrounding the proposed site.
 - (G) Antennas, brackets (mounting), PVC or steel risers and cabling shall match the color of the adjacent structure.
 - (H) Paint shall be of durable quality.
 - (I) Materials shall be non-flammable and non-reflective.
 - (J) Each individual antenna may not exceed three cubic feet in volume and all antennas may not exceed six cubic feet in volume.
- (3) **Accessory Equipment.**
- (A) **Installation Preferences.** SWF accessory equipment shall be enclosed in replacement poles or placed underground where technically feasible, and if not feasible, shall be as small, short and unobtrusive as possible. Applications that involve lesser-preferred installation locations may be approved so long as the applicant demonstrates that no more preferred installation location would be technically infeasible as supported by clear and convincing evidence in the written record.
 - (B) **Undergrounded Accessory Equipment.** All undergrounded accessory equipment must be installed in an environmentally controlled vault that is load-rated to meet the City's standards and specifications. Underground vaults located beneath a sidewalk must be constructed with a slip-resistant cover. Vents for airflow shall be flush-to-grade when placed within the sidewalk and may not exceed two feet above grade when placed off the sidewalk. Applicants shall not be permitted to install an underground vault in a location that would cause any existing tree to be materially damaged or displaced.
- (c) **Streetlights.** Applicants that propose to install SWFs on an existing streetlight must remove and replace the existing streetlight with one substantially similar to the City's standards and specifications but designed to accommodate wireless antennas and accessory equipment. In the event that the existing streetlight can accommodate the installation of all fiber lines within the interior of the pole and all other city concealment requirements are met, then a replacement pole need not be required. To mitigate any material changes in the street lighting patterns, the replacement pole must: (A) be located as close to the removed pole as possible; (B) be aligned with the other existing streetlights; and (C) include a luminaire at substantially the same height and distance from the pole as the

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luminaire on the removed pole. All antennas must be installed above the pole within a single, canister style shroud or radome that tapers to the pole.

- (d) **Wood Utility Poles.** Applicants that propose to install SWFs on an existing wood utility pole must install all antennas above the pole unless the applicant demonstrates that mounting the antennas above the pole would be technically infeasible as supported by clear and convincing evidence in the written record. Side-mounted antennas on a stand-off bracket or extension arm must be concealed within a shroud. All cables, wires and other connectors must be concealed within the side-arm mount or extension arm. The maximum horizontal separation between the antenna and the pole shall be the minimum separation required by applicable health and safety regulations.
- (e) **For Replacement Poles and Street Lights.** If an applicant proposes a replacement pole or street light to accommodate the SWF, the replacement shall be in the same location as the street light or pole being replaced; unless the replacement will not meet all applicable standards, then replacement may be located in an alternative location that complies with the requirements herein.
- (f) **New, Non-Replacement Poles.** Applicants that propose to install SWFs on a new, non-replacement pole must install a new streetlight substantially similar to the City's standards and specifications but designed to accommodate wireless antennas and accessory equipment located immediately adjacent to the proposed location. If there are no existing streetlights in the immediate vicinity, the applicant may install a metal or composite pole capable of concealing all the accessory equipment either within the pole or within an integrated enclosure located at the base of the pole. The pole diameter shall not exceed twelve (12) inches and any base enclosure diameter shall not exceed sixteen (16) inches. All antennas, whether on a new streetlight or other new pole, must be installed above the pole within a single, canister style shroud or radome.
 - (1) The new pole must actually function for a purpose other than placement of a wireless facility (e.g. street light, utility pole, etc.).
 - (2) The design must match the dimensions and design of existing and similar types of poles and antennas in the surrounding areas.
- (g) **Encroachments over Private Property.** SWFs may not encroach onto or over any private or other property outside the PROW without the property owner's express written consent.
- (h) **Backup Power Sources.** Fossil-fuel based backup power sources shall not be permitted within the PROW; provided, however, that connectors or receptacles may be installed for temporary backup power generators used in an emergency declared by federal, state or local officials.
- (i) **Obstructions; Public Safety.** Small wireless facilities and any associated equipment or improvements shall not physically interfere with or impede access to any: (A) worker access to any above-ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade

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reflectors; (B) access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop; (C) worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency; (D) fire hydrant or water valve; (E) access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the rights-of-way; or (F) access to any fire escape.

- (j) **Utility Connections.** All cables and connectors for telephone, data backhaul, primary electric and other similar utilities must be routed underground in conduits large enough to accommodate future collocated wireless facilities. Undergrounded cables and wires must transition directly into the pole base without any external doghouse. All cables, wires and connectors between the underground conduits and the antennas and other accessory equipment shall be routed through and concealed from view within: (A) internal risers or conduits if on a concrete, composite or similar pole; or (B) a cable shroud or conduit mounted as flush to the pole as possible if on a wood pole or other pole without internal cable space. The approval authority shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost.
- (k) **Spools and Coils.** To reduce clutter and deter vandalism, excess fiber optic or coaxial cables shall not be spooled, coiled or otherwise stored on the pole outside equipment cabinets or shrouds.
- (l) **Electric Meters.**
 - (1) SWFs shall use unmetered (flat rate) electric service, if allowed by the utility company, or use the narrowest, shrouded electric meter and disconnect available. Permittees shall ensure the meter and other enclosures are well maintained, including regular painting, and the use of a graffiti-resistant paint, and stack the disconnect switch above/below the meter, instead of attached to the side of the meter.
 - (2) Electrical meters, vaults and fans shall be located underground where feasible.
- (m) **Building-Mounted Small Wireless Facilities.**
 - (A) **Preferred Concealment Techniques.** All applicants must propose new non-tower SWFs that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, if the applicant demonstrates with clear and convincing evidence that integration with existing features is technically infeasible, the applicant may propose completely concealed new structures or appurtenances designed to mimic the support structure's

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original architecture and proportions (examples include, but are not limited to, steeples and chimneys).

- (B) **Facade-Mounted Equipment.** When SWFs cannot be placed behind existing parapet walls or other existing screening elements, the approval authority may approve facade-mounted equipment in accordance with this Subsection. All facade-mounted equipment must be concealed behind screen walls and mounted flush to the facade. The approval authority may not approve “pop-out” screen boxes. Except in industrial zones, the approval authority may not approve any exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the facade.

- (n) **Future Modifications.** Any modifications to existing facilities or collocations shall not defeat the concealment elements of the existing structure/facility.