

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



CITY COUNCIL MEETING
First and Third Tuesday
Every Month

A G E N D A

**REGULAR MEETING OF THE
SUISUN CITY COUNCIL
SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY,
AND HOUSING AUTHORITY
TUESDAY, APRIL 7, 2020
6:30 P.M.**

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

NOTICE

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

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

ZOOM MEETING INFORMATION:

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

MEETING ID: 744 576 1347

CALL IN PHONE NUMBER: (707) 438-1720

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

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

(Next Ord. No. – 771)

(Next City Council Res. No. 2020 – 42)

Next Suisun City Council Acting as Successor Agency Res. No. SA2020 - 01)

(Next Housing Authority Res. No. HA2020 – 02)

ROLL CALL

Council / Board Members

Pledge of Allegiance

Invocation

DEPARTMENTS: AREA CODE (707)

ADMINISTRATION 421-7300 ■ PLANNING 421-7335 ■ BUILDING 421-7310 ■ FINANCE 421-7320
FIRE 425-9133 ■ RECREATION & COMMUNITY SERVICES 421-7200 ■ POLICE 421-7373 ■ PUBLIC WORKS 421-7340
SUCCESSOR AGENCY 421-7309 FAX 421-7366

PUBLIC COMMENT

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

CONFLICT OF INTEREST NOTIFICATION

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

REPORTS: (Informational items only.)

1. COVID-19 Update

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

City Council

2. Proclamation: (not presented)
 - a. Presentation of Proclamation Proclaiming April 12-18, 2020 as National Public Safety Telecommunications Week - (Roth: aaroth@suisun.com).
 - b. Presentation of Proclamation Proclaiming April 2020 as National Autism Awareness Month – (Lofthus: klofthus@suisun.com).

CONSENT CALENDAR

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

3. Council Adoption of Ordinance No.770: Amending Chapter 10.36 of the Suisun City Municipal Code and Add Definitions to the Existing Code (Introduced and Reading Waived on March 17, 2020) – (Roth: aroth@suisun.com)
4. Council Adoption of Resolution No. 2020-____: Authorizing the Chief of Police to Execute an Agreement to Receive and Administer Funding Through the Boating Safety and Enforcement Financial Aid Program from the California Department of Boating and Waterways – (Roth: aroth@suisun.com).
5. Council Adoption of Resolution No. 2020-____: Authorizing the Police Chief to Enter into a Five-year Contract with Turbo Data Systems for Processing of Parking, Mechanical, Registration and Administrative Citations – (Roth: aroth@suisun.com).

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

6. Council/Agency/Authority Approval of the Minutes of the Regular and/or Special Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on March 17, 2020 – (Hobson: clerk@suisun.com).

Joint City Council / Suisun City Council Acting as Successor Agency

7. Council/Agency Approval of the February 2020 Payroll Warrants in the Amount of \$476,784.05. Council/Agency Approval of the February 2020 Accounts Payable Warrants in the Amount of \$695,468.07– (Finance).

8. Council/Agency Approval of the March 2020 Payroll Warrants in the Amount of \$482,265.68. Council/Agency Approval of the March 2020 Accounts Payable Warrants in the Amount of \$1,083,503.88 – (Finance).

GENERAL BUSINESS

City Council

9. Council Adoption of Ordinance No.769: 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 (Introduced and Reading Waived on March 17, 2020) – (Folsom/Kearns: gfolson@suisun.com, jkearns@suisun.com).
10. Council Adoption of Resolution 2020-___: Ratifying the Director of Emergency Services' Local Emergency Directive Limiting Access to the Boat Launch Area of the Marina, Requiring Retail Essential Businesses to Provide Hand Sanitizing Stations, Closing Playgrounds, and Prohibiting Group Activities in Parks - (Folsom: gfolson@suisun.com).

REPORTS: (Informational items only.)

11. a. Council/Boardmembers
b. Mayor/Chair
12. City Manager/Executive Director/Staff

PUBLIC COMMENT

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

ADJOURNMENT

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

PLEASE NOTE:

1. The City Council/Agency/Authority hopes to conclude its public business by 10:00 P.M. Ordinarily, no new items will be taken up after the 10:00 P.M. cutoff and any items remaining will be agendaized for the next meeting. The agendas have been prepared with the hope that all items scheduled will be discussed within the time allowed.
2. Suisun City is committed to providing full access to these proceedings; individuals with special needs may call 421-7300.
3. Agendas are posted at least 72 hours in advance of regular meetings at Suisun City Hall, 701 Civic Center Boulevard, Suisun City, CA. Agendas may be posted at other Suisun City locations including:
 - Suisun City Fire Station, 621 Pintail Drive, Suisun City, CA;
 - Suisun City Senior Center, 318 Merganser Drive, Suisun City, CA;
 - Joe Nelson Center, 611 Village Drive, Suisun City, CA;
 - Harbor Master Office, 800 Kellogg Street, Suisun City, CA.

I, Donna Pock, Deputy City Clerk for the City of Suisun City, declare under penalty of perjury that the above agenda for the meeting of April 7, 2020 was posted and available for review, in compliance with the Brown Act.

THIS PAGE INTENTIONALLY LEFT BLANK

Office of the Mayor
Suisun City, California

Proclamation



WHEREAS, since it's origin in 1981 during the second week of April, the telecommunications personnel in the public safety community are honored; and

WHEREAS, this week is a time to celebrate and thank those who dedicate their lives to serving the public and appreciate their hard work and dedication to our residents; and

WHEREAS, Public Safety Dispatchers provide critical assistance during a person's worst moments, providing the calm reassurance they need to handle any situation and are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Dispatchers serve our community by answering their requests for law enforcement, fire, and emergency medical services by dispatching the appropriate assistance as needed; and

WHEREAS, the safety of our police officers, firefighters, and emergency medical services are dependent upon the quality and accuracy of information obtained by the dispatcher; and

WHEREAS, Public Safety Dispatchers of Suisun City have contributed substantially to the apprehension of criminals and suppression of fires while exhibiting compassion and professionalism; and

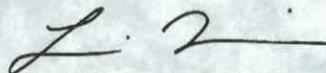
NOW, THEREFORE, BE IT RESOLVED, that I, Lori D. Wilson, Mayor of the City of Suisun City do hereby proclaim April 12-18 2020 as

“NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK”

in the City of Suisun City, and encourage residents to take the time to thank the hardworking Public Safety Dispatchers, who, to the best of their ability provide support to our community and first responders and contribute to the safety of all.

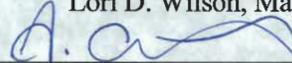


In witness whereof I have hereunto set my hand and caused this seal to be affixed. .



Lori D. Wilson, Mayor

ATTEST:



DATE:

April 7, 2020

THIS PAGE INTENTIONALLY LEFT BLANK

Office of the Mayor
Suisun City, California

Proclamation



WHEREAS, Autism Awareness Month is observed annually in April, and April 2 is recognized as the World Autism Awareness Day; both designations are intended to increase understanding of people with autism; and

WHEREAS, Autism Spectrum Disorder (ASD) is a complex, lifelong development disability that appears during early childhood and can impact social skills, communication, and self-regulation; and

WHEREAS, more than 3.5 million Americans live with an Autism Spectrum Disorder, and the Center for Disease Control estimates that about 1 in 54 children have been identified with ASD; and

WHEREAS, Autism Spectrum Disorder is the fastest-growing developmental disability, increasing an average of 10.5 percent per year and does not discriminate by geography, class or ethnicity and can affect anyone; and

WHEREAS, Autism Awareness Month highlights the prevalence of autism, and generates interest and support for education and research in finding the cause and cure for this complex disability; and

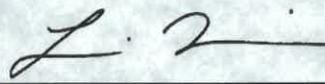
NOW, THEREFORE, BE IT RESOLVED, that I, Lori D. Wilson, Mayor of the City of Suisun City do hereby proclaim the month of April 2020 as

“AUTISM AWARENESS MONTH”

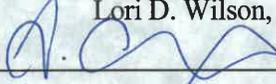
in the City of Suisun City, and encourage residents to learn more about the signs of autism and what they can do to support individuals with autism and their families.



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



Lori D. Wilson, Mayor

ATTEST: 

DATE: April 7, 2020

THIS PAGE INTENTIONALLY LEFT BLANK

AGENDA TRANSMITTAL

MEETING DATE: April 7, 2020

CITY AGENDA ITEM: Council Adoption of Ordinance No. 770: Amending Chapter 10.36 of the Suisun City Municipal Code and add Definitions to the Existing Code (Introduced and Reading Waived on March 17, 2020).

FISCAL IMPACT: There is no fiscal impact.

STRATEGIC PLAN: Provide Good Governance, Section 4.7 – Improve productivity, efficiency, effectiveness, customer service and citizen satisfaction in all areas of municipal organization.

BACKGROUND: On March 17, 2020 the City Council held a public hearing to consider amendments Chapter 10.36 of the Suisun City Municipal Code and add Definitions to the Existing Code. During the February 18th, 2020, Council meeting, it was identified by the City Attorney that the Suisun City Municipal Code governing abandoned, wrecked, dismantled or inoperative vehicles lacked a complete list of definitions.

Section 22660 and 22661 of the California Vehicle Code (VC) was originally implemented to allow a city and/or county to adopt an ordinance which would establish procedures for the abatement and removal, as a public nuisance, of abandoned, wrecked, dismantled or inoperative vehicle or parts from private or public property, not including highways. This VC section also established specific procedures to insure the rights of both the vehicle and the property owner were protected [i.e., a public hearing and notification to the California Highway Patrol (CHP) as the overseeing agency of this program].

Currently, Chapter 10.36 of the Suisun City Municipal Code outlines the process for a vehicle abatement in Suisun City, referencing the authority and process outlined in the aforementioned VC sections.

STAFF REPORT: The ordinance would take effect thirty days after passage. The current Suisun City Municipal Code governing the abatement of abandoned, wrecked, dismantled or inoperative vehicles (SCMC 10.36 and 10.36.020) lacks included definitions for terms that are specifically outlined in the California Highway Patrol (CHP) Abandoned Vehicle Abatement Handbook. As referenced above, the CHP is the state body designated to oversee the program for removing abandoned vehicles.

It was recommended the following definitions be added to Suisun City Municipal Code 10.36.020 as taken from the Abandoned Vehicle Abatement Handbook:

PREPARED BY:
REVIEWED BY:

Aaron Roth, Police Chief
Greg Folsom, City Manager

The following definitions are included for use by the Authorities and are consistent with Section 22710 VC requiring the California Highway Patrol (CHP) to establish guidelines for the AVA Program.

Public Nuisance Vehicle: Any vehicle that is abandoned, wrecked, dismantled, or any inoperative part thereof that is on public or private property, not including highways, and that creates a condition tending to reduce the value of private property, promotes blight and deterioration, invites plundering, creates fire hazards, constitutes an attractive nuisance endangering the health and safety of minors, harbors rodents and insects, or jeopardizes, health, safety, and general welfare is a public nuisance.

Abandoned Vehicle: A vehicle is considered to be “abandoned” if it is left on a highway, public property, or private property in such inoperable or neglected condition that the owner’s intent to relinquish all further rights or interests in it may be reasonably concluded. In reaching a reasonable conclusion, one must consider the amount of time the vehicle has not been moved, its condition, statements from the owner and witnesses, etc.

Wrecked Vehicle: Any vehicle that is damaged to such an extent that it cannot be operated upon the highway is termed a wrecked vehicle. A vehicle which has been wrecked in a traffic accident, and which has been removed from the roadway to a storage facility, but which has not been claimed by its owner, will not be considered an abandoned vehicle for the purposes of this program.

Dismantled Vehicle: Any vehicle which is partially or wholly disassembled.

STAFF RECOMMENDATION:

1. Council Adoption of Ordinance No. 770: Amending Chapter 10.36 of the Suisun City Municipal Code and add Definitions to the Existing Code (Introduced and Reading Waived on March 17, 2020).

ATTACHMENTS:

1. Council Adoption of Ordinance No. 770: Amending Chapter 10.36 of the Suisun City Municipal Code and add Definitions to the Existing Code (Introduced and Reading Waived on March 17, 2020).

ORDINANCE NO. 770

**AN ORDINANCE OF THE CITY COUNCIL OF CITY COUNCIL OF THE CITY OF
SUISUN CITY AMENDING CHAPTER 10.36 OF THE SUISUN CITY MUNICIPAL
CODE AND ADD DEFINITIONS TO THE EXISTING CODE**

WHEREAS, Suisun City Municipal Code 10.36 governs the removal of abandoned, wrecked, dismantled or inoperative vehicles; and

WHEREAS, on February 18th, 2020, the City Attorney identified Suisun City Municipal Code section 10.36.020 did not include all necessary definitions needed for Chapter 10.36; and

WHEREAS, the missing definitions were obtained from the California Highway Patrol Abandoned Vehicle Abatement Program Handbook; and

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

SECTION 1. The City Council does hereby amend **the following changes in bold to** Chapter 10.36 – Abandoned, Wrecked, Dismantled or Inoperative Vehicles of the City of Suisun City Municipal Code as follows:

CHAPTER 10.36 - ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES

Sections:

Section 10.36.020 Definitions

As used in this chapter:

- A. “Highway” means a way or place of whatever nature, publicly maintained and open to the use of the public for purpose of vehicular travel. “Highway” includes a street.
- B. “Owner of the land” means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.
- C. “Owner of the vehicle” means the last registered owner and legal owner of record.
- D. “Public property” does not include “highway.”
- E. “Vehicle means a device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.
- F. “Public Nuisance Vehicle” means any vehicle that is abandoned, wrecked, dismantled, or any inoperative part thereof that is on public or private property, not including highways, and that creates a condition tending to reduce the value of private property, promotes blight and deterioration, invites plundering, creates fire hazards, constitutes an attractive nuisance endangering the health and safety of minors, harbors rodents and insects, or jeopardizes, health, safety, and general welfare is a public nuisance.
- G. “Abandoned Vehicle” means a vehicle is considered to be “abandoned” if it is left on a highway, public property, or private property in such inoperable or neglected condition that the owner’s intent to relinquish all further rights or interests in it

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

may be reasonably concluded. In reaching a reasonable conclusion, one must consider the amount of time the vehicle has not been moved, its condition, statements from the owner and witnesses, etc.

H. "Wrecked Vehicle" means any vehicle that is damaged to such an extent that it cannot be operated upon the highway is termed a wrecked vehicle. A vehicle which has been wrecked in a traffic accident, and which has been removed from the roadway to a storage facility, but which has not been claimed by its owner, will not be considered an abandoned vehicle for the purposes of this program.

I. "Dismantled Vehicle" means any vehicle which is partially or wholly disassembled.

SECTION 2. 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 of the City of Suisun City hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 3. This Ordinance shall be in full force and effect thirty (30) days after its adoption following second reading.

SECTION 4. 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 7th day of April 2020.

Lori D. Wilson, Mayor

ATTEST:

Linda Hobson, CMC
City Clerk

1 **CERTIFICATION**

2 I, Linda Hobson, City Clerk of the City of Suisun City and ex-officio Clerk of the
3 City Council of said City, do hereby certify that the above and foregoing ordinance was
4 introduced at a regular meeting of the said City Council held on Tuesday, March 17, 2020 and
regularly passed and adopted at a regular meeting of said City Council held on Tuesday, April
7, 2020, by the following vote:

5 **AYES:** Councilmembers:
6 **NOES:** Councilmembers:
7 **ABSENT:** Councilmembers:
8 **ABSTAIN:** Councilmembers:

9 **WITNESS** my hand and the seal of said City this 7th day of April 2020.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Linda Hobson, CMC
City Clerk

THIS PAGE INTENTIONALLY LEFT BLANK

AGENDA TRANSMITTAL

MEETING DATE: April 7, 2020

CITY AGENDA ITEM: Council Adoption of Resolution No. 2020-___: Authorizing the Chief of Police to Execute an agreement to Receive and Administer Funding Through the Boating Safety and Enforcement Financial Aid Program from the California Department of Boating and Waterways.

FISCAL IMPACT: Contingent upon final approval of the budget, Suisun City will be awarded grant funds in the amount of \$43,753.00. Suisun City's match is through the contribution personal property tax revenues from boats.

STRATEGIC PLAN IMPACT: Provide Good Governance

BACKGROUND: Each year the Police Department applies for and receives grant funding from the CA Department of Boating and Waterways to cover the majority of the operation of our boating enforcement program. The Police Department has operated a boat patrol program for over 20 years.

STAFF REPORT: Two police sergeants and up to six regular officers are assigned to the patrol boat operation. Throughout the year, the boat patrol is utilized in several events, such as boat races, Fourth of July, launch ramp inspections, harbor patrol, sinking vessels, vessel accidents, search and rescues, stranded boaters and special assistance call outs by the United States Coast Guard and the Solano County Sheriff's Department. The team participates in regional enforcement efforts sponsored by the United States Coast Guard in conjunction with surrounding counties. The team also conducts enforcement operations for the Fleet Week event in San Francisco.

During the prior federal fiscal year (2018/2019), the team worked approximately 713 hours towards boating safety education and enforcement. There were 46 warnings issued. There were 118 compliance inspection/checks completed. There was 1 search and rescue responses, 14 persons assisted and 5 vessels assisted.

RECOMMENDATION: Council Adoption of Resolution No.2020-___: Authorizing the Chief of Police to Execute an Agreement to Receive and Administer Funding Through the Boating Safety and Enforcement Financial Aid Program from the California Department of Boating and Waterways.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Lisa Carlock, Police Sergeant
 Aaron Roth, Police Chief
 Greg Folsom, City Manager

ATTACHMENTS:

1. Council Adoption of Resolution No. 2020-___: Authorizing the Chief of Police to Execute an Agreement to Receive and Administer Funding Through the Boating Safety and Enforcement Financial Aid Program from the California Department of Boating and Waterways.
2. Boating Safety and Enforcement Financial Aid Program Agreement

RESOLUTION NO. 2020-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
AUTHORIZING THE CHIEF OF POLICE TO EXECUTE AN AGREEMENT TO
RECEIVE AND ADMINISTER FUNDING THROUGH THE BOATING SAFETY
AND ENFORCEMENT FINANCIAL AID PROGRAM FROM THE CALIFORNIA
DEPARTMENT OF BOATING AND WATERWAYS**

WHEREAS, the City of Suisun City Police Department is eligible to participate in the Boating Safety and Enforcement Financial Aid Program through the California Department of Boating and Waterways; and

WHEREAS, the Boating Safety and Enforcement Financial Aid Program will provide funding in the amount of \$43,753.00 for the purpose of performing boating safety and enforcement activities as described in Title 14, California Code of Regulations Section 6593.3; and

WHEREAS, pursuant to Title 14, California Code of Regulations Section 6593.6, the City of Suisun City Police Department is required to enter into an annual agreement with the California Department of Boating and Waterways in order to participate in the financial aid program; and

WHEREAS, pursuant to Harbors and Navigation Code, Section 663.7 (e), the department shall not allocate funds to any county or a public agency within a county unless the department receives a resolution adopted annually by the board of supervisors authorizing the county to participate in the program and certifying that the county will expend for boating safety programs during that year not less than an amount equal to 100 percent of the amount received by the county from personal property taxes on vessels. The money allocated to a county pursuant to subdivision (a) shall be used only for boating safety and enforcement programs, as specified in subdivision (a), that are conducted in that county.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Police Chief, or his designee, to execute those documents necessary to receive funding through the California Department of Boating and Waterways Boating Safety and Enforcement Financial Aid Program and further authorizes the Police Chief, or his designee, to administer said program.

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Suisun City held on Tuesday the 7th day of April 2020 by the following vote:

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

WITNESS my hand and the seal of said City this 7th day of April 2020.

Linda Hobson, CMC
City Clerk

THIS PAGE INTENTIONALLY LEFT BLANK



Boating Safety and Enforcement Financial Aid Program Agreement

This agreement entered into this *1ST day of July, 2020*, by and between the CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS, hereinafter called “Department,” and the *CITY OF SUISUN*, hereinafter called “Agency”;

WITNESSETH

WHEREAS, Contingent on approval of the **Fiscal Year 2020-2021** budget, the Department intends to agree with Agency for the purpose of performing boating safety and enforcement activities as described in Title 14, California Code of Regulations Section 6593.3; and

WHEREAS, Agency is equipped, staffed and prepared to provide such services on the terms and conditions set forth in this agreement and in accordance with Title 14, California Code of Regulations Section 6593 et seq.; and

WHEREAS, pursuant to Title 14, California Code of Regulations Section 6593.6, Department shall enter into an annual agreement with each participating agency;

NOW, THEREFORE, it is mutually agreed as follows:

I. Applicable Law

Agency shall observe and comply with all applicable federal, state, and county statutes, ordinances, regulations, directives, and laws, including, but not limited to, Harbors and Navigation Code Section 663.7 and Section 6593 et seq. of Title 14, California Code of Regulations. Agreement shall be deemed to be executed within the State of California and construed and governed by the laws of the State of California.

II. Description of Services

Agency shall conduct boating safety and enforcement activities in the jurisdiction of the Agency in consideration of the payments hereinafter set forth.

III. Payments

A. **Maximum Amount.** The amount the Department shall be obligated to pay for services rendered under this agreement shall not exceed **\$43,753.00** for the agreement term in full consideration of Agency’s performance of the services described in this agreement.

B. **Rate of Payment.** The Department shall reimburse Agency in accordance with the reimbursement procedures set forth in Title 14, California Code of Regulations Section 6593.9.

- C. Submission of Claims. Agency shall submit claims for reimbursement to the Department contact person identified in paragraph V of this contract on a _____ monthly **OR** X quarterly basis. **(Please check one)**
- D. Failure to Submit Claims. Claims for reimbursement shall be submitted within 60 days following the last day of the reporting period. Pursuant to Title 14, California Code of Regulations 6593.9 (i), the Department may reduce an Agency's allocation by five percent if the Agency exceeds the sixty-day billing period and an additional five percent for every thirty-day period thereafter that the Agency is late in filing a claim.

IV. Records

Agency shall maintain records pursuant to Section 6593.10 of Title 14, California Code of Regulations.

V. Notice

Notice shall be in writing and shall be deemed to have been served when it is deposited in the United States mail, first class postage prepaid, and addressed as follows:

TO DEPARTMENT

Ms. Joanna Andrade
Department of Parks and Recreation
Division of Boating and Waterways
One Capitol Mall, Suite 500
Sacramento, CA 95814

TO AGENCY

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

Either party may change the address to which subsequent notice and/or other communication can be sent by giving written notice designating a change of address to the other party.

VI. Term

This agreement shall be for the term beginning **July 1, 2020**, and ending **June 30, 2021**.

VII. Prior Agreements

All prior agreements regarding this subject matter between Department and Agency are hereby terminated effective June 30 prior to the term beginning date of this agreement.

VIII. Amendment

No amendment or variation of the terms of this agreement shall be valid unless made in writing and signed by the parties hereto.

IX. Termination

Agency may terminate this agreement without cause in writing at any time. Department may terminate this agreement without cause upon a sixty (60) days written notice served upon the Agency.

X. Special Provisions

A. Agency hereby certifies that the obligations created by this agreement do not violate the provisions of Sections 1090 to 1096 of the Government Code.

B. This agreement shall have no force or effect until signed by the Department, Agency, and approved by the Department of General Services Legal Department, if required.

C. Agency shall continue with the responsibilities of this agreement during any dispute.

D. In the event of an allocation reduction for this program, an equal allotment will be decrease from every participant.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above written.

CALIFORNIA DEPARTMENT OF PARKS AND
RECREATION, DIVISION OF BOATING AND
WATERWAYS

By: _____

*California Department of Parks and Recreation,
Division of Boating and Waterways*

Date: _____

“Department”

CITY OF SUISUN

By: _____

Title: _____

Date: _____

“Agency”

THIS PAGE INTENTIONALLY LEFT BLANK

AGENDA TRANSMITTAL

MEETING DATE: April 7, 2020

CITY AGENDA ITEM: Council Adoption of Resolution No. 2020-__ : Authorizing the Police Chief to Enter into a Five-year Contract with Turbo Data Systems, for Processing of Parking, Mechanical, Registration and Administrative Citations.

FISCAL IMPACT: There is no direct fiscal impact to the General Fund. The vendor would receive a fee based on the number of citations being processed. Without this program the City would have no means of collections, liens and intercepts to recover citation fees voluntarily or involuntarily.

STRATEGIC GOALS: Ensure Public Safety and Ensure Fiscal Solvency

BACKGROUND: The Police Department has used Turbo Data Systems to process parking, mechanical, registration and administrative citations for several years. The Suisun City Police Department (SCPD) historically depended on a lone volunteer to commit hours of time to reviewing, processing and administering this program. After the volunteer left the organization, the SCPD has not had the staffing resources to manually process the tickets in the manner previously established. Suisun City and the SCPD do not have the resources needed to internally conduct the tasks associated with fee collections.

STAFF REPORT: The Suisun City Police Department is seeking approval by the City Council to enter into a purchase agreement with Turbo Data to continue our ticket processing service while adding Fire Department administrative citation capabilities, as well as an automated checking deposit and escrow system feature.

Under this system, fees are only collected based on the citations written. Therefore, there is no upfront cost to the City. Currently SCPD processes tickets for Suisun City Parking, Suisun City PD Administrative Citations and Parking/Mechanical/Registration citations for Suisun City, Solano County Sheriff, Solano County Parks, Rio Vista PD and Solano County CHP. With this new contract, we would add SCFD to the list of citation issuing agencies and add them into the complete functionality of the Turbo Data System. The contract updates will increase our abilities to more efficiently process citations and improve collections over any internal system. The Suisun City Police Department will continue to collect a percentage of the citations issued by the allied agencies for managing the citation processing system. These efficiencies will decrease the workload on City Finance Department personnel, while maintaining the highest levels of accountability and auditability.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Daniel Healy, Police Commander
 Aaron Roth, Police Chief
 Greg Folsom, City Manager

The checking escrow account will be a significant feature for efficiency of payments and fees collected. Through the establishment of an escrow bank account, all citation fees paid to Turbo Data will be placed into an escrow account where the citation will show paid and the money deposited will be tracked electronically. This is a vast improvement over the previous method. The escrow account will allow us to provide refunds on overturned citations that are contested, pay Solano County fees associated with the program, and pay Turbo Data. Staff will also be able to track and pay the allied agencies based on the tickets issued and payments recovered.

RECOMMENDATION: It is recommended that the City Council Adopt Resolution No. 2020-__: Authorizing the Police Chief to Enter into a Five-year Contract with Turbo Data Systems, for Processing of Parking, Mechanical, Registration and Administrative Citations.

ATTACHMENTS:

1. Resolution No. 2020-__: Authorizing the Police Chief to Enter into a Five-year Contract with Turbo Data Systems, for Processing of Parking, Mechanical, Registration and Administrative Citations.
2. Agreement for Processing of Parking and Administrative Citations
3. Scope of Services

RESOLUTION NO. 2020-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
AUTHORIZING THE POLICE CHIEF TO ENTER INTO A FIVE-YEAR
CONTRACT WITH TURBO DATA SYSTEMS, FOR PROCESSING OF PARKING,
MECHANICAL, REGISTRATION AND ADMINISTRATIVE CITATIONS**

WHEREAS, the Police Department desires to modify the current Parking, Mechanical, Registration and Administrative Citation contract; and

WHEREAS, the proposed contract will increase departmental efficiencies and accuracy, and;

WHEREAS, the proposed contract will allow for the Suisun City Fire Department to issue administrative citations through the existing system, and;

WHEREAS, the proposed agreement will allow the City to issue, process and collect fees, without additional personnel, and;

WHEREAS, the proposed agreement will help to ensure public safety, and;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the Police Chief, to enter a five-year contract with Turbo Data Systems for citation processing, billing and collections.

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Suisun City held on Tuesday the 7th day of April 2020 by the following vote:

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

WITNESS my hand and the seal of said City this 7th day of April 2020.

Linda Hobson, CMC
City Clerk

THIS PAGE INTENTIONALLY LEFT BLANK

**AGREEMENT FOR
PROCESSING OF PARKING AND ADMINISTRATIVE CITATIONS**

This Agreement is entered into by and between **Turbo Data Systems, Inc.** (TDS), a California Corporation, and the **Suisun City**, (hereinafter "Customer").

Whereas, TDS and the Customer desire to enter into an agreement whereby TDS will provide services related to the processing of **Parking and Administrative Citations** pursuant to the terms and conditions set forth herein.

In consideration of the mutual covenants, conditions, representations and warranties contained herein the parties hereby agree as follows:

1. **PURPOSE.** The purpose of this Agreement is for TDS to process Parking and Administrative Citations, and provide Mobile Ticketwriters for the Customer in a timely manner.

2. **SCOPE OF SERVICES.** When and as directed by the Customer, TDS shall perform the following services:

See Attached Scope of Services

3. **TERM.** This agreement shall become effective for a period of **five years**, extended annually after that upon mutual agreement, starting **March 1, 2020**.

4. **CONSIDERATION.** In consideration for services performed by TDS as provided in this agreement, Customer shall pay TDS pursuant to the terms set forth in Exhibit "A" – CONSIDERATION which is attached hereto and incorporated herein by this reference.

5. **PAYMENT OF FEES.** Charges determined on the basis set forth in Exhibit "A" shall be billed on a monthly basis in arrears and payment therefore shall be made within thirty (30) days after submission of each separate invoice.

6. **ACCOUNTING RECORDS.** Records of the citations processed by TDS shall be available for examination by the Customer or its authorized representative(s) at a time agreeable to the Customer and TDS within one week following a request by the Customer to examine such records. Failure by TDS to permit such examination within one (1) week of a request shall permit the Customer to withhold all further payments until such examination is completed unless the Customer in writing authorizes an extension of time for examination.

7. **TIME OF PERFORMANCE.** Time is of the essence, and TDS shall perform the services required by this agreement in an expeditious and timely manner so as not to unreasonably delay the purpose of this agreement as set forth in Sections 1 and 2.

8. **INDEPENDENT CONTRACTOR.** At all times during the term of this agreement, TDS shall be an independent contractor and shall not be an employee of the Customer. The Customer shall have the right to control TDS only insofar as the results of TDS's services rendered pursuant to this agreement; however, Customer shall not have the right to control the means by which TDS accomplishes the services rendered pursuant to this agreement.

9. **FACILITIES AND EQUIPMENT.** TDS shall, at its own cost and expense, provide all facilities and equipment that may be required for performance of the services required by this agreement.

10. TDS agrees to defend, indemnify, hold free and harmless the Customer, its elected officials, officers,

**AGREEMENT FOR
PROCESSING OF PARKING AND ADMINISTRATIVE CITATIONS**

agents and employees, at contractor's sole expense, from and against any and all claims, actions, suits or other legal proceedings brought against the Customer, its elected officials, officers, agents and employees arising out of the performance of the contractor, its employees, and/or authorized subcontractors, of the work undertaken pursuant to this Agreement. The defense obligation provided for hereunder shall apply without any advance showing of negligence or wrongdoing by the contractor, its employees, and/or authorized subcontractors, but shall be required whenever any claim, action, complaint, or suit asserts as its basis the negligence, errors, omissions or misconduct of the contractor, its employees, and/or authorized subcontractors, and/or whenever any claim, action, complaint or suit asserts liability against the Customer, its elected officials, officers, agents and employees based upon the work performed by the contractor, its employees, and/or authorized subcontractors under this Agreement, whether or not the contractor, its employees, and/or authorized subcontractors are specifically named or otherwise asserted to be liable. Notwithstanding the foregoing, the contractor shall not be liable for the defense or indemnification of the Customer for claims, actions, complaints or suits arising out of the sole active negligence or willful misconduct of the Customer. This provision shall supersede and replace all other indemnity provisions contained either in the Customer's specifications or contractor's proposal, which shall be of no force and effect.

11. INDEMNIFICATION BY CUSTOMER. TDS shall use due care in processing work of the Customer. Any errors shall be corrected by TDS at no additional charge to the Customer. TDS shall be entitled to reimbursement from the Customer for any expenses incurred by TDS for the correction of any erroneous information provided by the Customer and TDS shall not be responsible for Customers' losses and expenses resulting from erroneous source materials provided by the Customer. Neither party shall be liable to the other for any indirect or consequential losses or damages resulting from any errors within the scope of this agreement.

12. FAIR EMPLOYMENT PRACTICES/EQUAL OPPORTUNITY ACTS. In the performance of this agreement, TDS shall comply with all applicable provisions of the California Fair Employment Practices Act (California Labor Code Sections (410 et seq.) and the applicable equal employment provisions of the Civil Rights Act of 1964 (42 U.S.C. 200e 217), whichever is more restrictive.

13. AGENCY. Except as Customer may specify in writing TDS shall have no authority, expressed or implied, to act on behalf of the Customer in any capacity whatsoever as an agent. TDS shall have no authority, expressed or implied, pursuant to this agreement to bind Customer to any obligation whatsoever.

14. CHANGES IN LAW. Should there be any changes in the law applicable to the processing of parking and administrative citations which would require material changes in the method of the processing as contemplated in this agreement, or materially reduce or eliminate the amount of revenue received by the Customer from such citations, this agreement shall terminate on the date such law becomes effective, provided either party gives sixty (60) days' notice of termination. Any changes in the processing of parking or administrative violations as a result of changes in the law or DMV regulations affecting such violations, which do not materially add to the cost of processing such citations by TDS shall be implemented by TDS at the request of the Customer, provided however, that the cost of such implementation does not exceed the fee paid to TDS for performing such services. If any such change results in the cost of processing citations exceeding the amounts provided for in Section 4 and the Customer declines to amend this agreement to provide for the payment of such increased costs, the agreement shall terminate as of the effective date of the change in the law or regulations.

15. OWNERSHIP OF SOFTWARE. Customer acknowledges that the software and software programs used by

**AGREEMENT FOR
PROCESSING OF PARKING AND ADMINISTRATIVE CITATIONS**

the Customer or used for the Customer's benefit which were developed by TDS are the sole property of TDS and the Customer obtains no right or interest in the software by virtue of this agreement.

16. OWNERSHIP OF DOCUMENTS. All citations and other physical documents pertaining to the Customer (payment documents, appeal documents, etc.), shall be the property of the Customer. Copies of said documents shall not be made available by TDS to any individual or organization without the prior written approval of Customer, except as required by law. TDS agrees to provide Customer, in computer readable form, a copy of all data files to service its citations at the conclusion of this Agreement.

17. FORCE MAJEURE. Neither party shall be responsible for delays or failure in performance resulting from acts beyond the control of such parties. Such acts shall include, but are not limited to, Acts of God, strikes, riots, acts of war, epidemics, fire, communication line failure, earthquakes or other disasters.

18. TERMINATION. This agreement may be terminated by either party upon ninety (90) days written notice after the original term of the agreement. At such time, TDS agrees to provide Customer, in computer readable form, a copy of all data files to service its citations. This Agreement may be terminated by TDS or Customer in the event that either party has materially breached an obligation under this Agreement and the breach remains uncured for thirty (30) days after receipt of a written notice, as provided in Section 19, specifically describing the nature of the breach from the party delivering the notice. In the event that the breach cannot reasonably be cured within such thirty (30) day period, the breaching party shall have the right to notify the other party, as provided in Section 19, that it requires additional time to cure the breach and the reason why it needs additional time which shall not exceed a maximum time period of an additional sixty (60) days, provided that the breaching party diligently and continuously works to cure the breach prior to the expiration of the additional time.

19. NOTICE. Whenever it shall be necessary for either party to serve notice on the other respecting this agreement, such notice shall be served by certified mail addressed to:

TDS: **Turbo Data Systems, Inc.
18302 Irvine Blvd, Suite 200
Tustin, CA 92780
Roberta J. Rosen, President**

CUSTOMER: **Suisun City
701 Civic Center Drive
Suisun City, CA 94585**

unless and until different addresses may be furnished in writing by either party to the other, and such notice shall be deemed to have been served within seventy-two (72) hours after the same has been deposited in the United States Post Office by certified mail. This shall be valid and sufficient service of notice for all purposes.

20. EXTENT OF AGREEMENT. This agreement represents the entire and integrated agreement between Customer and TDS and supersedes any and all prior negotiations, representations or agreements, either written or oral. This agreement may be amended only by written instrument signed by both Customer and TDS. This agreement may only be assigned with the express written consent of each of the parties hereto. In

**AGREEMENT FOR
PROCESSING OF PARKING AND ADMINISTRATIVE CITATIONS**

the event that any provision hereof is deemed to be illegal or unenforceable, such a determination shall not affect the validity or enforceability of the remaining provisions hereof, all of which remain in full force and effect.

21. LITIGATION COSTS. If any legal action or any other proceeding is brought to enforce the terms of this agreement, or because of an alleged dispute, breach, or misrepresentation in the connection with any of the provisions of this agreement, the successful or prevailing party or parties shall be entitled to recover their reasonable attorneys' fees and other costs incurred in that action or proceeding, including the costs of appeal in addition to any other relief to which it or they may be entitled.

22. EFFECTIVE DATE OF THIS AGREEMENT. This agreement, made in duplicate, shall be effective from and after **March 1, 2020**.

Executed on this ___ day of _____, _____.

SUISUN CITY

By: _____

TURBO DATA SYSTEMS, INC.

By: _____

Roberta J. Rosen
President

AGREEMENT FOR
PROCESSING OF PARKING AND ADMINISTRATIVE CITATIONS

EXHIBIT "A" – CONSIDERATION
PARKING CITATION PROCESSING

1. BASIC PROCESSING SERVICES

ELECTRONIC PARKING CITATIONS..... \$0.40 per citation

MANUAL PARKING CITATIONS \$0.70 per citation

Monthly Minimum for Basic Processing Service Fees Waived

- No monthly minimum fee with TDS Bank Management Service (See Item 11)

ONE-TIME STARTUP COST FOR PROCESSING Waived

- Includes: citation evaluation, database creation, loading officer names/badge numbers into database, loading violation codes into database, loading customized delinquent notice verbiage into database, Client training regarding TDS' processes and coordination with DMV to create Parking Client Reporting Code for retrieving names and addresses of registered owners as well as placing and releasing registration holds.
- Fine amounts must be in whole dollars
- Conversion of data from Current Vendor or In-house System Included

Basic Processing Services include all of the following:

PAYMENT PROCESSING

- Payment processing for all payments received by mail

DMV INTERFACE

- DMV online interface for retrieval of registered owner names/addresses
- DMV online interface for placing and releasing registration holds
- DMV Payment File processed monthly with complete reporting of activities
- Automated release of DMV Holds at 18 months or period determined by Agency

WEEKLY/MONTHLY REPORTING

- Weekly/monthly habitual offender reporting for booting or towing
- Weekly/monthly statistical and managerial reports

COURIER SERVICE

- Daily pick up of mail at a P O Box established by TDS
- All other correspondence will be emailed/mailed to and from TDS

ONLINE INQUIRY ACCESS FOR THE PUBLIC (pticket.com)

- Internet access 24/7 that allows the public to view the status of their outstanding citations
- Information on; payment options, contesting, proof of correction for registration/license plate violations
- All notification dates, delinquent dates, late fees, violation descriptions and total amount due for each license.

**AGREEMENT FOR
PROCESSING OF PARKING AND ADMINISTRATIVE CITATIONS**

ADDITIONAL PROCESSING SERVICES:

**2. NOTICE PROCESSING SERVICES \$0.85 per notice mailed
*Includes Postage***

- Forms, printing, and weekly First Class mailing of delinquent notices
- Customized verbiage for payment and contesting instructions
- Second delinquent notices for leased and rented vehicles
- Second delinquent notices for partial payments and bounced checks
- Second delinquent notices for vehicle ownership and address changes
- Initial Review Result Letters, Administrative Hearing Letters, Payment Plan Letters
- Other correspondence as required

3. CUSTOMER SERVICE - TOLL-FREE PHONE # included

- Toll-free # staffed between the hours of 8:00 am and 5:00 pm, Mon. thru Fri
- Trained representatives can answer questions specific to your agency
- Customer service provided in English and Spanish

4. PTICKET.COM AND INTERACTIVE VOICE RESPONSE SYSTEM (IVR) included

- IVR and WEB system available to the public 24 hours a day, 7 days a week
- Systems provide status of citation, amount due, due date, contesting status, etc.

5. OUT-OF-STATE PROCESSING 30% of amount collected

- Regularly scheduled out-of-state DMV inquiries for names/addresses of registered owners

6. ADMINISTRATIVE ADJUDICATION PROCESSING \$1.25 per appeal

- All appeals are stored online, including mailed-in appeals
- Pending appeals are organized by request date
- Initial Review Decision Codes online in drop-down list
- Never lose appeal documents — originals are available for court requests
- Initial Review result letters mailed at Notice Rate
- Process hearing requests and payment deposits
- Preparation of hearing paperwork for hearing examiner
- Decision letters and hearing notification letters will be mailed at the Notice Rate
- Scheduling of all in-person and telephone hearing requests
- Monthly reporting of outstanding Review Requests and Hearing Requests

7. HEARING EXAMINER SERVICES \$25 per Hearing

- An **\$80 Trip Fee** will be added for all scheduled in-person hearing dates.
- In-Person Hearings conducted at Agency by qualified Hearing Examiner.
- Hearings by written declaration and by telephone are also provided.
- Mail Hearing Notification Letters to respondents via first class mail at regular Notice Rate.
- Mail Hearing Result Letters to respondents via first class mail at regular Notice Rate.

HEARING EXAMINER SERVICES – Suisun City will have the option to use their own Hearing Examiner with advance notice of 45 days to TDS to ensure that our Hearing Examiner has not been scheduled.

AGREEMENT FOR
PROCESSING OF PARKING AND ADMINISTRATIVE CITATIONS

8. CREDIT CARD PAYMENT PROCESSING (INTERNET) No Charge to Agency

- Customized delinquent notices with the Visa/MasterCard/Discover logo
- Violator ability to pay via credit card 24 hours per day, 7 days a week
- Immediate approval and updating of payment information to the client's database
- \$3.95 per citation is charged to the violator at time of payment to cover web services and merchant fees. Fee is subject to change.

9. INNOVATIVE COLLECTION SERVICES 30% of the amount collected

- ALL notices mailed as a part of this service (ICS) are at no cost to the City
- Two notifications via first class mail
- TDS assumes cost for ICS notifications and postage
- Payment processing online and by PO Box.
- Integrated Reporting in ticketPRO Web system

10. FRANCHISE TAX BOARD OFFSET PROGRAM \$2 per letter mailed + 15% of amount collected

- Combining citations by license number for total amount due
- Eliminating Corporate Names
- Retrieving SSN by name from 3rd party
- Combining accounts by SSN
- Mailing required FTB letter in advance of placing accounts at FTB
- No charge for notice processing fee
- Processing payments, receiving phone calls generated by FTB process
- All systems and operational procedures required for the FTB process

11. BANK MANAGEMENT \$100 per month plus bank fees

- Process all parking deposits into a separate account setup for Agency
- Handle any NSF checks and process Refund checks. \$3.50 fee per refund check, chargeback and NSF
- Pay monthly State/County surcharges
- Pay TDS for services rendered
- Pay Agency monthly with the balance of the funds
- Reconcile the account monthly and provide reporting
- **SPECIAL NOTE:** Currently Suisun City operates parking accounts for 3 other parking agencies: Rio Vista PD, Solano County CHP, Solano County Parks and Solano County Sheriff. There will be a **\$25 per month** Bank Management charge for each of these databases.

12. PAYMENT PLANS \$10 per plan

- Payment plan tracking and letter mailing, letters at regular notice rate

13. COST INCREASES

- **Postal Rate Increase Offset:** If postal rates increase during the term of this agreement, any per notice fee paid to TDS shall be raised immediately to offset the effect of the postal rate increase.

**AGREEMENT FOR
PROCESSING OF PARKING AND ADMINISTRATIVE CITATIONS**

**EXHIBIT "A" – CONSIDERATION
ADMINISTRATIVE CITATION PROCESSING**

1. BASIC PROCESSING

BASIC PROCESSING-MANUAL ADMIN CITATIONS.....\$5.00 per citation

BASIC PROCESSING-ELECTRONIC ADMIN CITATIONS.....\$3.00 per citation

ONE-TIME STARTUP COST FOR PROCESSING.....Waived

- Includes: citation evaluation, database creation, loading officer names/badge numbers into database, loading violation codes into database, loading customized delinquent notice verbiage into database, Client training regarding TDS' processes.

This service includes all of the following:

DATA ENTRY (MANUAL)

- Online entry of manual citations
- Online entry of violator name and address
- Online update of payment/disposition information

PAYMENT PROCESSING

- Payment processing for all payments received by mail

ONLINE MONTHLY REPORTING

- Detail and Summary reporting is provided each month

BANK DEPOSITS

- Bank deposits will be performed with TDS' Bank Management Service (See Item-9)
- Reconciliation of deposits

COURIER SERVICE

- Daily pick up of mail at a P O Box established by TDS
- All other correspondence will be mailed or emailed to and from TDS

ONLINE INQUIRY ACCESS FOR THE PUBLIC

- Internet access 24/7 that allows the public to view the status of their outstanding citations
- Information on; payment options, contesting, administrative citation process
- All notification dates, delinquent dates, late fees, violation descriptions and total amount due for each citation.

**AGREEMENT FOR
PROCESSING OF PARKING AND ADMINISTRATIVE CITATIONS**

**EXHIBIT "A" – CONSIDERATION
ADMINISTRATIVE CITATION PROCESSING**

**2. NOTICE PROCESSING SERVICES..... \$0.85 per notice mailed
*Includes First Class Postage***

- Forms, printing, and First Class mailing of notices
- Customized verbiage for payment and contesting instructions

3. CUSTOMER SERVICE.....Provided by City/Agency

- A City/Agency phone number will be included on all notices and letters mailed as a part of this program.

4. ADMINISTRATIVE ADJUDICATION PROCESSING.\$1.25 per appeal

- All appeals are stored online, including mailed-in appeals
- Pending appeals are organized by request date
- Initial Review Decision Codes online in drop-down list
- Never lose appeal documents — originals are available for court requests
- Initial Review result letters mailed at Notice Rate
- Process hearing requests and payment deposits
- Preparation of hearing paperwork for hearing examiner
- Decision letters and hearing notification letters will be mailed at the Notice Rate
- Scheduling of all in-person and telephone hearing requests
- Monthly reporting of outstanding Review Requests and Hearing Requests

5. HEARING EXAMINER SERVICES..... \$40 per Admin Hearing

- An **\$80 Trip Fee** will be added for all scheduled in-person hearing dates.
- In-Person Hearings conducted at Agency by qualified Hearing Examiner.
- Hearings by written declaration and by telephone are also provided.
- Mail Hearing Notification Letters to respondents via first class mail at regular Notice Rate.
- Mail Hearing Result Letters to respondents via first class mail at regular Notice

6. INTERNET CREDIT CARD PROCESSING.....No charge to City

- \$4 Fee (minimum) or 3% of amount paid, whichever is greater, to be paid by Violator
- Customized notices with the Visa/MasterCard/Discover logo
- Violator ability to pay via credit card 24 hours per day, 7 days a week
- Immediate approval and updating of payment information to the client's database

7. INNOVATIVE COLLECTION SERVICES.....30% of amount collected

- ALL notices mailed as a part of this service (ICS) are at no cost to the City.
- Two notifications via first class mail
- TDS assumes cost for ICS notifications and postage
- Payment processing online and by PO Box.
- Integrated Reporting in ticketPRO Web system

HEARING EXAMINER SERVICES – Re #5 above: Suisun City will have the option to use their own Hearing Examiner with advance notice of 45 days to TDS to ensure that our Hearing Examiner has not been scheduled.

AGREEMENT FOR
PROCESSING OF PARKING AND ADMINISTRATIVE CITATIONS

8. FRANCHISE TAX BOARD COLLECTION SERVICES.....30% of amount collected

- Combining citations by license number for total amount due
- Eliminating Corporate Names
- Retrieving SSN by name from 3rd party
- Combining accounts by SSN
- Mailing required FTB letter in advance of placing accounts at FTB
- No charge for notice processing fee
- Processing payments generated by FTB process
- Receiving phone calls generated by FTB process
- All systems and operational procedures required for the FTB process
- Complete reporting

**9. ADMIN PROCESSING BANK MANAGEMENT.....\$25 per month
plus bank fees/charges**

- Discounted monthly rate with concurrent parking citation processing contract
- Process all deposits into a separate account setup for Agency
- Handle any NSF checks and process Refund checks. \$3.50 fee per refund check, chargeback and NSF
- Pay TDS for services rendered and pay Agency monthly with the balance of the funds
- Reconcile the account monthly and provide reporting
- **SPECIAL NOTE: Currently Suisun City operates both an Alarm Violation database and a Municipal Violation database for Administrative Citations. There will be a \$25 per month Bank Management charge for each of these databases.**

10. COST INCREASES

- **Postal Rate Increase Offset:** If postal rates increase during the term of this agreement, any per notice fee paid to TDS shall be raised immediately to offset the effect of the postal rate increase.

9. ADMIN PROCESSING BANK MANAGEMENT (CON'T)

At this time Suisun City will be adding a Fire Department database. There will be a \$25 per month Bank Management charge for this new database as well as any other unique database that may be added in the future.

Alarm Violation processing can be stopped by the City with 30 days' notice and TDS will provide an export of the information in the database at that time.

SCOPE OF SERVICES

TDS shall perform the following services in processing all Parking Citations:

- A. **Basic Processing** – TDS will enter manual citations and citation dispositions into Customer’s database within 2 business days. The basic service includes database maintenance, daily system backups, toll-free phone number for the public, Interactive Voice Response System (IVRS) with customized recorded information and citation lookup capability, **pticket.com** web-based Inquiry System for the public with customized content, Customer Service Representatives (8:00 am – 5:00 pm, Monday through Friday, excluding holidays) to speak with the public regarding parking citation issues, ongoing Client support, and documentation and training for use of the TDS-provided online system.
- B. **Handheld Ticket writer Interface** - TDS will provide for automated import of electronic citations into Customers database within 1 business day. TDS will maintain and update the hot sheet or scofflaw files on a daily basis for Customer to upload into their handheld ticket writers. TDS will work with Customer to implement any changes required for handheld ticket writer equipment.
- C. **System and Document Storage** - Citations paid or dismissed will be retained on the computer system for 3 years and then removed. Unpaid citations will be retained on the computer system for 5 years and then removed. Citation documents will be stored for 2 years from date of issue and then returned to Customer or shredded. Payment documents will be stored for 2 years from the date of payment and then returned to Customer or shredded.
- D. **Online Reporting** – TDS will provide monthly reports online indicating the status of all citations, such reports to be available for Customer access no later than the thirtieth (30th) day of the following month.
- E. **DMV Interface for Registered Owner Name Retrieval** - Attempt to obtain names and addresses of registered owners of cited vehicles for those citations that have not been cleared prior to their notice generation date.
- F. **Notice Processing** - Print the required Notice and mail to each registered owner whose name has been retrieved within 10 to 21 days after the citation has been issued. Includes second notices mailed for bounced checks, partial payments, and name or address changes. The notice date shall be extended whenever there is an unusual delay in delivery of information or citations to TDS. All postage, notice forms and envelopes will be provided by TDS.
- G. **DMV Interface for Placing Registration Holds** - Transmit a Notice of Delinquency to the California DMV for vehicles with California license plates after a Notice of Violation has been mailed to the registered owner and TDS has not received notification that the citation has been cleared. This Notice of Delinquency will be transmitted to the California DMV within 2 business days after the date specified by the Customer to be the DMV Date.

SCOPE OF SERVICES

- H. **DMV Interface for Releasing Registration Holds** - Transmit a Notice to the California DMV that a Notice of Delinquency has been cleared within 2 business days after TDS has received notification of clearance.
- I. **DMV Interface for Monthly Payment File** – Receive payment file from DMV as available (currently monthly) and update DMV transactions into Customers database, providing reporting for reconciliation purposes.
- J. **Delivery Service** – Manual citations will be mailed or scanned to TDS by Customer at their own expense. TDS reports will be provided online. TDS will return any required documents via US Mail.
- K. **Collection and Payment Processing** - TDS will provide the following collection and payment processing services for Customer:
- Provide P. O. Box where payments are mailed
 - Courier pickup from P. O. Box daily
 - Open all mail
 - Verify payment amounts and record on computer system within 2 business days (48 hours)
 - Respond to reasonable non-judicial public inquiries by phone and/or mail
 - Return questionable mail to Customer for decision
 - Verify amounts deposited, by citation number
 - Provide toll-free number for citizen inquiries
 - Provide monthly Paid Citation Distribution Report
- L. **Out of State Citations** - TDS shall process citations for non-California license plates by entering the citation information into the system database and reporting them along with all other citations on the database with the standard reports. Requests for registered owner information will be sent to the appropriate out-of-state DMV. The Notice of Intent will be generated to the registered owner and the fine amount requested. TDS will incur all costs for this processing, including out-of-state DMV fees and charges. TDS will receive payment from Customer based on the amount of revenues collected from out-of-state citations after the registered owner has been retrieved. This amount will be billed monthly for the prior months' receipts (as determined from our database and/or reports).
- M. **Web Payment System - Payment by Credit Card** - Through the pticket.com web site, we accept credit card payments via Visa, MasterCard and Discover. The system authorizes each transaction while the customer is online. Customers are given an email confirmation to confirm their charge. The pticket.com web payment system automatically updates the citation database with the payment immediately. Credit Card monies are paid to a Turbo Data Systems bank account and are reconciled monthly. Each customer receives their own credit card postlog which shows in detail which citations were paid and for what amount, along with the deposit slip from the bank or the ACH deposit email showing that these funds have been deposited into the customer's account. Should there be any charge backs to the merchant account, the funds are pulled directly from the Turbo Data master account and the citation will be reactivated, much like a bounced check. The violator will

SCOPE OF SERVICES

be sent a notice and will then proceed to DMV hold. TDS will provide all services regarding reconciliation, reactivation of charge backs, etc. Customer will not be involved in the daily processing.

- N. **Administrative Adjudication Processing Service** - TDS will provide for the processing of requests for contesting citations, allowing for agency processing of administrative reviews, tracking and monitoring all relevant dates on an automated system, mailing timely notification to respondents regarding the status of their claims, and scheduling of administrative hearings. All Administrative Adjudication information entered into the system is done in real time and is linked to existing database information to ensure proper tracking of relevant dates, mailing names and addresses and other pertinent information. Administrative Review requests will be entered within 2 business days of receipt. Adjudication documents will be stored for 2 years from their activity date and then shredded.
- O. **Paperless Appeals (eAppealsPRO & Scanning)** – TDS will provide online appeal capability for the public to appeal their citations online. TDS will provide the scanning of all mailed-in appeal documents and electronic storage of those documents. TDS will provide an online application to access the appeals, which will be searchable and sortable. TDS will keep an electronic history of processed appeals for at least two years.
- P. **Administrative Adjudication Hearings** – TDS will schedule and provide an independent hearing examiner to conduct in person, in writing and over the phone hearings. City will provide in person hearing location.
- Q. **Online Inquiry Access for Customers' Staff** - TicketPROWeb Access includes online access 24 hours a day, 7 days a week for Agency personnel to inquire on Customer's database. This access includes citation inquiry (includes citation status, history status, administrative adjudication status, notes, etc.), the ability to enter and view notes, post dismissals/payments, view daily deposits made at TDS' facility and view daily file transfers sent from the handheld ticket writer software and received at TDS' facility. TDS' technical staff will provide support. TDS will provide a real-time secured high-speed connection to the citation database through the Customers' Internet connection.
- R. **Additional Notices** - TDS will mail **Other Correspondence** as required for processing.
- S. **Payment Plans** – TDS will provide for payment plans to support AB503 legislation. Customer will make approve all payment plans and TDS will provide the system to track and monitor the plans for compliance. TDS will generate and mail all required payment plan correspondence.
- T. **ICS Collection Service – Special Collections** - Citations remaining outstanding ninety days after becoming delinquent, DMV No-Holds, DMV Transfer of Ownership Releases, Non-California license plates, and any other citations deemed as delinquent citations by Customer are transferred into the ICS system on a weekly basis. Up to two collection letters will be mailed for each ICS account requesting payment. Payments are processed daily and deposited to the Customer's regular citation processing bank account. The TDS Customer

SCOPE OF SERVICES

Service Center will handle all ICS related calls through a special toll-free number dedicated to ICS accounts. Monthly reporting shows all accounts moved to the ICS system and all payments received due to ICS efforts.

- U. **Franchise Tax Board Offset Program** – TDS will combine citations by license number for total amount due, eliminate corporate names, retrieve SSN's by name from a 3rd party, combine accounts by SSN, mail required FTB letters in advance of placing accounts at FTB, process payments generated by the FTB process, receive phone calls generated by the FTB process, provide all systems and operational procedures required for the FTB process, and provide complete reporting and reconciliation for the FTB process. Customer will complete required FTB paperwork and forms (with TDS' assistance), establish a SWIFT account with the FTB, and provide whatever assistance may be required to work with the FTB regarding the FTB process. Customer will pay the FTB directly for their offset services.
- V. **Bank Account Management** - TDS will open a trust account in the name of the Agency to receive parking deposits for all parking citation monies. TDS will handle any NSF checks from this account and reactivate the citations. TDS will process any required refund checks. TDS will send a monthly surcharge check to the county based on reporting. TDS will pay their own invoice monthly and write a check to the Agency monthly for the balance of the funds. TDS will reconcile the account monthly and provide documentation to Agency of reconciliation.
- W. **Handheld Ticketwriters** – ticketPRO Magic – TDS will provide ticketPRO Magic Units (phones and printers) and citations and envelopes as required at the pricing then in effect.
- X. **Support and Maintenance for Ticketwriters** – TDS will provide maintenance and support for the Automated Citation Issuance System and the Field Units and provide RemoteConnect Support for devices while in the field.
- Y. **TP Magic Communications Package (Cellular)** – TDS will provide a data plan with unlimited voice/text messaging for field units.
- Z. **Annual Update of Fines and Fees** – TDS will update the fines and fees for the Agency on an annual basis upon submission of a spreadsheet or other document with the fines and fees. Fines and fees must be in even dollar amounts to ensure DMV compatibility.

SCOPE OF SERVICES

TDS shall perform the following services in processing all **Administrative Citations**:

- A. **Basic Processing** – TDS will enter manual citations including the name and address of the responsible party from the citation and citation dispositions into Customer’s database within 2 business days. The basic service includes database maintenance, daily system backups, Interactive Voice Response System (IVRS) with customized recorded information and citation lookup capability, **pticket.com** web-based Inquiry System for the public with customized content, ongoing Client support, and documentation and training for use of the TDS-provided online system. Municipal Administrative citations are scanned to us and then entered manually. Images of the citations are available online for viewing.
- B. **Automated Entry of Administrative Citations** – Alarm citations are sent to us in an XML file and entered electronically.
- C. **System and Document Storage** - Citations paid or dismissed will be retained on the computer system for 3 years and then removed. Unpaid citations will be retained on the computer system for 5 years and then removed. Citation documents will be stored for 2 years from date of issue and then returned to Customer or shredded. Payment documents will be stored for 2 years from the date of payment and then returned to Customer or shredded.
- D. **Online Reporting** - Provide monthly reports online indicating the status of all citations, such reports to be available for Customer access no later than the thirtieth (30th) day of the following month.
- E. **Notice Processing** - Print the required Notice and mail to each responsible party within a City determined number of days after the citation has been issued. Includes second notices mailed for bounced checks, partial payments, and address changes. The notice date shall be delayed if there is an unusual delay in delivery of information or citations to TDS. All postage, notice forms and envelopes will be provided by TDS.
- F. **Delivery Service** – Manual citations will be mailed or **scanned** to TDS by Customer at their own expense. TDS reports will be provided online. TDS will return any required documents via US Mail.
- G. **Collection and Payment Processing** - TDS will provide the following collection and payment processing services for Customer:
 - Provide P. O. Box where payments are mailed
 - Courier pickup from P. O. Box daily
 - Open all mail
 - Verify payment amounts and record on computer system within 2 business days (48 hours)
 - Respond to reasonable public inquiries by phone and/or mail
 - Return questionable mail to Customer for decision
 - Make bank deposits to Customer bank account
 - Verify amounts deposited, by citation number

SCOPE OF SERVICES

- H. **Web Payment System - Payment by Credit Card** - Through the pticket.com web site, we accept credit card payments via Visa, MasterCard and Discover. The system authorizes each transaction while the customer is online. Customers are given an email confirmation to confirm their charge. The pticket.com web payment system automatically updates the citation database with the payment immediately. Credit Card monies are paid to a Turbo Data Systems bank account and are reconciled monthly. Each customer receives their own credit card postlog which shows in detail which citations were paid and for what amount, along with the deposit slip from the bank or the ACH deposit email showing that these funds have been deposited into the customer's account. Should there be any charge backs to the merchant account, the funds are pulled directly from the Turbo Data master account and the citation will be reactivated, much like a bounced check. The violator will be sent a notice and will then proceed to further collections. TDS will provide all services regarding reconciliation, reactivation of charge backs, etc. Customer will not be involved in the daily processing.
- I. **Administrative Adjudication Processing Service** - TDS will provide for the processing of requests for contesting citations, and tracking and monitoring all relevant dates on an automated system. All Administrative Adjudication information entered into the system is done in real time and is linked to existing database information to ensure proper tracking of relevant dates, mailing names and addresses and other pertinent information. Hearing requests will be entered within 2 business days of receipt. Adjudication documents will be stored for 2 years from their activity date and then shredded.
- J. **Administrative Adjudication Hearings** – TDS will schedule and provide an independent hearing examiner to conduct hearings in person, in writing and over the phone. City will provide in person hearing location.
- K. **Online Inquiry Access for Customers' Staff** - TicketPROWeb Access includes online access 24 hours a day, 7 days a week for Agency personnel to inquire on Customer's database. This access includes citation inquiry (includes citation status, history status, administrative adjudication status, notes, etc.), the ability to enter and view notes, post dismissals/payments, and view daily deposits made by TDS. TDS' technical staff will provide support. TDS will provide access to the citation database through the Customers' Internet connection.
- L. **Additional Notices** - TDS will mail Other Correspondence as required for processing.
- M. **ICS Collection Service – Special Collections** - Citations remaining outstanding ninety days after becoming delinquent and any other citations deemed as delinquent citations by Customer are transferred into the ICS system on a weekly basis. Up to two collection letters will be mailed for each ICS account requesting payment. Payments are processed daily and deposited to the Customer's regular citation processing bank account. The TDS Customer Service Center will handle all ICS related calls through a special toll-free number

SCOPE OF SERVICES

dedicated to ICS accounts. Monthly reporting shows all accounts moved to the ICS system and all payments received due to ICS efforts.

- N. **Franchise Tax Board Offset Program** – TDS will combine citations by responsible party for total amount due, eliminate corporate names, retrieve SSN's by name from a 3rd party, combine accounts by SSN, mail required FTB letters in advance of placing accounts at FTB, process payments generated by the FTB process, receive phone calls generated by the FTB process, provide all systems and operational procedures required for the FTB process, and provide complete reporting and reconciliation for the FTB process. Customer will be required to complete required FTB paperwork and forms (with TDS' assistance), establish a SWIFT account with the FTB, and provide whatever assistance may be required to work with the FTB regarding the FTB process. Customer will pay the FTB directly for their offset services.
- O. **Bank Account Management** - TDS will open a trust account in the name of the Agency to receive parking deposits for all administrative citation monies. TDS will handle any NSF checks from this account and reactivate the citations. TDS will process any required refund checks. TDS will pay their own invoice monthly and write a check to the Agency monthly for the balance of the funds. TDS will reconcile the account monthly and provide documentation to Agency of reconciliation. This account may be joined with the parking citation trust account in the event that one exists.
- P. **Annual Update of Fines and Fees** – TDS will update the fines and fees for the Agency on an annual basis upon submission of a spreadsheet or other document with the fines and fees. Fines and fees must be in even dollar amounts to ensure efficient processing.

THIS PAGE INTENTIONALLY LEFT BLANK

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 17, 2020

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/Successor Agency/Housing Authority meeting includes teleconference participation by:

Council/Board Member Jane Day from 301 Morgan Street, Suisun City, CA 94585.

Pursuant to the Executive Order released on March 12, 2020, teleconference participation for Council Members may occur.

ROLL CALL

Mayor Wilson called the meeting to order at 6:36 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 City Manager Folsom.

PUBLIC COMMENT

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

George Guynn stated Fairfield cancelled council meetings and suggested Items 22-26 be postponed to allow for more public participation. Mayor Wilson stated Fairfield had postponed their meeting for a week but would continue to have meetings just like most cities in the State.

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.)

City Council

1. COVID-19 Update – (Folsom – gfolson@suisun.com).

Mayor Wilson deferred this update to the special meeting immediately following this meeting.

PRESENTATIONS/APPOINTMENTS*(Presentations, Awards, Proclamations, Appointments).*City Council

2. Proclamation (not presented) – (Wilson: lwilson@suisun.com).
 - a. Presentation of Proclamation recognizing the 150th year Anniversary of the Order of Eastern Star.
 - b. Presentation of Proclamation to Nanette Shamieh, Community Partnerships Coordinator; Pamela Ingram, Community Preparedness Team Lead; Marilyn Hodges, Disaster Action Team Tech, and Philip Arsich, Disaster Team Dispatcher of the Solano County American Red Cross recognizing March 2020 as American Red Cross Month
3. Presentation of Certificates of Recognition (not presented) – (Wilson: lwilson@suisun.com).
 - a. Presentation of Certificates of Recognition to Stephanie Knight and HGTV Participants
4. Mayoral Appointments:
 - a. General Tax Oversight Committee – (Wilson: lwilson@suisun.com).

Mayor Wilson moved to appoint Ruth Forney and Barbara Fischeing to the General Tax Oversight Committee. Motion was seconded by Council Member Williams. Motion carried unanimously by the following roll call vote:

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

Council Member Day moved to appoint Rene Steinhauer to the General Tax Oversight Committee. Motion was seconded by Council Member Williams. Motion carried unanimously by the following roll call vote:

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

7:05 PM – Mayor Wilson paused the meeting so that Council Member Segala’s video and voice issues could be corrected.

7:13 PM – Mayor Wilson reconvened the meeting with Council Member Segala’s participation.

5. Engie Rebate Check Presentation – (Medill: mmedill@suisun.com).

Because of the Covid-19 situation, Mayor Wilson postponed this item to a later date.

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

6. Council Adoption of Resolution 2020-25: Authorizing the City Manager to Enter into a Construction Contract with Dynamic Precast for the 1203 Potrero Circle Sound Wall Repair Project – (Medill: mmedill@suisun.com).
7. Council Adoption of Resolution 2020-26: Authorizing the City Manager to Enter into an Agreement with Miracle Play Systems for the Lawler Ranch Park Tot Lot Fall Protection Material Replacement Project - (Medill: mmedill@suisun.com).

8. Council Adoption of Resolution 2020-27: Authorizing the City Manager to Execute a Professional Services Agreement on the City's Behalf with Willdan Engineering for the Asphalt Rubber Cape Seal Project of Village Drive and Whispering Bay Lane – (Medill: mmedill@suisun.com).
9. Council Adoption of Resolution 2020-28: Accept the Replacement of the Fire Alarm Panel at the Harbor Theater Project as Complete, and Authorize the City Manager to Record the Notice of Completion for the Project – (Medill: mmedill@suisun.com).
10. Council Adoption of Resolution No. 2020-29: Authorizing the City Manager to Execute Eight (8) Vehicle Lease Agreements with Enterprise Fleet Management, Inc. and Declare Nine (9) City Vehicles as Surplus Assets for Auction – (Medill: mmedill@suisun.com).
11. Council Adoption of Resolution 2020-30: Authorizing the City Manager Enter into a Construction Contract on the City's Behalf with Bellingham Marine Industries, Inc. for the Suisun Marina Docks Water Line Replacement Project – (Medill/Lofthus: mmedill@suisun.com, klofthus@suisun.com).
12. Council Adoption of Resolution No. 2020-31: Authorizing the City Manager to Enter into a Memorandum of Understanding (MOU) with Bobby Sox – (Lofthus: klofthus@suisun.com).
13. Council Adoption of Resolution No. 2020-32: Authorizing the City Manager to Waive Program and Rental Fees During the COVID-19 Outbreak – (Lofthus: klofthus@suisun.com).
14. Council Adoption of Resolution No. 2020-33: Adopt an Amendment to the Planning Commission Bylaws to Change the Time of Regular Planning Commission Meetings from 7PM to 6PM – (Kearns: jkearns@suisun.com).
15. Approving Appointments of City Staff Members to the Pooled Liability Assurance Network (PLAN) JPA Board of Directors and to the Local Agency Workers' Compensation Excess Joint Powers Authority's Governing Board:
 - a. Council Adoption of Resolution 2020-34: Appointing One Director and One Alternate Director to the Pooled Liability Assurance Network (PLAN) JPA Board of Directors; and
 - b. Council Adoption of Resolution 2020-35: Appointing One Representative and One Alternative Representative to the Local Agency Workers' Compensation Excess Joint Powers Authority's Governing Board.
16. Council Adoption of Resolution No. 2020-36: Authorizing the Purchase of Two Cardiac Monitors from Zoll Medical Corporation – (Vincent: jvincent@suisun.com).
17. Council Adoption of Resolution No. 2020-37: Approval of Police Department Police Officer Position Converted to one Additional Full Time Equivalent (FTE) Police Sergeant Position and Eliminate the .5 Position. No FTE's added.
18. Council Adoption of Resolution No. 2020-38: Accepting the Comprehensive Annual Financial Report and Report on Federal Awards in Accordance with OMB Circular A-133 for Fiscal Year 2018-19 – (Luna: eluna@suisun.com).

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

19. Council/Agency/Authority Accept the Investment Report for the Quarter Ending December 31, 2019 – (Luna: eluna@suisun.com).
20. 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 4, 2020, February 18, 2020, and March 4, 2020 – (Hobson: Clerk@suisun.com).

Joint City Council / Suisun City Council Acting as Successor Agency

21. Council/Agency Approval of the February 2020 Payroll Warrants in the Amount of \$476,784.05. Council/Agency Approval of the February 2020 Accounts Payable Warrants in the Amount of \$695,468.07– (Finance).

Council Member Segala asked that Item 21 be pulled from Consent Calendar since the council members did not receive a copy of the warrants.

Motioned by Council Member Williams and seconded by Council Member Segala to approve Consent Calendar Items 6-20 and defer Item 21 to a later date. Motion carried unanimously by the following roll call vote:

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

PUBLIC HEARINGS

City Council

22. PUBLIC HEARING (CONTINUED FROM FEBRUARY 18, 2020)

Council Introduction and Waive Reading of Ordinance No. 769: 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 – (Kearns: jkearns@suisun.com)

Mayor Wilson opened the public hearing.

Mayor Wilson read an email from Anthony Moscarelli proposed the following definition of minor repair. “Minor repairs consist of repairs that reasonably would require five hours or less to complete as per established industry published flat rate labor time.”

George Guynn expressed concern that this ordinance should refer to the entire city and lack of current enforcement

Michaela O’Brien opposed the requirement for RVs to be parked behind a fence.

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

Consensus on the following items:

Section 2 C Regulations and Standards

(1) vi. to read: “In no case shall an ADA curb ramp be used as a driveway.”

(2) v. to read: “In no case shall an ADA curb ramp be used as a driveway.”

Section 2 C Regulations and Standards

iv. (4) “Exception to c.3.iv(4) to include minor repairs by an owner, lessee, or occupant of lot for a period not to exceed 48 hours. that reasonably would require five hours or less to complete as per established industry published flat rate labor time.”

Section 2 A Definitions

“Minor repair means repairs that reasonably would require five hours or less to complete as per established industry published flat rate labor time.”

Motioned by Council Member Williams and seconded by Council Member Adams to introduce and waive the reading the reading of Ordinance No. 769 with the above changes. Motion carried by the following roll call vote:

AYES: Council Members Adams, Segala, Williams, Wilson

NOES: Council Member Day

23. PUBLIC HEARING (CONTINUED TO MAY 5, 2020)

Waterfront District Business Improvement District – (Kearns: jkearns@suisun.com).

- a. Resolution No. 2020-___ - Declaring its Intent to Consider Reauthorizing the Suisun City Historic Waterfront Business Improvement District and the Assessment Levy for the District for Fiscal Year 2020, and Setting a Public Hearing to Consider these Matters for _____, 2020.

Mayor Wilson opened the public hearing.

George Guynn expressed concern about fifty percent of the people who attended the meeting did not want to continue the BID and suggested the City wait to another time to do so.

Hearing no further comments, Mayor Wilson continued the public hearing to May 5.

Motioned by Council Member Segala and seconded by Council Member Day to continue this item to May 5. Motion carried unanimously by the following roll call vote:

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

24. PUBLIC HEARING

Council Introduction and Waive Reading of Ordinance No. 770: Amending Chapter 10.36 of the Suisun City Municipal Code and Add Definitions to the Existing Code – (Roth: aroth@suisun.com)

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

Motioned by Council Member Williams and seconded by Council Member Segala to introduce and waive the reading the reading of Ordinance No. 770. Motion carried by the following roll call vote:

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

GENERAL BUSINESS

City Council

25. Council Adoption of Resolution 2020-39: Accepting the 2019 Annual Progress Report of Suisun City General Plan and Housing Element - (Kearns: jkearns@suisun.com).

Motioned by Council Member Segala and seconded by Council Member Williams to adopt Resolution No. 2020-__. Motion carried unanimously by the following roll call vote:
AYES: Council Members Adams, Day, Segala, Williams, Wilson

26. Council Adoption of Ordinance 768: Amending Chapter 18.49 “Cannabis Regulatory Program” of the Suisun City Code to Regulate Commercial Cannabis Operations and Personal Cannabis Cultivation in the City of Suisun City, and Finding an Exemption from the California Environmental Quality Act – (Folsom / Kearns: gfolson@suisun.com, jkearns@suisun.com).

George Guynn suggested starting out with one business on Railroad.

Motioned by Council Member Williams and seconded by Council Member Adams to adopt Ordinance No. 768. Motion carried by the following roll call vote:
AYES: Council Members Adams, Williams, Wilson
NOES: Council Members Day, Segala

REPORTS: (Informational items only.)

27. a. Council/Boardmembers

Council Member Adams reported he would be volunteering with Meals on Wheels Friday and stated more volunteers were needed.

Council Member Segala requested City Manager Folsom look into having a smoking area for the Senior Center.

Council Member Williams reported March is Women’s History month; Suisun City’s Art Fair has been postponed because of Covid-19 and stated 105 pieces of art had been submitted by 4th and 5th graders

b. Mayor/Chair - None

28. City Manager/Executive Director/Staff - None

PUBLIC COMMENT - None

(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 8:36 PM.

Linda Hobson, CMC
City Clerk

AGENDA TRANSMITTAL

MEETING DATE: April 7, 2020

CITY AGENDA ITEM: Council Adoption of Ordinance No. 769: 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 (Introduced and Reading Waived on March 17, 2020).

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

STRATEGIC PLAN IMPACT: Provide Good Governance and Enhance Environment.

BACKGROUND: On March 17, 2020, the City Council held a public hearing to consider amendments to Title 18 of the Suisun City Code and the Waterfront District Specific Plan relative to regulations for front, rear, and side yards areas of residential properties and took all public comment. At the public hearing, the City Council discussed the ordinance including the addition of words for clarification, the “grandfathering” language, and defining “minor repairs”. Additionally, the City Council directed staff to prepare a brochure or press release explaining the ordinance amendments to the Public. At the conclusion of the public hearing, the City Council, by a vote of 4-1, introduced the proposed ordinance with a few additions (included in the Staff Report section below).

STAFF REPORT: As a result of the public hearing, staff prepared both a “redline” and a “clean” version of the ordinance following the City Council introduction on March 17, 2020. Below is a listing of the changes for ease of reference:

- Adding the definition of “minor repairs” to the ordinance as 18.36.070.A.10.
- Adding the word “curb” before ADA in Section 18.36.070.C.1(vi) and 18.36.070.C.2(v).
- Removing “washing, servicing, cleaning, or servicing” from Section 18.36.070.C.3(iv.4).
- Making Section D consistent with the remainder of the ordinance in its structure.

A complete “red-line” of the ordinance is included as Attachment 2 which clearly reflects the changes of the March 17, 2020 meeting. If adopted, the ordinance would take effect thirty days after passage.

RECOMMENDATION: It is recommended that the City Council approve:

1. Ordinance No. 769: 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 (Introduced and Reading Waived on March 17, 2020).

PREPARED BY:

REVIEWED/APPROVED BY:

John Kearns, Senior Planner
Greg Folsom, City Manager

ATTACHMENTS:

1. Ordinance No. 769: 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 (Clean Version).
2. Ordinance No. 769: 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 (Redlined Version).
3. Power Point Presentation

ORDINANCE NO. 769

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 use 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 in favor of recommending that the City Council adopt this Ordinance; and

1 **WHEREAS**, the City Council of the City of Suisun City did hold a duly noticed
public hearing on March 19, 2019 and subsequently continued to April 2, 2019; and

2 **WHEREAS**, an Ad Hoc Committee of both the Planning Commission and City
3 Council was held on April 24, 2019 and at the conclusion recommendations were made to the
City Council; and

4 **WHEREAS**, the City Council held a Public Hearing on May 14 and at the conclusion
5 directed the item back to the Planning Commission to work through the draft ordinance; and

6 **WHEREAS**, the City Council held a Public Hearing on May 14 to adopt an Urgency
Interim Ordinance on front yard paving which was subsequently extended by the City Council
7 at a Public Hearing on June 18; and

8 **WHEREAS**, the Planning Commission of the City of Suisun City did hold two public
workshops on June 11 and July 9, 2019; and

9 **WHEREAS**, the Planning Commission of the City of Suisun City did hold a duly
10 noticed public hearing on September 24, 2019 and, following discussion, consideration and
public comment, voted in favor of recommending that the City Council adopt this Ordinance;
11 and

12 **WHEREAS**, the Suisun City Council did hold a duly noticed public hearing on
February 4, February 18 and March 17, 2020, and took comments from all interested parties
13 on the subject; and

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

15 **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
16 Waterfront District Specific Plan as provided in this Ordinance.

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

19 **SECTION 1. RECITALS.**

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

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

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

24 **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
25 follows:

- 26 1. “Landscaped area” means a water-permeable area maintained to
27 present an attractive, well-kept appearance. A “landscaped area” may
28 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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, decomposed granite, and gravel are not permitted).
3. “Weeds” means a valueless plant growing wild.
4. “Recreational vehicles” mean recreational vehicles (RVs), including but not limited to motor homes, truck campers, travel trailers, fifth-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.
7. “Legal nonconforming use” means a use, structure, or condition that was legal and appropriately permitted at the time that it came into existence but no longer meets existing code.
8. “Inoperative,” in the context of vehicles, shall include all vehicles, including but not limited to recreational vehicles and boats, that are either (a) abandoned, wrecked, dismantled, or not in working order, or (b) lacking a current and valid Department of Motor Vehicles registration. A vehicle that is not in working order means that it cannot be started and/or cannot move on its own power. A vehicle that has a current and valid Planned Non-Operation registration shall not be considered inoperative for the purposes of this ordinance.
9. “Grandfathering” means to allow a legal nonconforming use to continue.
10. “Minor repairs” consist of repairs that reasonably would require five hours of less to complete per established generally accepted industry published Flat Rate Labor Times.

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 as follows:
 - i. The unregulated expansion of paved parking areas in front, rear, and side yards interfere with the pattern of building and open areas within neighborhoods and can increase vehicle clutter by

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 sixty percent of the front yard area.
 - ii. Landscaping. For all residential properties, the front yard area other than paved walkways and hardscape shall consist of a landscaped area.
 - iii. Property owners must maintain trees at a minimum of 7 feet over the walkways, 10 feet over the roadway, and hedges trimmed to the back edge of the walkway.
 - iv. Landscaped areas must be consistent with Chapters 8.12 and 8.13, as applicable, of the Suisun City Code.
 - v. Chain link fencing shall not be constructed and located such that such fencing is visible from public roads or alleyways. All

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

- vi. 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. In no case shall an ADA curb ramp be used as a driveway.
 - vii. One tree shall be required for each residential property, on all new developments constructed after the effective date of this section. Plantings must be consistent with the approved landscape plan.
 - viii. An accessory building shall only be located on the rear fifty percent of a residential lot and 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. Walkways and other Hardscaped Areas. For all residential properties and lots, the amount of paved walkways and hardscape in rear and side yard areas of a property that are visible from public spaces shall not exceed sixty percent of the combined visible rear and side yard area. "Public spaces" includes, but is not limited to, streets, alleyways, public utility and access easements, and parks.
 - ii. Landscaping. All parts of rear and side yards that are not paved walkways or hardscape and that are visible from public spaces shall consist of landscaped area.
 - iii. Property owners must maintain trees at a minimum of 7' over the walkways, 10 feet over the roadway, and hedges trimmed to the back edge of the walkway.
 - iv. Landscaped areas must be consistent with Chapters 8.12 and 8.13, as applicable, of the Suisun City Code.
 - v. 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. In no case shall an ADA curb ramp be used as a driveway.
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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- ii. All vehicles, including recreational vehicles, shall be parked, stored or kept on a driveway being consistent with Chapter 8.12, as applicable, of the Suisun City Code.
- iii. If a recreational vehicle is parked or stored on a residential property, recreational vehicles must be parked on an approved driveway, and meet the following requirements if parked on a front or side yard visible to the public:
 - (1) Recreational vehicles shall not impede the public right of way;
 - (2) If recreational vehicle is covered it must be with a snug fitting material free of damage and the covering must be secured so as to not come off in a storm;
 - (3) In no case shall power cords or other connection(s) to the property cross a sidewalk or public right of way to prevent any tripping hazards, as to comply with the Americans with Disabilities Act.
- 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, 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 inoperative motor vehicles. Parking, storing, or keeping of operative vehicles with a valid and current Planned Non-Operation registration is permitted.
 - (3) The parking, storing or keeping of a motor vehicle not registered with the Department of Motor Vehicles in any such area of the driveway, or is visible to the public;
 - (4) The wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, or painting, 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. Exception to C.3.iv(4) to include minor repairs by an owner, lessee, or occupant of the lot, for a period not to exceed 48 hours.”

D. Grandfathering of Existing Uses.

1. All legal nonconforming paving of front, side, or rear yards is grandfathered and shall not need to be brought up to code until the property owner conducts remodeling, alterations, or renovations of the property, at which time all yards must conform to the ordinance current at the time of the remodeling, alteration, or renovation.
2. Grandfathering shall not apply to any use, structure, or condition that was illegal at the time of installation.

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

Section 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.

Section 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 neighboring 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 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its passage.

SECTION 5. 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 7th day of April 2020.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Lori Wilson, Mayor

ATTEST:

Linda Hobson, City Clerk

APPROVED AS TO FORM AND LEGAL CONTENT:

Aleshire & Wynder, LLP

ORDINANCE NO. 769

**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**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 use 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 in favor of recommending that the City Council adopt this Ordinance; and

1 **WHEREAS**, the City Council of the City of Suisun City did hold a duly noticed
public hearing on March 19, 2019 and subsequently continued to April 2, 2019; and

2 **WHEREAS**, an Ad Hoc Committee of both the Planning Commission and City
3 Council was held on April 24, 2019 and at the conclusion recommendations were made to the
City Council; and

4 **WHEREAS**, the City Council held a Public Hearing on May 14 and at the conclusion
5 directed the item back to the Planning Commission to work through the draft ordinance; and

6 **WHEREAS**, the City Council held a Public Hearing on May 14 to adopt an Urgency
Interim Ordinance on front yard paving which was subsequently extended by the City Council
7 at a Public Hearing on June 18; and

8 **WHEREAS**, the Planning Commission of the City of Suisun City did hold two public
workshops on June 11 and July 9, 2019; and

9 **WHEREAS**, the Planning Commission of the City of Suisun City did hold a duly
10 noticed public hearing on September 24, 2019 and, following discussion, consideration and
public comment, voted in favor of recommending that the City Council adopt this Ordinance;
11 and

12 **WHEREAS**, the Suisun City Council did hold a duly noticed public hearing on
February 4, February 18 and March 17, 2020, and took comments from all interested parties
13 on the subject; and

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

15 **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
16 Waterfront District Specific Plan as provided in this Ordinance.

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

19 **SECTION 1. RECITALS.**

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

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

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

24 **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
25 follows:

- 26 1. “Landscaped area” means a water-permeable area maintained to
27 present an attractive, well-kept appearance. A “landscaped area” may
28 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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, decomposed granite, and gravel are not permitted).
3. “Weeds” means a valueless plant growing wild.
4. “Recreational vehicles” mean recreational vehicles (RVs), including but not limited to motor homes, truck campers, travel trailers, fifth-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.
7. “Legal nonconforming use” means a use, structure, or condition that was legal and appropriately permitted at the time that it came into existence but no longer meets existing code.
8. “Inoperative,” in the context of vehicles, shall include all vehicles, including but not limited to recreational vehicles and boats, that are either (a) abandoned, wrecked, dismantled, or not in working order, or (b) lacking a current and valid Department of Motor Vehicles registration. A vehicle that is not in working order means that it cannot be started and/or cannot move on its own power. A vehicle that has a current and valid Planned Non-Operation registration shall not be considered inoperative for the purposes of this ordinance.
9. “Grandfathering” means to allow a legal nonconforming use to continue.
10. **“Minor repairs” consist of repairs that reasonably would require five hours of less to complete per established generally accepted industry published Flat Rate Labor Times.**

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 as follows:
 - i. The unregulated expansion of paved parking areas in front, rear, and side yards interfere with the pattern of building and open areas within neighborhoods and can increase vehicle clutter by

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 sixty percent of the front yard area.
 - ii. Landscaping. For all residential properties, the front yard area other than paved walkways and hardscape shall consist of a landscaped area.
 - iii. Property owners must maintain trees at a minimum of 7 feet over the walkways, 10 feet over the roadway, and hedges trimmed to the back edge of the walkway.
 - iv. Landscaped areas must be consistent with Chapters 8.12 and 8.13, as applicable, of the Suisun City Code.
 - v. Chain link fencing shall not be constructed and located such that such fencing is visible from public roads or alleyways. All

1 chain link fencing constructed before the effective date of this
2 Section are considered legal non-conforming. Chain link
3 fencing that is damaged shall be replaced with conforming
4 fencing pursuant to Title 18 of the Suisun City Code.

5 vi. No front yard driveway will be permitted without the approval
6 and issuance of an encroachment permit from the Public Works
7 Director of Suisun City (if applicable) and design review and
8 approval from the Planning Division. In no case shall an ADA
9 **curb** ramp be used as a driveway.

10 vii. One tree shall be required for each residential property, on all
11 new developments constructed after the effective date of this
12 section. Plantings must be consistent with the approved
13 landscape plan.

14 viii. An accessory building shall only be located on the rear fifty
15 percent of a residential lot and must be consistent with Table
16 18.31.01 Development Standards in Residential Zones, as
17 applicable, of the Suisun City Code.

18 2. Rear / Side Yard.

19 i. Walkways and other Hardscaped Areas. For all residential
20 properties and lots, the amount of paved walkways and
21 hardscape in rear and side yard areas of a property that are
22 visible from public spaces shall not exceed sixty percent of the
23 combined visible rear and side yard area. "Public spaces"
24 includes, but is not limited to, streets, alleyways, public utility
25 and access easements, and parks.

26 ii. Landscaping. All parts of rear and side yards that are not paved
27 walkways or hardscape and that are visible from public spaces
28 shall consist of landscaped area.

iii. Property owners must maintain trees at a minimum of 7' over
the walkways, 10 feet over the roadway, and hedges trimmed to
the back edge of the walkway.

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

v. 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. In no case shall an
ADA **curb** ramp be used as a driveway.

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- ii. All vehicles, including recreational vehicles, shall be parked, stored or kept on a driveway being consistent with Chapter 8.12, as applicable, of the Suisun City Code.
- iii. If a recreational vehicle is parked or stored on a residential property, recreational vehicles must be parked on an approved driveway, and meet the following requirements if parked on a front or side yard visible to the public:
 - (1) Recreational vehicles shall not impede the public right of way;
 - (2) If recreational vehicle is covered it must be with a snug fitting material free of damage and the covering must be secured so as to not come off in a storm;
 - (3) In no case shall power cords or other connection(s) to the property cross a sidewalk or public right of way to prevent any tripping hazards, as to comply with the Americans with Disabilities Act.
- 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, 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 inoperative motor vehicles. Parking, storing, or keeping of operative vehicles with a valid and current Planned Non-Operation registration is permitted.
 - (3) The parking, storing or keeping of a motor vehicle not registered with the Department of Motor Vehicles in any such area of the driveway, or is visible to the public;
 - (4) The wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, or painting, 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. Exception to C.3.iv(4) to include minor repairs, ~~washing, cleaning or servicing~~ by an owner, lessee, or occupant of the lot, for a period not to exceed 48 hours.”

D. Grandfathering of Existing Uses.

- 1. All legal nonconforming paving of front, side, or rear yards is grandfathered and shall not need to be brought up to code until the property owner conducts remodeling, alterations, or renovations of the property, at which time all yards must conform to the ordinance current at the time of the remodeling, alteration, or renovation.**
- 2. Grandfathering shall not apply to any use, structure, or condition that was illegal at the time of installation.**

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

Section 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.

Section 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 neighboring 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 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its passage.

SECTION 5. 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 7th day of April 2020.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Lori Wilson, Mayor

ATTEST:

Linda Hobson, City Clerk

APPROVED AS TO FORM AND LEGAL CONTENT:

Aleshire & Wynder, LLP



Residential Parking and Paving Ordinance

APRIL 7, 2020



March 17, 2020 Public Hearing

Requested Changes from 3/17/20 Public Hearing:

- Adding the definition of “minor repairs” to the ordinance as 18.36.070.A.10.
- Adding the word “curb” before ADA in Section 18.36.070.C.1(vi) and 18.36.070.C.2(v).
- Removing “washing, servicing, cleaning, or servicing” from Section 18.36.070.C.3(iv.4).
- Making Section D consistent with the remainder of the ordinance in its structure.

Staff Recommendation

It is recommended that the City Council:

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 (Introduced and Reading Waived on March 17, 2020).



THIS PAGE INTENTIONALLY LEFT BLANK

AGENDA TRANSMITTAL

MEETING DATE: April 7, 2020

CITY AGENDA ITEM: Council Adoption of Resolution No. 2020-___: Ratifying the Director of Emergency Services' Local Emergency Directive Limiting Access to the Boat Launch Area of the Marina, Requiring Retail Essential Businesses to Provide Hand Sanitizing Stations, Closing Playgrounds, and Prohibiting Group Activities in Parks

FISCAL IMPACT: There is no fiscal impact.

STRATEGIC PLAN IMPACT: Provide Good Governance

BACKGROUND/STAFF REPORT:

The COVID-19 pandemic continues to be an ever-changing situation requiring modifications to normal city operations. On March 16, 2020, the Director of Emergency Services declared a state of local emergency based on the threat to the health and safety of residents of Suisun City from COVID-19. This declaration was ratified by City Council under Resolution No. 2020-40 on March 17, 2020 pursuant to Chapter 2.32 of the Suisun City Municipal Code.

To protect public health, the Director of Emergency Services is issuing additional Emergency Directives pertaining to groups congregating at public places such the Marina, Parks, and Playgrounds. The Emergency Directives issued also includes sanitation requirements for essential businesses who operate retail store fronts.

Per Resolution 2020-40 the Director of Emergency Services has the authority to issue directives deemed necessary for public health and safety. Pursuant to Section 2.32070(A) of the Suisun city Municipal Code, the Director of Emergency Services issued a new order with the following directives on April 2, 2020, effective immediately:

1. Effective immediately and, for the duration of the local emergency, the marina parking lot and the area within 300 feet of the boat launch is closed to anything but the immediate launching, retrieving, loading, unloading of a boat, or parking of an unoccupied boat tow vehicle and trailer with paid parking permit. Additionally, all posted signs in the marina shall be fully enforceable including, but not limited to, all parking restriction signage as posted. The Chief of Police or his designee is hereby authorized to post signs on all parking pay stations to regulate parking hours consistent with this order. Violations of this order shall be enforceable as a violation of the Suisun City Municipal Code.
2. Effective immediately, all essential businesses who continue to operate retail store fronts are hereby ordered, to the extent product is available, to provide sanitation devices at all entry points and/or points of sale of the business by the public either in the form of sanitation wipes or hand sanitizer dispensers. Open businesses should also ensure that their

PREPARED BY:
REVIEWED BY:

Anthony R. Taylor, Esq., City Attorney
Greg Folsom, City Manager

entry areas are clean and any surfaces near the entry that could lead to viral infection are minimized and/or sanitized regularly. I find that this order is necessary under Section 2.32.130(B) of the Suisun Municipal Code to protect the public health and safety due to COVID-19. Violation of this order will be enforced accordingly as a violation of the Suisun City Municipal Code.

3. Effective immediately and, for the duration of the local emergency, all playground equipment is closed. All group activities are prohibited in the parks, including but not limited to contact sports and team sports and practices.
4. Violation of or failure to comply with this order, previous directives, or the Solano County Shelter at Home health order is a misdemeanor punishable by fine, imprisonment, or both (California Health and Safety Code § 120275, et seq.; Cal. Penal Code §§ 69,148(a)(1).)

These directives will be ratified by the City Council within the earliest practicable time. Staff will be implementing the necessary procedures to ensure the above directives are adhered to.

RECOMMENDATION: It is recommended that the City Council Adopt Resolution No. 2020-__ entitled as follows:

A Resolution of the City Council of the City of Suisun City Ratifying the Director of Emergency Services' Local Emergency Directive Limiting Access to the Boat Launch Area of the Marina, Requiring Retail Essential Businesses to Provide Hand Sanitizing Stations, Closing Playgrounds, and Prohibiting Group Activities in Parks

ATTACHMENTS:

1. Resolution No. 2020-__ : A Resolution of the City Council of the City of Suisun City Ratifying the Director of Emergency Services' Local Emergency Directive Limiting Access to the Boat Launch Area of the Marina, Requiring Retail Essential Businesses to Provide Hand Sanitizing Stations, Closing Playgrounds, and Prohibiting Group Activities in Parks
2. Director of Emergency Services' Local Emergency Directives

RESOLUTION NO. 2020-

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SUISUN CITY RATIFYING THE DIRECTOR
OF EMERGENCY SERVICES' LOCAL EMERGENCY
DIRECTIVE LIMITING ACCESS TO THE BOAT
LAUNCH AREA OF THE MARINA, REQUIRING
RETAIL ESSENTIAL BUSINESSES TO PROVIDE
HAND SANITIZING STATIONS, CLOSING
PLAYGROUNDS, AND PROHIBITING GROUP
ACTIVITIES IN PARKS**

WHEREAS, in December, 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) was first identified in Wuhan City, Hubei Province, China; and

WHEREAS, as of April 2, 2020, COVID-19 has spread globally to over 190 countries and territories, has infected almost 900,000 individuals, and killed more than 45,500 individuals, per the World Health Organization; and

WHEREAS, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country and;

WHEREAS, the California Department of Public Health has activated its Medical and Health Coordination Center, and the Office of Emergency Services recently activated the State Operations Center to provide support and guide actions to preserve public health; and

WHEREAS, on March 3, 2020, Governor Newsom declared the existence of a state of emergency for the State of California; and,

WHEREAS, on March 11, 2020, the Director-General for the World Health Organization declared that COVID-19 can be characterized as a “pandemic”; and

WHEREAS, on March 13, 2020, the President of the United States declared that the outbreak of COVID-19 in the United States constitutes a national emergency; and

WHEREAS, it is imperative to continue to prepare for and respond to suspected or confirmed COVID-19 cases within the City, and to continue to prepare to respond to an increasing number of individuals who may require medical care; and

WHEREAS, on March 16, 2020, the City’s Director of Emergency Services declared a local emergency pursuant to Chapter 2.32 of the Suisun City Municipal Code, finding that that conditions of extreme peril to the safety of persons and property have arisen within the City of Suisun City and that these conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City of Suisun City; and,

WHEREAS, on March 17, 2020, the City Council of the City of Suisun City adopted Resolution No. 2020-40, ratifying the Director of Emergency Services’ declaration of local emergency; and

WHEREAS, on April 2, 2020, the Director of Emergency Services issued additional directives under his authority pursuant to Section 2.32.070(A) and (B) of the Suisun City Municipal Code effecting the following: prohibiting congregating around or near the boat

1 launch area in the marina and enforcement of all parking restrictions; requiring all essential
2 retail businesses to provide hand sanitizing stations; closing all playground equipment; and
3 prohibiting group activities at City parks; and

3 **WHEREAS**, the City Council finds that the area around the boat launch in the marina
4 is being occupied by individuals who are crowding together and not maintaining the required
5 social distance, and that his unnecessarily endangers the individuals who are congregating
6 there, as well as the citizens, employees, and public safety officers of the City; and

6 **WHEREAS**, the City Council further finds that the ability to launch emergency boats
7 to save lives in the marina is being hindered by the presence of the individuals crowding
8 together in the boat launch area; and

8 **WHEREAS**, the City Council further finds that vehicles parked in specified posted
9 locations in the marina present a serious risk to public health and safety; and

9 **WHEREAS**, the City Council finds that the lack of available hand sanitizers at
10 essential businesses that serve the public presents a serious risk to public health and safety;
11 and

11 **WHEREAS**, the City Council finds that groups are still congregating on playgrounds
12 and in parks, and teams are still trying to play sports, presenting a serious risk to public health
13 and safety; and

13 **WHEREAS**, after consideration of all facts reasonably available presently for review
14 and all items, the City Council now desires to ratify the Director of Emergency Services'
15 April 2, 2020 order prohibiting congregating around or near the boat launch area in the marina
16 and enforcement of all parking restrictions, requiring all essential retail businesses to provide
17 hand sanitizing stations, closing all playground equipment; and prohibiting group activities at
18 City parks.

17 **NOW, THEREFORE**, the City Council of the City of Suisun City does resolve and
18 order as follows:

19 1. The above recitals are true and correct and are incorporated herein by
20 reference.

20 2. The Director of Emergency Services has the authority to issue directives as
21 deemed necessary for the protection of the public health during the existence of the local
22 emergency.

22 3. During the existence of the local emergency, the marina parking lot and the
23 area within 300 feet of the boat launch is closed to anything but the immediate launching,
24 retrieving, loading, unloading of a boat, or parking of an unoccupied boat tow vehicle and
25 trailer with paid parking permit. Additionally, all posted signs in the marina shall be fully
26 enforceable including, but not limited to, all parking restriction signage as posted. The Chief
27 of Police or his designee is hereby authorized to post signs on all parking pay stations to
28 regulate parking hours consistent with this order. Violations of this order shall be enforceable
as violations of the Suisun City Municipal Code.

27 4. During the existence of the local emergency, all essential businesses who
28 continue to operate retail store fronts are hereby ordered, to the extent product is available, to
provide sanitation devices at all entry points and/or points of sale of the business by the public

1 either in the form of sanitation wipes or hand sanitizer dispensers. Open businesses should
2 also ensure that their entry areas are clean and any surfaces near the entry that could lead to
3 viral infection are minimized and/or sanitized regularly. This order is necessary under Section
4 2.32.130(B) of the Suisun Municipal Code to protect the public health and safety due to
5 COVID-19. Any violation of this order will be enforced as a violation of the Suisun City
6 Municipal Code.

5 5. During the existence of the local emergency, all playground equipment
6 citywide is closed.

6 6. During the existence of the local emergency, all group activities are prohibited
7 in the parks, including but not limited to contact sports and team sports and practices. Group
8 activities are activities that involve 2 or more individuals, whether familiarly related or not.

8 7. Violation of or failure to comply with this resolution, any directives of the
9 Director of Emergency Services, or the Solano County Shelter at Home health order is a
10 misdemeanor punishable by fine, imprisonment, or both (Health and Safety Code § 120275, et
11 seq.; Penal Code §§ 69,148(a)(1).)

11 8. During the existence of the local emergency, the Director of Emergency
12 Services has the authority to issue additional directives as needed to address the effects of
13 COVID 19.

13 9. This Resolution shall take effect immediately. This Resolution and its contents
14 will be published and promulgated in as widespread a manner as is reasonable feasible under
15 the conditions prevailing during this local emergency.

15 *[Remainder of page intentionally left blank]*

16
17
18
19
20
21
22
23
24
25
26
27
28

1 The foregoing resolution was adopted by the City Council of the City of Suisun City at a
2 special meeting thereof held on the 7th day of April, 2020.

3 **AYES:** Councilmembers: _____
4 **NOES:** Councilmembers: _____
5 **ABSENT:** Councilmembers: _____
6 **ABSTAIN:** Councilmembers: _____

Lori Wilson, Mayor

7 ATTEST:
8
9 Donna Pock, CMC, Deputy City Clerk

10
11 APPROVED AS TO FORM:

12
13 By: _____
14 Anthony R. Taylor, City Attorney
15 Aleshire & Wynder, LLP

16
17
18
19
20
21
22
23
24
25
26
27
28

CITY COUNCIL

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



CITY OF SUISUN CITY

701 Civic Center Blvd.
Suisun City, California 94585
Incorporated October 9, 1868

April 2, 2020

ADDITIONAL LOCAL EMERGENCY DIRECTIVES

On March 16, 2020, in my capacity as Director of Emergency Services and pursuant to the authority vested in that position by Chapter 2.32 of the Suisun City Municipal Code, I declared a state of local emergency related to the rapidly evolving public health threat caused by the Novel Coronavirus (COVID-19). That declaration was ratified on March 17, 2020 by City Council Resolution No. 2020-40.

As provided by the declaration of local emergency, and by Resolution No. 2020-40, as Director of Emergency Services I have the authority to issue directives as deemed necessary for the protection of the public health. I am issuing the following order accordingly as set forth below.

I find that the area around the boat launch in the marina is being occupied by individuals who are crowding together and not maintaining the required social distance. This unnecessarily endangers the individuals who are congregating there, as well as the citizens, employees, and public safety officers of the City. I also find the ability to launch emergency boats to save lives in the marina is being hindered.

I also find that vehicles parked in specified posted locations in the marina present a serious risk to public health and safety.

I find that the lack of available hand sanitizers at essential businesses that serve the public presents a serious risk to public health and safety.

Furthermore, I find that groups are still congregating on playgrounds and in parks and teams are still trying to play sports presenting a serious risk to public health and safety.

I, therefore, hereby order the following, effective immediately, pursuant to Section 2.32.070(A) of the Suisun City Municipal Code, to be ratified by the City Council within the earliest practicable time:

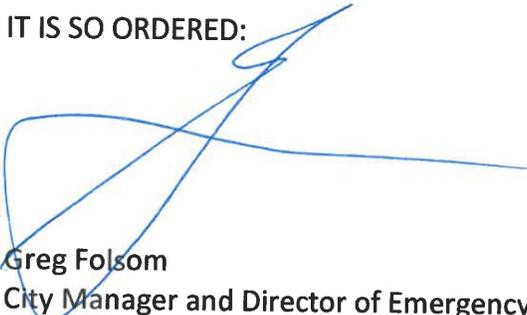
1. Effective immediately and, for the duration of the local emergency, the marina parking lot and the area within 300 feet of the boat launch is closed to anything but the immediate launching,

DEPARTMENTS: AREA CODE (707)
ADMINISTRATION 421-7300 • DEVELOPMENT SERVICES 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

retrieving, loading, unloading of a boat, or parking of an unoccupied boat tow vehicle and trailer with paid parking permit. Additionally, all posted signs in the marina shall be fully enforceable including, but not limited to, all parking restriction signage as posted. The Chief of Police or his designee is hereby authorized to post signs on all parking pay stations to regulate parking hours consistent with this order. Violations of this order shall be enforceable as a violation of the Suisun City Municipal Code.

2. Effective immediately, all essential businesses who continue to operate retail store fronts are hereby ordered, to the extent product is available, to provide sanitation devices at all entry points and/or points of sale of the business by the public either in the form of sanitation wipes or hand sanitizer dispensers. Open businesses should also ensure that their entry areas are clean and any surfaces near the entry that could lead to viral infection are minimized and/or sanitized regularly. I find that this order is necessary under Section 2.32.130(B) of the Suisun Municipal Code to protect the public health and safety due to COVID-19. Violation of this order will be enforced accordingly as a violation of the Suisun City Municipal Code.
3. Effective immediately and, for the duration of the local emergency, all playground equipment is closed. All group activities are prohibited in the parks, including but not limited to contact sports and team sports and practices.
4. Violation of or failure to comply with this order, previous directives, or the Solano County Shelter at Home health order is a misdemeanor punishable by fine, imprisonment, or both (California Health and Safety Code § 120275, et seq.; Cal. Penal Code §§ 69,148(a)(1).)
5. I hereby reserve the right to issue additional directives as needed.

IT IS SO ORDERED:



Greg Folsom
City Manager and Director of Emergency Services