

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



CITY COUNCIL MEETING

First and Third Tuesday
Every Month

A G E N D A

REGULAR MEETING OF THE SUISUN CITY COUNCIL AND HOUSING AUTHORITY

TUESDAY, FEBRUARY 19, 2019

5:30 P.M.

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

NOTICE

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

ROLL CALL

Council / Board Members

PUBLIC COMMENT

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

CONFLICT OF INTEREST NOTIFICATION

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

CLOSED SESSION

Pursuant to California Government Code section 54950 the Suisun City Council, Suisun City Council Acting as Successor Agency to the Redevelopment Agency and/or Suisun City Housing Authority will hold a Closed Session for the purpose of:

City Council

1. PUBLIC EMPLOYEE APPOINTMENT

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

Title: City Manager

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

2. CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Joe Dingman, Administrative Services Director, Dan Healy, Police Commander, Kris Lofthus, Recreation, Parks and Marina Director, and Scott Corey, Senior Management Analyst.

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

Joint City Council/ Housing Authority**3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8 Real Property Identified by APN's 0030-295-030, 0032-230-290, 0032-230-310, 0032-230-280, located at Highway 12 on the Intersection of Marina Boulevard

Negotiating Party: City Manager and Development Services Director

Subject: Price and Terms of Payment

Parties Negotiating With: Lewis Acquisition Company, LLC

CONVENE OPEN SESSION

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

ADJOURNMENT

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

PLEASE NOTE:

1. The City Council/Agency/Authority hopes to conclude its public business by 11:00 P.M. Ordinarily, no new items will be taken up after the 11:00 P.M. cutoff and any items remaining will be agendized for the next meeting. The agendas have been prepared with the hope that all items scheduled will be discussed within the time allowed.
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I, Donna Pock, Deputy City Clerk for the City of Suisun City, declare under penalty of perjury that the above agenda for the meeting of February 19, 2019 was posted and available for review, in compliance with the Brown Act.
the Brown Act.



CITY COUNCIL
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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, FEBRUARY 19, 2019

7:00 P.M.

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

NOTICE

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

(Next Ord. No. – 755)

(Next City Council Res. No. 2019 – 08)

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

(Next Housing Authority Res. No. HA2019 – 01)

ROLL CALL

Council / Board Members

Pledge of Allegiance

Invocation

PUBLIC COMMENT

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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.)

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

REPORTS: (Informational items only.)

1. a. Council/Boardmembers
- b. Mayor/Chair
 - Ad Hoc Committees (Art, Main Street West Disposition and Development Agreement, Highway 12 and Marina Mixed Use)
 - Economic Development Standing Committee
2. City Manager/Executive Director/Staff

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

3. Approving Appointment to the Parks and Recreation Commission - (one appointment for unscheduled vacancy, term ending January 2021).
4. Approving Appointment to Travis Regional Armed Forces Committee.

CONSENT CALENDAR

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

City Council

5. Council Adoption of Resolution No. 2019-___: A Resolution of the City Council of the City of Suisun City Endorsing its Support for Amending the Fairfield-Suisun Sewer District Enabling Act– (Ramirez).
6. Council Adoption of Resolution No. 2019-___: Establishing a Public Safety, Environment and Climate and a Landscaping Lighting District Citizen’s Advisory Committees – (Ramirez).
7. Council Adoption of Resolution No. 2019-___: Authorizing the City Manager to Enter into a Two-Year Agreement with Talos Secure Group, Inc. to serve as the Security Agency for the Recreation, Parks, and Marina Department - (Lofthus).
8. Council Adoption of Resolution No. 2019-___: Amending Compensation for Interim Police Chief – (Dingman).
9. Council Adoption of Resolution No. 2019-___: Approving and Authorizing the City Manager to Execute all Required Documentation Necessary to Effectuate the Lease Agreement with the California State Lands Commission for the Upcoming Dredging Episodes and for the Use of Pierce Island for Disposal of Dredged Material – (Lofthus).

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

10. Council/Agency/Authority Accept the Investment Report for the Quarter Ending December 31, 2017 – (Luna).
11. Council/Agency/Authority Approval of the Minutes of the Regular and/or Special Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on January 22, 2019 and February 5, 2019 – (Hobson).

Housing Authority

12. Housing Authority Adoption of Resolution No. HA 2019-___: Affirming the Certificate of Compliance (Doc 201800036480) Recoded May 30, 2018 and Affirming the Quit Claim Deed Perfecting Said Certificate of Compliance Executed February 13, 2019 for Property Located on the Southwest Corner of Lotz Way and Civic Center – (McNamara).

Joint City Council / Suisun City Council Acting as Successor Agency

13. Council/Agency Approval of the January 2019 Payroll Warrants in the Amount of \$449,965.53. Council/Agency Approval of the January 2019 Payable Warrants in the Amount of \$834,587.15– (Finance).

PUBLIC HEARINGSJoint City Council / Suisun City Council Acting as Successor Agency

14. PUBLIC HEARING

City Council Consider Options to the Adoption of Resolution No. 2019-___: Approving an Extension to the Tentative Subdivision Map No. TSM07-03, for a 16-Unit Subdivision Located at the Northeast Corner of Civic Center Boulevard and Lotz Way – (McNamara).

GENERAL BUSINESSCity Council

15. Council Adoption of Resolution No. 2019-___: Accepting the Comprehensive Annual Financial Report and Report on Federal Awards in Accordance with OMB Circular A-133 for Fiscal Year 2017-18 – (Luna).
16. Cannabis Request for Application – (McNamara/Kearns).
- a. Council Adoption of Resolution No. 2019-___: Approving the Following Documents to Establish a Request for Applications Process for Review and Selection of a Recommended Operator for a Cannabis Storefront Retailer/Dispensary Pursuant to Suisun City Code Section 18.49.160(B): (1) Request for Applications Guidelines and Procedures; (2) Supplemental Security Requirements – Cannabis Storefront Retailer/Dispensary; and (3) Notice of Request for Applications – Storefront Retailer/Dispensary.
 - b. Council Adoption of Resolution No. 2019-___: Adopting Fees Applicable to Cannabis Storefront Retailer Permittees and Applicants Pursuant to any Request for Application Process for Cannabis Storefront Retailers Initiated by the City Pursuant to Chapter 18.49, “Cannabis Regulatory Program,” of the Suisun City Code.

ADJOURNMENT

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I, Donna Pock, Deputy City Clerk for the City of Suisun City, declare under penalty of perjury that the above agenda for the meeting of February 19, 2019 was posted and available for review, in compliance with the Brown Act.

AGENDA TRANSMITTAL

MEETING DATE: February 19, 2019

CITY AGENDA ITEM: Council Adoption of Resolution No. 2019-___: A Resolution of the City Council of the City of Suisun City Endorsing its Support for Amending the Fairfield-Suisun Sewer District Enabling Act.

FISCAL IMPACT: None.

BACKGROUND: Attached is an outline providing the background associated with a request by Fairfield-Suisun Sewer District (FSSD) to State Senator William Dodd, to carry legislation to amend the Fairfield- Suisun Sewer District enabling legislation. The change would to allow it to provide sewer service to the Middle Green Valley Project. The Middle Green Valley is a Solano County sponsored project authorized by the County General Plan as approved by Solano County voters in 2008.

STAFF REPORT: Attached is the requested resolution of support. Senator Dodd has indicated he would sponsor the alluded to legislation, allowing sewer service to the Middle Green Valley project, provided both the City of Fairfield and Suisun City Council approve the resolution.

Hearing no objections from the City Council’s representatives to the FSSD, consider adopting the attached resolution

RECOMMENDATION: Council Adoption of Resolution No. 2019-___: A Resolution of the City Council of the City of Suisun City Endorsing its Support for Amending the Fairfield-Suisun Sewer District Enabling Act.

ATTACHMENTS:

1. Outline providing the background associated with request (Exhibit A)
2. Resolution No. 2019-___: A Resolution of the City Council of the City of Suisun City Endorsing its Support for Amending the Fairfield-Suisun Sewer District Enabling Act.

PREPARED/REVIEWED/APPROVED BY: Richard J. Ramirez, Interim City Manager

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RESOLUTION NO. 2019-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
ENDORING ITS SUPPORT FOR AMENDING THE FAIRFIELD-SUISUN SEWER
DISTRICT ENABLING ACT**

WHEREAS, the Fairfield-Suisun Sewer District (FSSD) was established pursuant to the Fairfield-Suisun Sewer District Act, Chapter 303, Statutes of 1951 (the Enabling Act) to provide collection, treatment, and disposal for sewage to the cities of Fairfield and Suisun City; and

WHEREAS, FSSD has evolved since the initial adoption of the Enabling Act in 1951 and through legislation in 1959, 1963, 1985, 1992, 1997, 2001, and 2002 which has modified sections of the Enabling Act to incorporate organizational and other changes; and

WHEREAS, property owners in Middle Green Valley Specific Plan area of Solano County have sought legislative changes to the Enabling Act to allow this area to receive sewer services from the District; and

WHEREAS, the Fairfield-Suisun Sewer District Board of Directors adopted Resolution 2018-02 supporting the requested change along with other administrative edits related to processes that are no longer efficient or effective.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY
HEREBY RESOLVES:**

Section 1. The City Council endorses the proposed amendments to the Fairfield-Suisun Sewer District’s Enabling Act as approved by the FSSD Board of Directors on February 19, 2018.

PASSED AND ADOPTED at a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 19th day of February 2019, by the following vote:

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

WITNESS my hand and the seal of said City this 19th day of February 2019.

Donna Pock, CMC
Deputy City Clerk

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- The Middle Green Valley project is a COUNTY SPONSORED project, authorized by the 2008 Solano County General Plan approved by 72% of Solano County voters in 2008.
- The Plan allows for the construction of homes, while preserving 1500 acres of vital productive agriculture and open space lands deemed important to the Community in perpetuity through conservation easements.
- The Middle Green Valley Specific Plan was conducted using a Citizens Advisory group made up of concerned citizens and landowners in Fairfield, Suisun Valley and Green Valley.
- The Green Valley Agricultural Conservancy has already been formed to manage these conserved lands.
- The homes must be constructed in neighborhood clusters or screened by topography. All are located outside the scenic viewshed from Green Valley Road.
- Without public sewer, parcels revert to 20 acres in size with septic systems, no restrictions on where they can be developed, no design guidelines, no protections of agricultural lands or view corridors.
- Septic tanks and leach fields would degrade the agriculture component of the project
- The Specific Plan, its EIR and the County General Plan recommend the connection to public sewer for this project. All three public sewer options studied in the EIR recommend a connection to FSSD.
- The Specific Plan calls for cooperation between the County and the City of Fairfield to provide public sewer. The City of Fairfield was consulted during the development of the Plan.
- The City of Fairfield constructed a sewer line specifically to allow for Middle Green Valley to connect to FSSD.
- The Fairfield Suisun Sewer District Board voted to support the legislation allowing Middle Green Valley to connect in February 2018.
- The Solano County Orderly Growth Committee has agreed not to oppose the provision of public sewer to Middle Green Valley in exchange for slight modifications to the definition of Middle Green Valley contained in the legislation.
- The Green Valley Landowners Association supports the provision of public sewer to Middle Green Valley.
- The Middle Green Valley project will pay for all infrastructure necessary to connect to FSSD. The homeowners will pay sewer rates consistent with all rate payers in the district.
- Adding additional rate payers reduces the cost to all the residents of both Fairfield and Suisun.

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AGENDA TRANSMITTAL

MEETING DATE: February 19, 2019

CITY AGENDA ITEM: Council Adoption of Resolution No. 2019-___: Establishing a Public Safety, Environment and Climate and a Landscaping Lighting District Citizen's Advisory Committees.

FISCAL IMPACT: Provided the Committee's will meet only quarterly, the fiscal impact to the City will be less than \$5,000 and can be absorbed into the existing budget.

BACKGROUND: The City Council on February 5, 2019 endorsed the creation of the three new committees (see Attachment A to Resolution). As provided for in the Background section of the February 5, 2019 Staff Report, the creation of the Committees was one more step towards establishing an organizational culture that champions civic engagement in Suisun City by the current City Council.

STAFF REPORT: The adoption of the Committees by resolution is the first step in process of implementation. The next step would be the City Council to appoint members of the public to the Committees. Concurrently, Staff will be preparing Bylaws that will need to be reviewed by the City Council at a future meeting. The Bylaws will establish the formal operations of the committees. When the Bylaws return to the City Council, the Council may wish to create a suggested work program for the Committees.

Staff envisions the Public Safety and Environment and Climate Committees being formed within the next 45 days. The Lighting and Landscaping Committee will be formed following the Staff outreach to the Districts as part of the annual Engineers report establishing rates sometime in late March early April. This will give each District an opportunity to appoint someone to the Committee. Likewise, it will give the Parks and Recreation Committee an opportunity to make their appointment as well.

RECOMMENDATION: Council Adoption of Resolution No. 2019-___: Establishing a Public Safety, Environment and Climate and a Landscaping Lighting District Citizen's Advisory Committees.

ATTACHMENTS:

1. Resolution No. 2019 - ___: Establishing a Public Safety, Environment and Climate and a Landscaping Lighting District Citizen's Advisory Committees.

PREPARED/REVIEWED/APPROVED BY: Richard J. Ramirez, Interim City Manager

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RESOLUTION NO. 2019-

A RESOLUTION OF THE CITY COUNCIL ESTABLISHING A PUBLIC SAFETY, ENVIRONMENT AND CLIMATE AND A LANDSCAPING LIGHTING DISTRICT CITIZEN’S ADVISORY COMMITTEES

WHEREAS, the City Council approved in principle the formation, mission, and functions of three new Suisun City Citizens Advisory Committees: Environment & Climate, Public Safety & Emergency Management, and Lighting & Landscape; and

WHEREAS, the City Council purpose in establishing the new advisory committees was their desire to foster a culture of civic engagement as part of Suisun City’s form of governance; and

WHEREAS, one tool recognized to achieve such a culture is the cultivation of citizen advisory committees that can be engaged to help in the decision making process; and

WHEREAS, once established, Staff will begin working on bylaws and a suggested work program for the Committees.

NOW THEREFORE BE IT RESOLVED, that the formation and membership of the Advisory Committees shall be established as provided for in Exhibit A; and

BE IT FURTHER RESOLVED, that the City Council commence forwarding the names of individual you wish to be appointed to the Advisory Committees as provided for in Exhibit A.

PASSED AND ADOPTED at a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 19th day of February 2019, by the following vote:

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

WITNESS my hand and the seal of said City this 19th day of February 2019.

Donna Pock, CMC
Deputy City Clerk

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Exhibit A

The Structure of each Citizen’s Committee would mirror one another in the following manner:

- A. Each Committee would be a “Standing Committee” as defined by the Brown Act as one which has “continuing subject matter jurisdiction.” Therefore, it is subject to the Brown Act’s notice and posting requirements. Standing Committees do not have to establish a “regular meeting time and place” but must meet in public and post notices of their meetings.
- B. Each Committee would hold regular meetings as needed, but meet at a minimum once a Quarter. The meeting will take place at a City Building and at a time convenient for its members and allow for maximum community participation.
- C. The Agenda shall be properly noticed and posted at City Hall and Suisun.com.
- D. Each Committee will serve as an Advisory Board to both the Council and the Commissions. Once a consensus of the Committee is reached, they will submit any findings, reports or comments to the City Council as needed, no less than bi-annually. All such reports and findings are to be solely advisory in nature. On occasion, the City Council or Commission may direct the Committee to review a particular item and may request a report with a specific date or time certain. In either case, the Committee would be subject to the same regular agenda process for appearing before the City Council or Commission.
- E. Committee membership will be for one-year and determined based on the specific Committee and confirmed by the full City Council.
 - a. Environment & Climate: 7-member board with each member appointed by a member of the Council, with the Mayor having two appointments. The Chair and 7th member of the Committee will be a current City Council member appointed by the Mayor. The Vice Chair will be selected by vote of the members of the Committee annually.
 - b. Public Safety & Emergency Management: 9-member board with each member appointed by a member of the Council with the Mayor having three appointments, one member appointed by the Suisun City Firefighters Association, and one member appointed by the Suisun City Police Officers Association. The Chair & Vice Chair to be selected by vote of the members of the Committee annually.
 - c. Lighting & Landscaping: 16-member board comprised of one member from each of the 11 Lighting and Landscaping Districts, the two Dredging Districts formed under the Municipal Improvement Act of 1913, and one appointed from an area of the City without a Landscaping District by the Mayor. The Chair and 17th member of the Committee will be a current Parks & Recreation Commissioner, to be selected by the members of the Commission. The Vice Chair will be selected by vote of the members of the Committee annually.

Purpose and Mission:

The purpose behind the creation of the Committees was identified in the Background Section of this report in that each Committee's various missions will be a tool towards advancing civic engagement as a part of the Suisun City governance culture.

The Mission of each Committee will differ and will strive to undertake the following tasks:

The Advisory Committee on Environment and Climate Impacts in Suisun City. This Committee centers on the environment and our changing climate. Examples of the Committee's duties include but are not limited to climate impacts on existing and planned developments, researching initiatives to enhance the Suisun City environmental quality of life, promoting ecotourism in Suisun City while focusing on opportunities for education and sustainability, being a forum for on topic presentations, and review of Environmental Impact Reports (EIR) prior to Commission or City Council review.

The Advisory Committee for Public Safety & Emergency Management of Suisun City. This Committee centers on reviewing critical public safety functions including but not limited to, scheduling and participation in disaster preparedness training through the Federal Emergency Management Agency (FEMA) Incident Command System (ISC), reverse 911 testing and evacuation modeling, involvement in "Table Top" exercises, creation, training and maintenance of Community Emergency Response Teams (CERT), evaluation of Essential Services Facilities as defined by State and Federal Regulations, support for and creation of Neighborhood Watch Captains and periodic reviews of public safety response levels of service (LOS). All annual Fire and Police Annual Reports will be made to the Advisory Committee for Public Safety & Emergency Management prior to the City Council.

Advisory Committee of the Lighting & Landscaping Districts (LLDs) of Suisun City. The Committee's focus will be to review the annual engineer's report for the Districts and to be a sounding board for issues such as levels of service and cost recovery for the Districts.

AGENDA TRANSMITTAL

MEETING DATE: February 19, 2019

CITY AGENDA ITEM: Council Adoption of Resolution No. 2019-__: Authorizing the City Manager to Enter Into a Two-Year Agreement With Talos Secure Group, Inc. to Serve as the Security Agency for the Recreation, Parks, and Marina Department.

FISCAL IMPACT: None

BACKGROUND: The City terminated the contract with Delta One on October 24, 2018. The Recreation, Parks, and Marina Department has been using Talos Secure Group, Inc. for the past ten weeks as a gap between contracts. During those ten weeks, Talos has proven to be professional, reliable, and capable of fulfilling the requirements set forth by the City.

STAFF REPORT: The Recreation, Parks, and Marina Department utilizes security services for community events in which the Suisun City Police Department requests extra help to maintain a safe environment. Security services are also needed at various locations for rentals that require security by the nature of the rental as outlined in the departments rental policies. The project was advertised from November 7, 2018 through December 11, 2018. A mandatory pre-bid walk was held on December 5, 2018 at Joseph Nelson Community Center at 11:00 A.M. Two bids were received:

<u>Company</u>	<u>Submitted Bid</u>
Talos Secure Group	
Unarmed	\$28 per hour
Armed	\$32 per hour
Strategic Alliance International	
Unarmed	\$37 per hour
Armed	\$48 per hour

The following locations are incorporated in the contract:

- **Joseph A. Nelson Community Center** Located at 611 Village Drive, Suisun City, CA
- **Suisun City Senior Center** Located at 318 Merganser Drive, Suisun City, CA
- **City Hall** located at 701 Civic Center Blvd, Suisun City, CA
- **Harbor Square** located at 700 Main, Suisun City, CA
- **Sheldon Plaza** located at 520 Driftwood Drive, Suisun City, CA
- **Harbor Plaza** located at Main Street at Solano Street, Suisun City, CA

STAFF RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No. 2019-__: Council Adoption of Resolution No. 2019-__: Authorizing the City Manager to Enter Into a Two-Year Agreement With Talos Secure Group, Inc. to Serve as the Security Agency for the Recreation, Parks, and Marina Department.

PREPARED BY: Kris Lofthus, Recreation, Parks, and Marina Director
REVIEWED AND APPROVED BY: Richard J. Ramirez, Interim City Manager

ATTACHMENTS:

1. Resolution No. 2019__ : Council Adoption of Resolution No. 2019-__ : Authorizing the City Manager to Enter Into a Two-Year Agreement With Talos Secure Group, Inc. to Serve as the Security Agency for the Recreation, Parks, and Marina Department.

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RESOLUTION NO. 2019-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
AUTHORIZING THE CITY MANAGER TO ENTER INTO A TWO-YEAR
AGREEMENT WITH TALOS SECURE GROUP, INC. TO SERVE AS THE
SECURITY AGENCY FOR THE RECREATION, PARKS, AND MARINA
DEPARTMENT.**

WHEREAS, the City of Suisun City wishes to engage security services to provide a safe and protected environment for its participants and clients; and

WHEREAS, the City of Suisun City conducted a Request for Proposals for provision of security services November 7, 2018 through December 5, 2018; and

WHEREAS, The City of Suisun City provided a pre-bid walkthrough of the environments in which security is needed; and

WHEREAS, the City of Suisun has appropriate secure property to support such and activity; and

WHEREAS, Talos Secure Group, INC. submitted a responsive and responsible proposal; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Suisun City, does hereby authorize the City Manager to enter into a two-year agreement with Talos Secure Group, Inc. to serve as the security agency for the Recreation, Parks, and Marina Department.

PASSED AND ADOPTED at a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 19th day of February 2019, by the following vote:

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

WITNESS my hand and the seal of said City this 19th day of February 2019.

Donna Pock, CMC
Deputy City Clerk

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AGENDA TRANSMITTAL

MEETING DATE: February 19, 2019

CITY AGENDA ITEM: Council Adoption of Resolution No. 2019-__: Amending Compensation for Interim Police Chief.

FISCAL IMPACT: None. The position is being filled on an Interim basis and no benefits are provided

BACKGROUND: On February 5, 2019, the City Council approved Resolution No. 2019-__ authorizing the Interim City Manager to appoint Mr. Scott Paulin to serve as Interim Police Chief up to June 30, 2019. Mr. Paulin will serve as a retired annuitant as defined by CalPERS during the recruitment of a permanent, full-time Police Chief. He will receive an hourly wage as compensation, but no other benefits.

STAFF REPORT: During contract negotiations with Mr. Paulin, it was the City's intent that he be compensated at the maximum hourly rate for Police Chief as described in the Salary Resolution. The hourly rate previously approved by the City Council did not take into account a recently approved cost-of-living adjustment applied to many City classifications, including that of Police Chief.

Staff has prepared a resolution to set compensation for the Interim Police Chief at the maximum hourly rate for Police Chief, which currently is \$65.93. No other provision of Mr. Paulin's interim employment is effected by this change.

RECOMMENDATION: It is recommended that the City Council Adopt Resolution No. 2019-__: Amending Compensation for Interim Police Chief.

ATTACHMENTS:

1. Resolution No. 2019-__: Amending Compensation for Interim Police Chief.

PREPARED BY:
REVIEWED/APPROVED BY:

Scott Corey, Senior Management Analyst
Richard J. Ramirez, Interim City Manager

RESOLUTION NO. 2019-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
AMENDING COMPENSATION FOR INTERIM CHIEF OF POLICE**

WHEREAS, by adoption of Resolution No. 2019-__, the City Council authorized the Interim City Manager to appoint Scott Paulin as the Interim Police Chief; and

WHEREAS, the intent of the City was to compensate Scott Paulin at the maximum range for Police Chief established by salary resolution, as it may be amended from time to time; and

WHEREAS, the maximum of the Police Chief salary range currently is set at an hourly rate of \$65.93.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Suisun City that Resolution No. 2019-__ is hereby amended to provide that Scott Paulin shall be compensated at the maximum range for Police Chief established by salary resolution, as it may be amended from time to time; and that all other provisions of said resolution remain in full force and effect as adopted.

PASSED AND ADOPTED by the City Council of the City of Suisun City at a regular meeting thereof held on the 19th day of February, 2019 by the following vote:

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

WITNESS my hand and the seal of said City this 19th day of February 2019.

Donna Pock, CMC
Deputy City Clerk

AGENDA TRANSMITTAL

MEETING DATE: February 19, 2019

CITY AGENDA ITEM: Adoption of Council Resolution No. 2019-__: Approving and Authorizing the City Manager to Execute all Required Documentation Necessary to Effectuate the Lease Agreement with the California State Lands Commission for the Upcoming Dredging Episodes and for the Use of Pierce Island for Disposal of Dredged Material.

FISCAL IMPACT: The approved funding for the overall dredging project is \$4,451,084. The renewal of the 10-year lease agreement with the California State Lands Commission (CLSC) will be in the amount of \$2,641.03 to cover staff time in preparing lease agreement and the staff report for Commission meeting.

BACKGROUND: On November 20, 2018, the construction contract for the 2019 Suisun Marina Dredging Project was awarded to The Dutra Group. Dredging will be performed later this year and the schedule is dependent on the result of the protocol-level bird surveys which is currently being performed. The result will also dictate when the pre-dredge preparatory work on Pierce Island can begin. Preparatory work on Pierce Island include removing vegetation with the west pond, as well as installing a Salt Marsh Harvest Mouse (SMHM) fence around the west pond. The bird surveys are anticipated to be completed by mid-April 2019.

STAFF REPORT: The City's design consultant, Moffatt & Nichol, is currently pursuing dredging permit renewals with the California State Lands Commission (CSLC), Bay Conservation, Regional Water Quality Control Board (RWQCB), Bay Conservation and Development Commission (BCDC), and the Dredged Material Management Office (DDMO). According to the design consultant, BCDC and DMMO will issue their dredging permits soon after the RWQCB and CSLC dredging permits are issued.

The RWQCB staff has updated the permit documents, which will go through a 30-day public notice beginning sometime in February 2019. Approval of the RWQCB permit documents will be agendized for approval at their Board's April 2019 meeting.

In regards to the CSLC, the "permit" document needed is the renewal and approval of the lease agreement. Attached for reference is a copy of the lease agreement as Exhibit "A". This lease agreement was brought front of and approved without objections as a consent item by their Commission on February 4, 2019. The next step is for the City to execute lease agreement. This is a 10-year lease agreement, beginning February 4, 2019 and ending February 3, 2029, which allows the City to perform the upcoming dredging projects for the purpose of improving navigable waterways within and surrounding the Suisun Marina, including the Whispering Bay Channel and the Marina Village Channel.

RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2019-__: Approving and Authorizing the City Manager to Execute all Required Documentation

PREPARED BY:	Nick Lozano, Associate Engineer
REVIEWED BY:	Kris Lofthus, Recreation, Parks, and Marina Director
APPROVED BY:	Richard J. Ramirez, Interim City Manager

Necessary to Effectuate the Lease Agreement with the California State Lands Commission for the Upcoming Dredging Episodes and for the Use of Pierce Island for Disposal of Dredged Material.

ATTACHMENTS:

1. Resolution No. 2019-__: Approving and Authorizing the City Manager to Execute all Required Documentation Necessary to Effectuate the Lease Agreement with the California State Lands Commission for the Upcoming Dredging Episodes and for the Use of Pierce Island for Disposal of Dredged Material.
2. Project Location Map.
3. Exhibit “A” – Lease Agreement.

RESOLUTION NO. 2019-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL REQUIRED DOCUMENTATION NECESSARY TO EFFECTUATE THE LEASE AGREEMENT WITH THE CALIFORNIA STATE LANDS COMMISSION FOR THE UPCOMING DREDGING EPISODES AND FOR THE USE OF PIERCE ISLAND FOR DISPOSAL OF DREDGED MATERIAL

WHEREAS, a lease agreement with the California State Lands Commission is required to perform maintenance dredging within and surrounding the Suisun City Marina and to use Pierce Island for disposal of dredged material; and

WHEREAS, in August 2008, the City entered into a 10-year lease agreement with the State for such properties and activities, and said lease agreement has now expired; and

WHEREAS, the City desires to renew the 10-year lease agreement, effective date beginning February 4, 2019 and ending February 3, 2029, in order to perform the upcoming dredging projects for the purpose of improving navigable waterways within and surrounding the Suisun Marina, including the Whispering Bay Channel and Marina Village Channel.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves and authorizes the City Manager to execute all required documentation necessary to effectuate the lease agreement, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference, with the State of California, acting by and through the State Lands Commission.

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Suisun City duly held on Tuesday, the 19th day of February 2019, by the following vote:

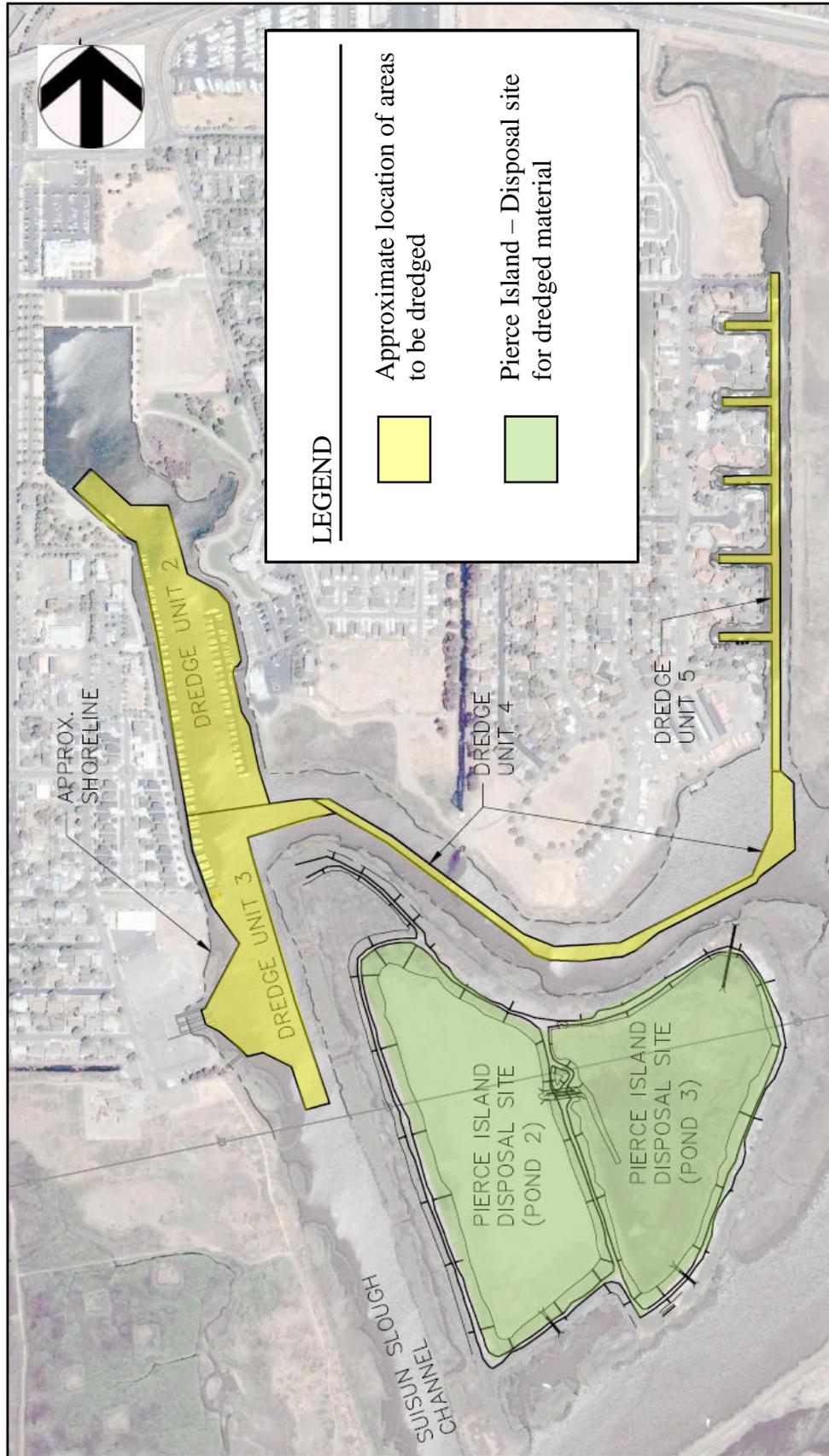
AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____

WITNESS my hand and the seal of said City this 19th day of February 2019.

Donna Pock, CMC
Deputy City Clerk

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LOCATION MAP
Suisun Marina Dredging and Pierce Island



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RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:
STATE OF CALIFORNIA
California State Lands Commission
Attn: Title Unit
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

STATE OF CALIFORNIA
OFFICIAL BUSINESS
Document entitled to free recordation
pursuant to Government Code Section 27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE

County: Solano

LEASE NO. PRC 7757.9

This Lease consists of this summary and the following attached and incorporated parts:

- Section 1 Basic Provisions
- Section 2 Special Provisions Amending or Supplementing Section 1 or 3
- Section 3 General Provisions
- Exhibit A Land Description
- Exhibit B Site and Location Map

SECTION 1

BASIC PROVISIONS

THE STATE OF CALIFORNIA, hereinafter referred to as Lessor acting by and through the **CALIFORNIA STATE LANDS COMMISSION** (100 Howe Avenue, Suite 100-South, Sacramento, California 95825-8202), pursuant to Division 6 of the Public Resources Code and Title 2, Division 3 of the California Code of Regulations, and for consideration specified in this Lease, does hereby lease, demise, and let to the **CITY OF SUISUN CITY**, hereinafter referred to as Lessee, those certain lands described in Exhibit A hereinafter referred to as Lease Premises, subject to the reservations, terms, covenants, and conditions of this Lease.

MAILING ADDRESS: City of Suisun City
701 Civic Center Blvd.
Suisun City, CA 94063585

LEASE TYPE: General Lease - Dredging

LAND TYPE: Sovereign

LOCATION: Suisun Slough and the area around the Suisun City Marina, not including the marina itself, City of Suisun City, County of Solano, as described in Exhibit A and shown on Exhibit B attached and by this reference made a part hereof.

LAND USE OR PURPOSE: Maintenance dredge a maximum of 193,155 cubic yards of material over the term of the lease to maintain a navigable depth within Suisun Slough. Dredged material to be disposed at Pierce Island for use in the Pierce Island Levee Rehabilitation Project, adjacent to the slough. The dredged material may not be sold.

TERM: 10 years; beginning February 4, 2019; ending February 3, 2029, unless sooner terminated as provided under this Lease.

CONSIDERATION: No monetary consideration is due for the lease because it is for the public use and benefit; there is no commercial benefit from the project; and the dredged material may not be sold. Subject to modification by Lessor as specified in Paragraph 2(a)(2) of Section 3 - General Provisions.

AUTHORIZED IMPROVEMENTS: The temporary placement of navigational buoys.

LIABILITY INSURANCE: N/A

SURETY BOND OR OTHER SECURITY: N/A

SECTION 2 SPECIAL PROVISIONS

BEFORE THE EXECUTION OF THIS LEASE, ITS PROVISIONS ARE AMENDED, REVISED, OR SUPPLEMENTED AS FOLLOWS:

- 1) Lease Section 3, Paragraph 13 is deleted in its entirety, and is replaced by:
 - 13(a) Upon expiration or sooner termination of this Lease, Lessee must immediately surrender possession of the Lease Premises to Lessor and
 - 13(b) Should Lessee desire to continue its maintenance dredging and sediment disposal project beyond the expiration of this Lease, Lessee shall submit to Lessor no later than one (1) year prior to the expiration of this Lease an application and minimum expense deposit for a new lease for the continued use of the Lease Premises and

13(c) Lessee shall submit Dredge Management Material Office permit approvals including a current sample analysis plan and sample analysis report at least 6 months in advance of any subsequent dredging episode.

- 2) Lessee shall safely conduct all dredging and disposal operations in accordance with accepted dredging and disposal methods and practices and with due regard for the protection of life and property, and preservation of the environment.
- 3) In performing the dredging, the Lessee will abide by Best Management Practices to control turbidity to protect marine resources and habitats from excessive siltation in the general vicinity of the project.
- 4) Dredging and disposal operations shall be confined to the work windows consistent with Tables F-1 and F-2 of Appendix F, "In-Bay Disposal and Dredging," and Figures 3.2 and 3.3 of the Long-Term Management Strategy Program (LTMS) Management Plan (2001) as amended by the U.S. Fish and Wildlife Service on May 28, 2004, and as may be amended. The LTMS can be found here: <https://www.spn.usace.army.mil/Portals/68/docs/Dredging/LMMS/entire%20LMMS.pdf>.
- 5) Lessee acknowledges that material dredged from the Lease Premises is the property of the State of California and shall not be sold, and that Lessee is not authorized to dredge for purposes of commercial resale, environmental mitigation credits, or other private benefit without Lessor's prior written consent.
- 6) No less than 60 days prior to the first dredge episode, Lessee shall submit the following to Lessor: 1) a project specific hazardous spill contingency plan, with specific designation, including direct contact information, of the on-site person who will have responsibility for implementing the plan; 2) name and telephone number of the Lessee's representative responsible for implementing and maintaining the authorized activities within the Lease Premises; 3) name, address, telephone number and contractor's license number of the contractor(s) selected to implement such activities, if other than Lessee's own staff are utilized. Should Lessee change contractors, Lessee shall provide Lessor with all pertinent information, as described above; 4) copy of the Lessee's or contractor's Best Management Practices.
- 7) In the event of a hazardous spill, Lessee shall immediately contact the 24-hour Oil Spill Hotline of the California Office of Emergency Services at 1-800-852-7550 and the Lessor's Mineral Resources Management Division at 1-562-590-5201.
- 8) Lessee acknowledges that the land described in Exhibit A of this Lease is subject to the Public Trust and is presently available to members of the public for recreation, waterborne commerce, navigation, fisheries, open space, and any other recognized Public Trust uses. Lessee also agrees that any proposed dredging activities and subsequent use of the Lease Premises shall not unreasonably interfere with or limit Public Trust rights, and any temporary interference or limitation of Public Trust rights or public access shall only be to the extent necessary to protect public health and safety during dredging activities authorized by Lessor, or when imminent threats to public health and safety are present.
- 9) Lessee shall coordinate with the U.S. Coast Guard in placing clearly visible navigational buoys as a warning to boaters. Public access to Suisun Slough shall be maintained at all times during dredging operations. Buoys shall be in place and maintained by Lessee at all times during dredging activities. All components of the buoys must be removed immediately at the conclusion of each dredging episode, and no buoys, chains, anchors, etc. may remain.
- 10) All vessels, equipment, machinery, tools or other property moved onto or within the Lease Premises or lands subject to Lessor's jurisdiction shall remain the property of the Lessee and/or its authorized contractors. Such property shall be promptly and properly removed by Lessee, at its sole risk and

expense.

- 11) No vehicle or equipment refueling, maintenance, or repairs will be permitted within the Lease Premises or lands subject to Lessor's jurisdiction.
- 12) Lessor accepts no responsibility for any damages to any property, including any vessels, equipment, machinery, or tools within the Lease Premises or lands subject to Lessor's jurisdiction.
- 13) Lessee shall provide to Lessor within 30 days of Lessor's request copies of all data arising from Lessee's operation on the Lease Premises including, but not limited to, bathymetric surveys of the Lease Premises conducted by or for Lessee before and after any dredging authorized herein.
- 14) Lessee acknowledges that the Lease Premises and adjacent upland are located in an area that may be subject to effects of climate change, including sea-level rise. To prepare for the potential effects of sea-level rise, including flood damage, erosion damage, tsunamis, and damage from waves and storm-created debris, the Lessee acknowledges and agrees to the following:
 - a. Hazards associated with sea-level rise may require additional maintenance or protection strategies regarding the Lease Premises.
 - b. Any additional maintenance or protection strategies necessitated by such hazards may require additional approval by Lessor pursuant to Section 3, Paragraph 4(a) and be subject to environmental review.

In the event of any conflict between the provisions of Section 2 and Section 3 of this Lease, the provisions of Section 2 shall prevail.

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SECTION 3

GENERAL PROVISIONS

1. GENERAL

These provisions are applicable to all leases, permits, rights-of-way, easements, or licenses or other interests in real property conveyed by the State Lands Commission.

2. CONSIDERATION

(a) Categories

(1) Royalty

Lessee shall pay the rent or royalty as stated in this Lease to Lessor without deduction, delay, or offset, on or before the beginning date of this Lease and on or before each anniversary of its beginning date during each year of the Lease term.

(2) Non-Monetary Consideration

If the consideration to Lessor for this Lease is the public use, benefit, health, or safety, Lessor shall have the right to review such consideration at any time and set a monetary rental if the State Lands Commission, at its sole discretion, determines that such action is in the best interest of the State. Dredged material may not be sold.

(b) Penalty and Interest

Any installments of rental accruing under this Lease not paid when due shall be subject to a penalty and shall bear interest as specified in Public Resources Code Section 6224 and the Lessor's then existing administrative regulations governing penalty and interest.

3. BOUNDARIES

This Lease is not intended to establish the State's boundaries and is made without prejudice to either party regarding any boundary claims which may be asserted presently or in the future.

4. LAND USE

(a) General

Lessee shall use the Lease Premises only for the purpose or purposes stated in this Lease and only for the operation and maintenance of the improvements expressly authorized in this Lease. Lessee shall commence use of the Lease Premises within ninety (90) days of the beginning date of this Lease or within ninety (90) days of the date set for construction to commence as set forth in this Lease, whichever is later. Lessee shall notify Lessor within ten (10) days after commencing the construction of authorized improvements and within sixty (60) days after completing them. Lessee's discontinuance of such use for a period of ninety (90) days shall be conclusively presumed to be an abandonment.

(b) Continuous Use

Lessee's use of the Lease Premises shall be continuous from commencement of the Lease until its expiration.

(c) Conservation

Lessee shall not violate any law or regulation whose purpose is to conserve resources or to protect the environment. Violation of this section shall constitute grounds for termination of the Lease. Lessor, by its executive officer, shall notify Lessee, when in his or her opinion, Lessee has violated the provisions of this section and Lessee shall respond and discontinue the conduct or remedy the condition within 30 days.

(d) Toxics

Lessee shall be fully responsible for any hazardous wastes, substances, or materials as defined under federal, State, or local law, regulation, or ordinance that are manufactured, generated, used, placed, disposed, stored, or transported on the Lease Premises during the Lease term and shall comply with and be bound by all applicable provisions of such federal, State, or local law, regulation or ordinance dealing with such wastes, substances, or materials. Lessee shall notify Lessor and the appropriate governmental emergency response agency(ies) immediately in the event of any release or threatened release of any such wastes, substances, or materials.

(g) Enjoyment

Subject to the provisions of paragraph 5 (a) (2) below, nothing in this Lease shall preclude Lessee from excluding persons from the Lease Premises when their presence or activity constitutes a material interference with Lessee's use and enjoyment of the Lease Premises as provided under this Lease.

(h) Discrimination

Lessee in its use of the Lease Premises shall not discriminate against any person or class of persons on the basis of race, color, creed, religion, national origin, sex, age, or handicap.

5. RESERVATIONS, ENCUMBRANCES, AND RIGHTS-OF-WAY

(a) Reservations

(1) Lessor expressly reserves all natural resources in or on the Lease Premises, including but not limited to timber and minerals as defined under Public Resources Code Sections 6401 and 6407, as well as the right to grant leases in and over the Lease Premises for the extraction of such natural resources; however, such leasing shall be neither inconsistent nor incompatible with the rights or privileges of Lessee under this Lease.

(2) Lessor expressly reserves a right to go on the Lease Premises and all improvements for any purposes associated with this Lease or for carrying out any function required by law, or the rules, regulations, or management policies of the State Lands Commission. Lessor shall have a right of

reasonable access to the Lease Premises across Lessee owned or occupied lands adjacent to the Lease Premises for any purpose associated with this Lease.

- (3) Lessee agrees to allow the State, the State's easement holders, permittees or lessees to enter upon the Leased Lands in order to conduct authorized activities; provided that such parties shall provide Lessee with reasonable advance notice of their entry on the Leased Lands and the contemplated activities while on the Leased Lands. The State shall require such parties to indemnify, defend and hold Lessee harmless from and against any loss, cost, charge, cause of action or other liability of any kind whatsoever that arises out of such parties activities on, in or associated with the Leased Lands.
- (4) Lessor expressly reserves to the public an easement for convenient access across the Lease Premises to other State-owned lands located near or adjacent to the Lease Premises and a right of reasonable passage across and along any right-of-way granted by this Lease; however, such easement or right-of-way shall be neither inconsistent nor incompatible with the rights or privileges of Lessee under this Lease.
- (5) Lessor expressly reserves the right to lease, convey, or encumber the Lease Premises, in whole or in part, during the Lease term for any purpose not inconsistent or incompatible with the rights or privileges of Lessee under this Lease.

(b) Encumbrances

This Lease may be subject to pre-existing contracts, leases, licenses, easements, encumbrances, and claims and is made without warranty by Lessor of title, condition, or fitness of the land for the stated or intended purpose.

6. RULES, REGULATIONS, AND TAXES

(a) Lessee shall comply with all applicable laws, regulations and rules of the United States, the State of California and counties or cities now or hereafter enacted or promulgated, including, without limitations, all applicable provisions of the Public Resources Code, the California Administrative Code, and the Statutes of California, regardless of which agency or government body may have jurisdiction with respect to enforcement. Lessee also agrees that in its employment practice hereunder, it shall not discriminate against any person because of race, color, religion, sex, ancestry, national origin physical disability, sexual orientation, AIDS or AIDS related condition(s), marital status or age.

(b) Lessee understands and agrees that a necessary condition for the granting and continued existence of this Lease is that Lessee obtains and maintains all permits or other entitlements.

(c) Lessee accepts responsibility for and agrees to pay any and all possessory interest taxes, assessments, user fees or service charges imposed on or associated with the leasehold interest, improvements or the Lease Premises, and such payment shall not reduce rental due Lessor under this Lease and Lessor shall have no liability for such payment.

(d) In accepting this Lease, Lessee understands that the interest created herein may be subject to a possessory interest tax imposed by a local or county tax assessor. Any such possessory interest tax imposed shall not reduce any royalty due hereunder and payment of the tax shall be the liability of the Lessee.

7. INDEMNITY

(a) Lessor shall not be liable and Lessee shall indemnify, hold harmless, and, at the option of Lessor, defend Lessor, its officers, agents, and employees against and for any and all liability, claims, damages or injuries of any kind and from any cause, arising out of or connected in any way with the issuance, enjoyment or breach of this Lease or Lessee's use of the Lease Premises except for any such liability, claims, damage or injury solely caused by the negligence of Lessor, its officers, agents and employees.

(b) Lessee shall notify Lessor immediately in case of any accident, injury, or casualty on the Lease Premises.

8. INSURANCE

(a) Lessee shall obtain and maintain in full force and effect during the term of this Lease comprehensive general liability insurance and property damage insurance, with such coverage and limits as may be reasonably requested by Lessor from time to time, but in no event for less than the sum(s) specified, insuring Lessee and Lessor against any and all claims or liability arising out of the ownership, use, occupancy, condition, or maintenance of the Lease Premises and all improvements.

(b) The insurance policy or policies shall name the State of California, its officers, employees and volunteers as insureds as to the Lease Premises and shall identify the Lease by its assigned number. Lessee shall provide Lessor with a certificate of such insurance and shall keep such certificate current. The policy (or endorsement) must provide that the insurer will not cancel the insured's coverage without thirty (30) days prior written notice to Lessor. Lessor will not be responsible for any premiums or other assessments on the policy. The coverage provided by the insured (Lessee) shall be primary and non-contributing.

(c) The insurance coverage specified in this Lease shall be in effect at all times during the Lease term and subsequently until all of the Lease Premises have been either accepted as improved, by Lessor, or restored by Lessee as provided elsewhere in this Lease.

(d) Workers Compensation: Lessee shall at all times in any and all of its operations hereunder and any works in and upon

the Leased Lands, carry full and complete workers compensation insurance covering all of its employees.

9. SURETY BOND

(a) Lessee shall provide a surety bond or other security device acceptable to Lessor, for the specified amount, and naming the State of California as the assured, to guarantee to Lessor the faithful observance and performance by Lessee of all of the terms, covenants, and conditions of this Lease.

(b) Lessor may require an increase in the amount of the surety bond or other security device to cover any additionally authorized improvements, alterations or purposes and any modification of consideration.

(c) The surety bond or other security device shall be maintained in full force and effect at all times during the Lease term and subsequently until all of the Lease Premises have been either accepted by Lessor, or restored by Lessee as provided elsewhere in this Lease.

(d) Said bond shall require the surety to give at least 120 days written notice of its intention to cease acting as guarantor. If a surety gives notice of its intention to cease acting as a guarantor, the Lessee shall provide to State within 30 days of such notice a replacement bond of equal value to become effective upon the expiration of the existing bond. Failure to provide such a replacement bond within the required time shall constitute a default entitling State to levy against the entire amount of the existing bond. Lessee agrees that in no event shall the amount of the bond be construed as a limitation on its liability. This requirement shall be separate from any other bonding provisions of the Public Resources Code and the regulations of the State of California or any other State, local or federal requirement.

10. ASSIGNMENT, ENCUMBRANCING OR SUBLETTING

(a) Lessee shall not either voluntarily or by operation of law, assign, transfer, mortgage, pledge, hypothecate or encumber this Lease and shall not sublet the Lease Premises, in whole or in part, or allow any person other than the Lessee's employees, agents, servants and invitees to occupy or use all or any portion of the Lease Premises without the prior written consent of Lessor, which consent shall not be unreasonably withheld. Employment of operators and/or subcontractors by Lessee shall not be considered a sublease or assignment of this Lease; provided, however, that Lessee shall first notify Lessor of any intended operator and/or subcontractors and obtain Lessor's approval of the use of an operator and/or subcontractor. In the event of any subcontracting, Lessee shall remain liable for the operator's and/or subcontractor's activities including the payments of royalties.

(b) The following shall be deemed to be an assignment or transfer within the meaning of this Lease:

(1) If Lessee is a corporation, any dissolution, merger, consolidation or other reorganization of Lessee or sale or other transfer of a percentage of capital stock of Lessee which results in a change of controlling persons, or the sale or other transfer of substantially all the assets of Lessee;

(2) If Lessee is a partnership, a transfer of any interest of a general partner, a withdrawal of any general partner from the partnership, or the dissolution of the partnership.

(c) If this Lease is for sovereign lands, it shall be appurtenant to adjoining littoral or riparian land and Lessee shall not transfer or assign its ownership interest or use rights in such adjoining lands separately from the leasehold rights granted herein without the prior written consent of Lessor.

(d) If Lessee desires to assign, sublet, encumber or otherwise transfer all or any portion of the Lease Premises, Lessee shall do all of the following:

(1) Give prior written notice to Lessor;

(2) Provide the name and complete business organization and operational structure of the proposed assignee, sublessee, secured third party, or other transferee; and the nature of the use of and interest in the Lease Premises proposed by the assignee, sublessee, secured third party or other transferee. If the proposed assignee, sublessee, or secured third party is a general or limited partnership, or a joint venture, provide a copy of the partnership agreement or joint venture agreement, as applicable;

(3) Provide the terms and conditions of the proposed assignment, sublease, or encumbrance or other transfer;

(4) Provide audited financial statements for the two most recently completed fiscal years of the proposed assignee, sublessee, secured party or other transferee; and provide pro forma financial statements showing the projected income, expense and financial condition resulting from use of the Lease Premises; and

(5) Provide such additional or supplemental information as Lessor may reasonably request concerning the proposed assignee, sublessee, secured party or other transferee.

Lessor will evaluate proposed assignees, sublessees, secured third parties and other transferees and grant approval or disapproval according to standards of commercial reasonableness considering the following factors within the context of the proposed use: the proposed party's financial strength and reliability, their business experience and expertise, their personal and business reputation, their managerial and operational skills, their proposed use and projected rental, as well as other relevant factors.

(e) Lessor shall have a reasonable period of time from the receipt of all documents and other information required under this provision to grant or deny its approval of the proposed party.

(f) Lessee's mortgage or hypothecation of this Lease, if approved by Lessor, shall be subject to terms and conditions found in a separately drafted standard form (Agreement and

Consent to Encumbrancing of Lease) available from Lessor upon request.

(g) Upon approval of an assignment by State the covenants and conditions contained herein shall apply to and bind the heirs, successors, executors, administrators and assigns of all of the parties hereto; and all parties hereto shall be jointly and severally liable hereunder.

(h) Upon the express written assumption of all obligations and duties under this Lease by an assignee approved by Lessor, the Lessee may be released from all liability under this Lease arising after the effective date of assignment and not associated with Lessee's use, possession or occupation of or activities on the Lease Premises; except as to any hazardous wastes, substances or materials as defined under federal, state or local law, regulation, or ordinance manufactured, generated, used, placed, disposed, stored or transported on the Lease Premises.

(i) If the Lessee files a petition or an order for relief is entered against Lessee, under Chapters 7,9,11 or 13 of the Bankruptcy Code (11 USC Sect. 101, et seq.) then the trustee or debtor-in-possession must elect to assume or reject this Lease within sixty (60) days after filing of the petition or appointment of the trustee, or the Lease shall be deemed to have been rejected, and Lessor shall be entitled to immediate possession of the Lease Premises. No assumption or assignment of this Lease shall be effective unless it is in writing and unless the trustee or debtor-in-possession has cured all defaults under this Lease (monetary and non-monetary) or has provided Lessor with adequate assurances (1) that within ten (10) days from the date of such assumption or assignment, all monetary defaults under this Lease will be cured; and (2) that within thirty (30) days from the date of such assumption, all non-monetary defaults under this Lease will be cured; and (3) that all provisions of this Lease will be satisfactorily performed in the future.

11. DEFAULT AND REMEDIES

(a) Default

The occurrence of any one or more of the following events shall immediately and without further notice constitute a default or breach of the Lease by Lessee:

- (1) Lessee's failure to make any payment of rental, royalty, or other consideration as required under this Lease;
- (2) Lessee's failure to obtain or maintain liability insurance or a surety bond or other security device as required under this Lease;
- (3) Lessee's vacation or abandonment of the Lease Premises (including the covenant for continuous use as provided for in paragraph 4) during the Lease term;
- (4) Lessee's failure to obtain and maintain all necessary governmental permits or other entitlements;

(5) Lessee's failure to comply with all applicable provisions of federal, state or local law, regulation or ordinance dealing with hazardous waste, substances or materials as defined under such law;

(6) Lessee's Failure to commence to construct and to complete construction of the improvements authorized by this Lease within the time limits specified in this Lease; and/or

(7) Failure of the Lessee to comply with any provisions of this Lease or with the laws, regulations, or rules applicable thereto shall immediately and without further notice constitute a default or breach of the Lease by Lessee.

(b) Lessee's failure to observe or perform any other term, covenant, or condition of this Lease or when such failure shall continue for a period of thirty (30) days after Lessor's giving written notice; however, if the nature of Lessee's default or breach under this paragraph is such that more than thirty (30) days are reasonably required for its cure, then Lessee shall not be deemed to be in default or breach if Lessee commences such cure within such thirty (30) day period and diligently proceeds with such cure to completion.

(c) Remedies

In the event of a default or breach by Lessee and Lessee's failure to cure such default or breach, Lessor may at any time and with or without notice do any one or more of the following:

- (1) Re-enter the Lease Premises, remove all persons and property, and repossess and enjoy such premises;
- (2) Terminate this Lease and Lessee's right of possession of the Lease Premises. Such termination shall be effective upon Lessor's giving written notice and upon receipt of such notice, Lessee shall immediately surrender possession of the Lease Premises to Lessor;
- (3) Maintain this Lease in full force and effect and recover any rental, royalty, or other consideration as it becomes due without terminating Lessee's right of possession regardless of whether Lessee shall have abandoned the Lease Premises; and/or
- (4) Exercise any other right or remedy which Lessor may have at law or equity.

12. INDEPENDENT SITE ASSESSMENT

Lessor may at any time during the Lease term require Lessee to conduct at its own expense and by a contractor approved by Lessor an independent environmental site assessment or inspection for the presence or suspected presence of hazardous wastes, substances or materials as defined under federal, State or local law, regulation or ordinance manufactured, generated, used, placed, disposed, stored, or

transported on the Lease Premises during the term of the Lease. Lessee shall provide the results of the assessment or inspection to Lessor and the appropriate governmental response agency(ies) and shall further be responsible for removing or taking other appropriate remedial action regarding such wastes, substances or materials in accordance with applicable federal, state or local law regulation or ordinance.

13. QUITCLAIM

Lessee shall, within ninety (90) days of the expiration or sooner termination of this Lease, execute and deliver to Lessor in a form provided by Lessor a good and sufficient release of all rights under this Lease. Should Lessee fail or refuse to deliver such a release, a written notice by Lessor reciting such failure or refusal shall, from the date of its recordation be conclusive evidence against Lessee of the termination of this Lease and all other claimants.

14. HOLDING-OVER

After expiration or earlier termination of lease, there is no holdover provision. Activities on premises shall constitute trespass without the express consent of the Lessor.

15. ADDITIONAL PROVISIONS

(a) Waiver

- (1) No term, covenant, or condition of this Lease and no default or breach of any such term, covenant or condition shall be deemed to have been waived, by Lessor's acceptance of a late or nonconforming performance or otherwise, unless such a waiver is expressly acknowledged by Lessor in writing.
- (2) Any such waiver shall not be deemed to be a waiver of any other term, covenant or condition of any other default or breach of any term, covenant or condition of this Lease.

(b) Time

Time is of the essence of this Lease and each and all of its terms, covenants or conditions in which performance is a factor.

(c) Notice

All notices required to be given under this Lease shall be given in writing, sent by U.S. Mail with postage prepaid, to Lessor at the offices of the State Lands Commission and the Lessee at the address specified in this Lease. Lessee shall give Lessor notice of any change in its name or address.

(d) Consent

Where Lessor's consent is required under this Lease its consent for one transaction or event shall not be deemed to be a consent to any subsequent occurrence of the same or any other transaction or event.

(e) Changes

This Lease may be terminated and its term, covenants, and conditions amended, revised, or supplemented only by mutual written agreement of the parties.

(f) Successors

The terms, covenants, and conditions of this Lease shall extend to and be binding upon and inure to the benefit of the heirs, successors, and assigns of the respective parties.

(g) Joint and Several Obligation

If more than one Lessee is a party to this Lease, the obligations of the Lessees shall be joint and several.

(h) Captions

The captions of this Lease are not controlling and shall have no effect upon its construction or interpretation.

(i) Severability

If any term, covenant or condition of this Lease is determined by a court of competent jurisdiction to be invalid, it shall be considered deleted and shall not invalidate any of the remaining terms, covenants and conditions.

(j) Record Keeping and Audits

(1) Lessee shall prepare and maintain accurate records of its operations under this Lease. On or before the 15th day of the month following the lease year, Lessee shall provide to State a detailed statement (hereinafter "Dredging Report") of the amount of Dredged Materials and copies of reports or contracts with the dredging operator substantiating the volume of Dredged Materials and placement of Dredged Materials.

(2) At the request of the State, the Lessee shall provide additional reasonable information to State to assist it in interpreting and evaluating the contents of Lessee's Dredging Report.

(3) All Dredging Reports and royalty statements shall be subject to audit by State. Upon reasonable advance notice to the Lessee from State, Lessee shall make available to State, during business hours, Lessee's books, records, calculations and other materials that are directly related to the Leased Lands and any other land joined with the Leased Lands under Lessee's plan of operation and the contents of its Dredging Reports.

(4) Lessee waives any rights or objections it may have and consents to the examination, inspection and audit of the books and records of Lessee and any other party associated with the dredging activities.

(5) Lessee shall, within 30 days of the State's request, provide copies of all data arising from Lessee's operation on the Leased Lands including, but not limited to, surveys of the Leased Lands conducted by or for Lessee before and after dredging under this Lease. All proprietary information and trade secrets shall be held in confidence by the State.

Lease No. 7757.9

This Lease shall become effective only when approved by and executed on behalf of the State Lands Commission of the State of California and a duly executed copy has been delivered to Lessee. The submission of this Lease by Lessor, its agent or representative for examination by Lessee does not constitute an option or offer to lease the Lease Premises upon the terms and conditions contained herein, or a reservation of the Lease Premises in favor of Lessee. Lessee's submission of an executed copy of this Lease to Lessor shall constitute an offer to Lessor to lease the Lease Premises on the terms and conditions set forth herein.

IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the date hereafter affixed.

LESSEE:

LESSOR:

CITY OF SUISUN CITY

**STATE OF CALIFORNIA
STATE LANDS COMMISSION**

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

ATTACH ACKNOWLEDGMENT

Execution of this document was authorized by
the California State Lands Commission on

(Month Day Year)

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AGENDA TRANSMITTAL

MEETING DATE: February 19, 2019

JOINT AGENDA ITEM: Accept the Investment Report for the Quarter Ending December 31, 2018.

FISCAL IMPACT: No fiscal impact; informational only.

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

STAFF REPORT: The total cash and investments (par amount) equaled to \$34,435,819 for the period ending December 31, 2018, for which \$1,372,264 is restricted for debt service and \$4,835,963 represents the remaining proceeds from 2016 Suisun/Solano Water Authority water revenue bonds.

In terms of return on our investment, managed by PFM Asset Management LLC, the current yield to maturity at market 2.56% with an average life of 806 days. The average LAIF return for the current quarter is 2.4%. As can be seen in the Pie Chart on the last page of the attached Investment Report, nearly 73% of the cash is invested in federally insured CD's, US Treasuries or Agency Notes, all of which generate higher yields.

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

ATTACHMENTS:

1. Financial Officer's Investment Report, for the Quarter Ending December 31, 2018.

PREPARED BY:

Elizabeth N. Luna, Accounting Services Mgr.

REVIEWED/APPROVED BY:

Joe Dingman, Dir. Of Admin Services

Rich Ramirez, Interim City Manager

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

**Item 10
 Attachment 1**

December 31, 2018

<u>Category of Investment</u>	<u>Name of Institution</u>	<u>Maturity Date</u>	<u>Par Amount</u>	<u>Market Value*</u>	<u>Amortized Cost</u>	<u>Curr Yield At Market</u>	<u>Est Annual Income</u>
Checking Account	West America Bank	Demand Deposit	\$ 4,531,953	\$ 4,531,953	\$ 4,531,953	0.000%	-
State Investment-CITY	LAIF	Demand Deposit	\$ 3,275,071	\$ 3,275,071	\$ 3,275,071	2.063%	67,565
Total Cash Equivalents			\$ 7,807,024	\$ 7,807,024	\$ 7,807,024	0.865%	67,565
First American Government	31846V203	Demand Deposit	\$ 2,206,476	\$ 2,206,476	\$ 2,206,476	2.000%	44,130
First American Government	31846V203	Demand Deposit	\$ 851,938	\$ 851,938	\$ 851,938	2.000%	17,039
MUFG Bank LTD/NY Commerical Paper	62479MN74	1/7/2019	\$ 400,000	\$ 399,815	\$ 399,829	2.611%	10,440
Bank of Montreal Chicago Commercial Paper	06366HQM2	3/21/2019	\$ 400,000	\$ 397,564	\$ 397,542	2.837%	11,280
BNP Paribas NY Branch Commercial Paper	09659CR59	4/26/2019	\$ 400,000	\$ 396,474	\$ 396,806	2.573%	10,200
JP Morgan Securities LLC Commercial Paper	46640QV24	8/2/2019	\$ 300,000	\$ 294,659	\$ 294,675	3.126%	9,210
Total Commercial Paper			\$ 4,558,414	\$ 4,546,926	\$ 4,547,266	2.250%	\$ 102,299
FNMA Series 2016-M9 ASQ2	FNMA #3136ASPX8	06/01/19	\$ 496	\$ 494	\$ 496	1.824%	9
Fannie Mae Series 2015-M13 ASQ2	FNMA #3136AQDQ0	09/01/19	\$ 13,391	\$ 13,309	\$ 13,399	1.653%	220
FHLMC Multifamily Structured P	FHLMC #31398VJ98	01/25/20	\$ 320,000	\$ 322,850	\$ 324,318	4.213%	13,603
FNA 2010-M6 A2	FNA #31398SKA0	09/25/20	\$ 131,045	\$ 131,506	\$ 133,322	3.303%	4,343
FNA 2018-MS A2	FNA #313681XP4	09/25/21	\$ 122,435	\$ 123,810	\$ 124,408	3.521%	4,359
FHLMC Multifamily Structured P Pool	FHLMC #3137BM6P6	08/25/22	\$ 160,000	\$ 160,783	\$ 161,101	3.075%	4,944
FHLMC Series K032 A1	FHLMC #3137B4GX8	02/01/23	\$ 75,707	\$ 76,088	\$ 75,844	3.000%	2,283
FHLMC Mutifamily Structured P	FNA #3137B5JL8	02/25/23	\$ 86,024	\$ 85,823	\$ 85,613	2.675%	2,296
FHMS KP05A	FNA #3137FKK39	07/01/23	\$ 105,000	\$ 105,623	\$ 105,000	3.184%	3,363
Total Federal Agency Collateralized Mortgage Obl.			\$ 1,014,098	\$ 1,020,286	\$ 1,023,501	3.472%	\$ 35,420
Federal Agency/Bond Note	FNMA#3135G0H63	01/28/19	\$ 1,225,000	\$ 1,224,037	\$ 1,225,050	1.376%	16,844
Federal Agency/Bond Note	FHLB #3130AAXX1	03/18/19	\$ 1,225,000	\$ 1,222,223	\$ 1,225,014	1.378%	16,844
Federal Agency/Bond Note	FHLBA #3130ABF92	05/28/19	\$ 225,000	\$ 223,903	\$ 224,914	1.382%	3,094
Federal Agency/Bond Note	FHLMC #3137EAEB1	07/19/19	\$ 600,000	\$ 594,277	\$ 599,730	0.883%	5,250
Federal Agency/Bond Note	FHLB #3130A8Y72	08/05/19	\$ 300,000	\$ 296,930	\$ 299,885	0.884%	2,625
Federal Agency/Bond Note	FMAN #3137EAEES	01/17/20	\$ 75,000	\$ 74,159	\$ 74,969	1.517%	1,125
Federal Agency/Bond Note	FHLB #3130ADN32	02/11/20	\$ 110,000	\$ 109,485	\$ 109,887	2.135%	2,338
Federal Agency/Bond Note	FNMA #3135G0T29	02/28/20	\$ 305,000	\$ 301,528	\$ 304,924	1.517%	4,575
Federal Agency/Bond Note	FHLB #3130ADUJ9	03/30/20	\$ 420,000	\$ 419,085	\$ 419,952	2.380%	9,975
Federal Agency/Bond Note	FHLMC #3137EAEF2	04/20/20	\$ 295,000	\$ 290,534	\$ 294,556	1.396%	4,056
Federal Agency/Bond Note	FNMA #3135G0T60	07/30/20	\$ 550,000	\$ 540,906	\$ 549,111	1.525%	8,250
Federal Agency/Bond Note	FHLB #3130ACE26	09/28/20	\$ 155,000	\$ 151,866	\$ 154,714	1.403%	2,131
Federal Agency/Bond Note	FMN #3135G0U84	10/30/20	\$ 250,000	\$ 251,372	\$ 249,867	2.860%	7,188
Federal Agency/Bond Note	FHLMC #3137EAEK1	11/17/20	\$ 420,000	\$ 414,770	\$ 419,745	1.899%	7,875
Federal Agency/Bond Note	FMN #3137EAEI9	02/16/21	\$ 200,000	\$ 199,306	\$ 199,622	2.383%	4,750
Federal Agency/Bond Note	FFCBN #3133EJJD2	04/05/21	\$ 300,000	\$ 299,819	\$ 299,735	2.542%	7,620
Federal Agency/Bond Note	FM# 3135G0U27	04/13/21	\$ 130,000	\$ 129,894	\$ 129,851	2.502%	3,250
Federal Agency/Bond Note	FM# 3135G0U35	06/22/21	\$ 290,000	\$ 291,627	\$ 289,944	2.735%	7,975
Federal Agency/Bond Note	FM# 3134GSWC5	08/27/21	\$ 400,000	\$ 399,998	\$ 400,000	2.900%	11,600
Federal Agency/Bond Note	FHLBN# 3130AEXV7	09/20/21	\$ 315,000	\$ 315,787	\$ 315,000	2.993%	9,450
Federal Agency/Bond Note	FHLB #3130AF3T2	10/18/21	\$ 285,000	\$ 285,121	\$ 284,916	3.099%	8,835
Federal Agency/Bond Note	FM# 3135G0T45	04/05/22	\$ 100,000	\$ 97,988	\$ 99,701	1.914%	1,875
Federal Agency/Bond Note	FHLB #313383YJ4	09/08/23	\$ 150,000	\$ 154,502	\$ 152,575	3.277%	5,063
Federal Agency/Bond Note	FM #3135G0U43	09/12/23	\$ 400,000	\$ 404,710	\$ 398,451	2.842%	11,500
Total Federal Agency Bond/Note			\$ 8,725,000	\$ 8,693,825	\$ 8,722,114	1.887%	164,088
US Treasury Notes	#912828ST8	04/30/19	\$ 1,540,000	\$ 1,533,683	\$ 1,533,961	1.255%	19,250
US Treasury Notes	#912828W97	03/31/19	\$ 330,000	\$ 329,058	\$ 329,292	1.254%	4,125
US Treasury Notes	#912828TR1	09/30/19	\$ 205,000	\$ 202,574	\$ 204,386	1.012%	2,050
US Treasury Notes	#912828TR1	09/30/19	\$ 250,000	\$ 247,041	\$ 249,426	1.012%	2,500
US Treasury Notes	#912828F62	10/31/19	\$ 700,000	\$ 693,465	\$ 700,737	1.514%	10,500
US Treasury Notes	#912828357	01/31/20	\$ 130,000	\$ 129,152	\$ 129,792	2.013%	2,600
US Treasury Notes	#912828VP2	07/31/20	\$ 50,000	\$ 49,588	\$ 50,649	2.017%	1,000
US Treasury Notes	#912828L32	08/31/20	\$ 400,000	\$ 392,453	\$ 401,874	1.401%	5,500
US Treasury Notes	#912828L32	08/31/20	\$ 485,000	\$ 475,850	\$ 488,898	1.401%	6,669
US Treasury Notes	#912828N48	12/31/20	\$ 250,000	\$ 246,436	\$ 253,611	1.775%	4,375
US Treasury Notes	#912828Q78	04/30/21	\$ 390,000	\$ 380,372	\$ 385,692	1.410%	5,363
US Treasury Notes	#912828Q78	04/30/21	\$ 465,000	\$ 453,520	\$ 459,915	1.410%	6,394
US Treasury Notes	#912828S76	07/31/21	\$ 330,000	\$ 318,850	\$ 324,272	1.164%	3,713
US Treasury Notes	#912828D72	08/31/21	\$ 700,000	\$ 691,305	\$ 701,211	2.025%	14,000
US Treasury Notes	#912828D72	08/31/21	\$ 700,000	\$ 691,305	\$ 705,897	2.025%	14,000
US Treasury Notes	#912828T67*	10/31/21	\$ 34,019	\$ 32,884	\$ 33,609	1.292%	425
US Treasury Notes	#912828F96	10/31/21	\$ 450,000	\$ 444,217	\$ 451,738	2.026%	9,000
US Treasury Notes	#912828H86	01/31/22	\$ 100,000	\$ 97,145	\$ 98,570	1.544%	1,500

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

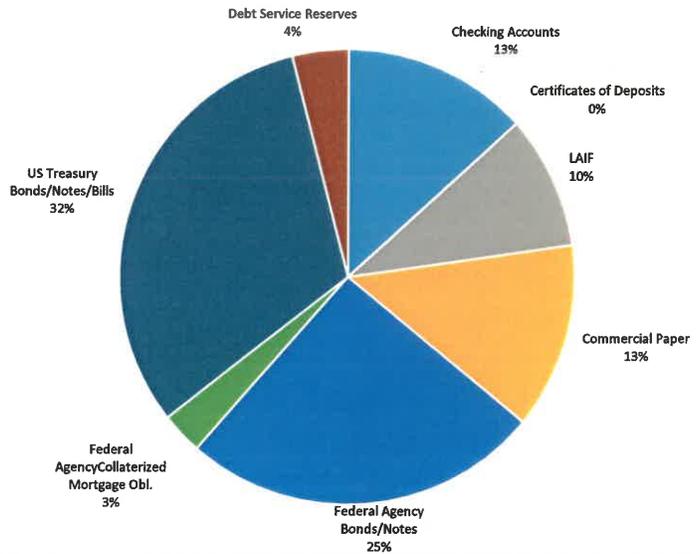
December 31, 2018

Category of Investment	Name of Institution	Maturity Date	Par Amount	Market Value*	Amortized Cost	Curr Yield At Market	Est Annual Income
US Treasury Notes	#912828H86	01/31/22	\$ 400,000	\$ 388,578	\$ 395,501	1.544%	6,000
US Treasury Notes	#9128282P4	07/31/22	\$ 325,000	\$ 318,259	\$ 323,306	1.915%	6,094
US Treasury Notes	#9128282P4	07/31/22	\$ 400,000	\$ 391,703	\$ 395,302	1.915%	7,500
US Treasury Notes	#912828L57	09/30/22	\$ 140,000	\$ 136,303	\$ 139,020	1.797%	2,450
US Treasury Notes	#912828L57	09/30/22	\$ 300,000	\$ 292,078	\$ 289,538	1.797%	5,250
US Treasury Notes	#9128282W9	09/30/22	\$ 330,000	\$ 322,820	\$ 322,156	1.917%	6,188
US Treasury Notes	#912828L57	09/30/22	\$ 400,000	\$ 389,438	\$ 395,144	1.797%	7,000
US Treasury Notes	#912828N30	12/31/22	\$ 285,000	\$ 280,981	\$ 278,014	2.155%	6,056
US Treasury Notes	#912828N30	12/31/22	\$ 315,000	\$ 310,558	\$ 306,227	2.155%	6,694
US Treasury Notes	#912828P38	01/31/23	\$ 255,000	\$ 247,619	\$ 243,252	1.802%	4,463
US Treasury Notes	#912828Q29	03/31/23	\$ 300,000	\$ 287,977	\$ 284,310	1.563%	4,500
Total US Treasury Bond/Note			\$ 10,959,019	\$ 10,775,207	\$ 10,875,297	1.626%	\$ 175,159
TOTAL POOLED INVESTMENTS			\$ 33,063,555	\$ 32,843,269	\$ 32,975,203	1.658%	\$ 544,531
Reserved for Bond/Debt Service							
SSWA Bonds =Series 2016 #265092000	First Amer Treas Oblig Fd	#31846V302	\$ 65	\$ 65	\$ 65	1.880%	1
Govt Sec Money Market-RDA/SA	First Amer Treas Oblig Fd	#31846V302	\$ 7,188	\$ 7,188	\$ 7,188	1.880%	135
Govt Sec Money Market-RDA/SA	First Amer Treas Oblig Fd	#31846V302	\$ 211	\$ 211	\$ 211	1.880%	4
Govt Sec Money Market-RDA/SA	First Amer Treas Oblig Fd	#31846V302	\$ 360	\$ 360	\$ 360	1.880%	7
Savings Acct-RDA Marina	West America Bank	Demand Deposit	\$ 398,459	\$ 398,459	\$ 398,459	0.072%	287
Marina Debt Service	Federal Agency/Bond Note	#912828T67*	\$ 965,981	\$ 933,757	\$ 954,339	1.190%	11,353
Total Debt Service Reserve Funds			\$ 1,372,264	\$ 1,340,040	\$ 1,360,622	0.880%	\$ 11,786
Grand Total			\$ 34,435,819	\$ 34,183,309	\$ 34,335,825	1.627%	\$ 556,317

Summary of Pooled Investments

Summary of Pooled Investments

	Amortized Cost Amount
Checking Accounts	\$ 4,531,953
Certificates of Deposits	\$ -
LAIF	\$ 3,275,071
Commercial Paper	\$ 4,547,266
Federal Agency Bonds/Notes	\$ 8,722,114
Federal Agency Collateralized Mortgage Obl.	\$ 1,023,501
US Treasury Bonds/Notes/Bills	\$ 10,875,297
Debt Service Reserves	\$ 1,360,622
Total	\$ 34,335,825



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

City Treasurer's Statement:

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

Attest by: *Michael J. McHenry* 2/13/19
Michael J. McHenry, City Treasurer Date

Submitted by: *Elizabeth Luna* 2/12/2019
Elizabeth Luna, Accounting Services Mgr. Date

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MINUTES

**REGULAR MEETING OF THE
SUISUN CITY COUNCIL**

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

AND HOUSING AUTHORITY

TUESDAY, JANUARY 22, 2019

7:00 P.M.

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

NOTICE

*Pursuant to Government Code Section 54953, Subdivision (b), the following Council/Successor Agency/Housing Authority meeting includes teleconference participation by:
Councilmember Jane Day from: 301 Morgan Street, Suisun City, CA 94585.
Mayor Pro Tem Michael Segala from: Renaissance Indian Wells Resort & Spa, 44-400 Indian Wells Lane, Indian Wells, CA 92210-8708.*

ROLL CALL

Mayor Wilson called the meeting to order at 7:04 PM with the following Council / Board Members present: Day, Segala, Williams, Wilson.

Pledge of Allegiance was led by Council Member Williams

Invocation was given by Interim City Manager Ramirez.

PUBLIC COMMENT - None

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

CONFLICT OF INTEREST NOTIFICATION - None

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

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

City Council

1. Appointment of the new City Council Member per Resolution No. 2018- 114, and Oath of Office for New Council Member - (Wilson/Taylor).

City Attorney Anthony Taylor explained the appoint process.

Michelle Simmer recommended Mike Hudson since he was the third highest vote getter and felt the citizens has spoken.

Gerald Chan recommended Michael Hudson be appointed because of his character and involvement in the City.

Steven Strem recommended Michael Hudson be appointed for all his accomplishments, working with the homeless, and his character.

Michael Zeiss complimented the council on their transparency through the appointment process.

Mayor Wilson moved to appoint Anthony Adam to fill the vacant council seat and the motion was seconded by Council Member Segala. Motion carried by the following roll call vote:

AYES: Council Members Segala, Williams, Wilson

NOES: Council Member Day

Michael Hudson thanked the council for the opportunity to go through the process, congratulated Anthony Adams for his appointment, stated no one voted for Adams, no involvement in City, he need to get involved in the community.

George Guynn stated Michael Hudson ran in the election and is involved in the City and thought it was good that he didn't agree all the time while serving on the council because it is good to have alternate points of view.

City Clerk Hobson gave the Oath of Office to newly appointed Council Member Adams.

Council Member Adams thanked Mayor Wilson and the Council for giving him the opportunity to serve and stated was looking forward to hearing citizens.

REPORTS: (Informational items only.)

2. Mayor/Council - Chair/Boardmembers
 - a. Suisun City Tobacco-Free Teen Commission Acknowledgement of Award Recipients
Kristen Knott and David Pineda.
3. City Manager/Executive Director/Staff

Council Member Day welcomed newly seated Council Member Adams; reported there had been quite a few problems on the waterfront with people throwing things in the water; stated there were more homeless encampments in the area and suggested the City should look into these issues very carefully.

Council Member Williams welcomed Council Member Adams; reported she had served breakfast at the Wednesday Club to raise money for scholarships; stated the Council should be looking into the homeless situation; reported attending the New Mayors and Council Members Academy sponsored by the League of California Cities

Council Member Segala reported he was attending a Waste Water Conference for the Fairfield – Suisun Sewer District and congratulated Council Member Adams.

Mayor Wilson reported attending Northern Solano County Association of Realtors that had a mayors' panel; Tobacco Education Council and to present an award; Suisun City Fire Fighters Association Crab Feed; National Council of Negro Women for a Martin Luther King celebration; and reported the nation was on its thirty-third day of shut down and read a letter from the Housing Authority explaining it would only be funded for January and February.

Recreation Director Lofthus gave an explanation of how Tobacco-Free Teen Commission was formed and Recreation Supervisor Mora gave an update and presented the recipient of the Alvina Sheeley Memorial Youth Advocate Award.

CONSENT CALENDAR

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

PUBLIC HEARINGS

GENERAL BUSINESS

ADJOURNMENT

There being no further business, Mayor Wilson adjourned the meeting at 8:02 PM.

Linda Hobson, CMC
City Clerk

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MINUTES

**SPECIAL MEETING OF THE
SUISUN CITY COUNCIL**

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

TUESDAY, FEBRUARY 5, 2019

5:30 P.M.

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

NOTICE

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

ROLL CALL

Mayor Wilson called the meeting to order at 5:00 PM with the following Council / Board Members present: Adams, Day, Segala, Williams, Wilson.

PUBLIC COMMENT

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

CONFLICT OF INTEREST NOTIFICATION

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

CLOSED SESSION

Pursuant to California Government Code section 54950 the Suisun City Council, Suisun City Council Acting as Successor Agency to the Redevelopment Agency and/or Suisun City Housing Authority will hold a Closed Session for the purpose of:

City Council

1. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code Section 54957.

Title: City Manager

2. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Discussion of potential **exposure** to litigation pursuant to Government Code Section 54956.9(d)(2).

Joint Suisun City Council Acting as Successor Agency / Housing Authority

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8 Real Property Identified by APN's 0032-061-440, Southwest Corner of Lotz Way and Civic Center Blvd.

Negotiating Party: City Manager and Development Services Director

Subject: Price and Terms of Payment

Parties Negotiating With: Ashria Hospitality, LLC

5:02 PM – Mayor Wilson recessed the meeting to Closed Session.

CONVENE OPEN SESSION

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

6:23 PM – Mayor Wilson reconvened the meeting and stated no action was taken in Closed Session.

ADJOURNMENT

There being no further business, Mayor Wilson adjourned the meeting at 6:23 PM.

Linda Hobson, CMC
City Clerk

MINUTES

REGULAR MEETING OF THE SUISUN CITY COUNCIL

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

AND HOUSING AUTHORITY

TUESDAY, FEBRUARY 5, 2019

7:00 P.M.

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

NOTICE

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

ROLL CALL

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

Pledge of Allegiance was led by Council Member Adams

Invocation was given by Interim City Manager Ramirez.

PUBLIC COMMENT

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

George Guynn expressed concern about the Citizen Selection Committee for MTC Commissioner.

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.)

Council Member Adams reported a conflict with Item 4 g and h.

REPORTS: (Informational items only.)

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

Council Member Day reported receiving calls about the homeless encampment areas and hoped Council would be looking into resolving this problem.

Council Member Adams reported participating in the Suisun Clean Team Day which was attended by approximately 30 citizens and attended first Fairfield-Suisun Sewer District meeting.

Council Member Williams reported attending first Fairfield-Suisun Sewer District meeting; CASA Conference in Indian Wells where waste water treatment was discussed and new legislation;

TriCity NAACP Black History Month celebration; open house at the Lawler Gallery; Habitat for Humanity Volunteer Award Dinner; and met with Commander Healy to discuss revitalizing Neighborhood Watch Program; and thanked Public Works, Recreation and Economic Departments for putting together a tour of the City for Council Member Adams and herself.

Council Member Segala reported attending Fairfield-Suisun Sewer District Meeting and passed the president's gavel to Rick Vaccaro, Mayor Wilson will serve as vice-president; STA will be having a Pedestrian Summit tomorrow; and presented Council Members Adams and Williams with Suisun City pins.

Mayor Wilson reported attending Lawler House Gallery open house with an exhibit called Musical Interlude which runs to April 7; the Music for Seniors Program with Dan Blake, the next Clean Team is February 23; on February 8 the Rotary will be presenting Good Character Awards to students for completing the four way test; on Friday will be hosting 40 Kids from Inspire with the school district to show them how city government works; and directed City Manager Ramirez to review and the city into compliance with the Housing Authority bi-laws.

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

City Council

3. Lawler House Museum Presentation – (Neitzel).

Craig Morano introduced members and thanked Daily Reporter Thompson for giving press coverage for the museum. Joe Neitzel introduced two new docents Pashar Patima and Maribell Passion and state the goals of the museum was to build on heritage and history of Suisun City.

4. Mayoral Appointments of Council Boards, Commissions and Committees

- a. Approving Appointments to the Parks and Recreation Commission - (two appointments for four-year terms expiring January 2023).
- b. Approving Appointments to the Planning Commission - (three appointments for four-year terms expiring January 2023).
- c. Approving Appointments to the General Transactions and Use Tax Oversight Committee (two appointments to fill vacant positions with terms expiring January 2022).
- d. Approving Appointment to the Senior Coalition of Solano County - (one appointment, term expiring January 2021).
- e. Approving Appointment to the Solano County Mosquito Abatement District - (one appointment for four-year term expiring January 2023).

Mayor Wilson made the following appointments:

Eddrick Osborne and George Burket to Parks and Recreation Commission

Amit Pal, Angel Borja, and Gary Rowe to Planning Commission

John Pierce and Donald Peters to General Tax Oversight Committee

Winston Baker to Senior Coalition of Solano County

Marion Osum to Solano County Mosquito Abatement District.

Mayor Wilson made the following appointments:

**Motioned by Council Member Adams and seconded by Council Member Williams to confirm the above appointments. Motion carried unanimously by the following vote:
AYES: Council Members: Adams, Day, Segala, Williams, Wilson**

- f. Approving Appointment of Solano County Water Agency Board Alternate.
- g. Approving Appointment of Solano Transportation Authority Board Alternate.
- h. Approving Appointment to Solano Transportation Authority Pedestrian Advisory Committee.

Mayor Wilson appointed Aaron Trudeau to Solano Transportation Authority Pedestrian Advisory Commission.

Motioned by Council Member Williams and seconded by Council Member Segala to confirm the above appointment. Motion carried unanimously by the following vote:

**AYES: Council Members: Day, Segala, Williams, Wilson
ABSTAIN: Council Member: Adams (Due to conflict of interest)**

- i. Approving Appointment of Solano Economic Development Corporation Board Member.
- j. Approving two Appointment to the Suisun City/Fairfield-Suisun Unified School District Joint Advisory Committee.

Housing Authority

- k. Appointment of Officers: Chairperson and Vice-Chairperson.

Mayor Wilson made the following appointments:

Council Member Adams to Solano County Water Agency Board Alternate

Mayor Wilson to Solano Economic Development Corporation Board Member

Council Members Segala and Williams to Suisun City/Fairfield-Suisun Unified School District Joint Advisory Committee

Mayor Wilson Chair Person and Council Member Day Vice Chair Person of the Housing Authority Commission

Motioned by Council Member Adams and seconded by Council Member Williams to confirm the above appointments. Motion carried unanimously by the follow vote:

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

Mayor Wilson appointed Council Member Segala to Solano Transportation Authority Board Alternate.

Motioned by Council Member Williams and seconded by Council Member Segala to confirm the above appointment. Motion carried unanimously by the following vote:

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

NOES: Council Member: Adams (Due to conflict of interest)

CONSENT CALENDAR

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

City Council

5. Council Adoption of Resolution No. 2019-02: Rejecting the Bid for the Sunset Avenue and Walters Road Improvements Project, and Authorizing the City Manager to Re-Advertise the Project - (Medill).
6. Council Adoption of Resolutions Approving Labor Memorandum of Understandings and Related Employee Agreements – (Dingman).
 - a. Council Adoption of Resolution No. 2019-03: Approving the Memorandum of Understanding (MOU) with the Suisun City Employees' Association (SCEA) and Authorizing the City Manager to Execute it on Behalf of the City; and
 - b. Council Adoption of Resolution No. 2019-04: Approving the Memorandum of Understanding (MOU) with the Suisun City Management and Professional Employees' Association (SCMPEA) and Authorizing the City Manager to Execute it on Behalf of the City; and
 - c. Council Adoption of Resolution No. 2019-05: Amending the Salary Resolution No. 2019-01 to Implement Primary Financial Provisions of Memorandums of Understanding.

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

7. Council/Agency/Authority Approval of the Minutes of the Regular and/or Special Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on December 4, 2018, December 11, 2018, January 8, 2019, January 12, 2019, January 15, 2019, January 22, 2019 and January 29, 2019 – (Hobson).

Council Member Segala pulled Item 5.

Motioned by Council Member Segala and seconded by Council Member Adams to approve Consent Calendar Items 6 and 7. Motion carried unanimously by the following roll call vote:

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

Item 5

Motioned by Council Member Segala and seconded by Council Member Day to approve Consent Calendar Item 5. Motion carried unanimously by the following roll call vote:

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

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

8. Council Adoption of Resolution No. 2019-06: Authorizing the City Manager to Execute a Contract with Tyler Technologies for an Enterprise Resource Planning System and Implementation Services – (Dingman).

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

9. Council Adoption of Resolution No. 2019-07: Appointing Scott Paulin as Interim Chief of Police, pursuant to California Government Code Section 21221(h) – (Kreins).

Tom Alder expressed concern about the selection.

**Motioned by Council Member Segala and seconded by Council Member Williams to adopt Resolution No. 2019-07. Motion carried unanimously by the following roll call vote:
AYES: Council Members: Adams, Segala, Day, Williams, Wilson**

10. Approve in principle the formation, mission, and functions of three new Suisun City Citizens Advisory Committees: Environment & Climate, Public Safety & Emergency Management, and Lighting & Landscape. Following approval in principle by the City Council for the establishment of three new Citizen Committees, direct the City Manager to return with an implementing resolution establishing the Committees – (Ramirez).

Dr. Raymond Klein suggested the Public Safety and Emergency Management be split and stated would like to be appointed to the committee.

Michael Zeiss suggested code enforcement be a part of Lighting and Landscape and a committee should be formed for utilization of real estate in Suisun City.

Staff was directed to create resolutions to form the above committees and there would be further discussion on the functions of the committees.

ADJOURNMENT

There being no further business, Mayor Wilson adjourned the meeting at 9:58 PM.

Linda Hobson, CMC
City Clerk

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AGENDA TRANSMITTAL

MEETING DATE: February 19, 2019

HOUSING AUTHORITY AGENDA ITEM: Housing Authority Adoption of Resolution No. HA 2019- ____: Affirming The Certificate of Compliance (Doc 201800036480) Recorded May 30, 2018 and Affirming the Quit Claim Deed Perfecting Said Certificate of Compliance Executed February 13, 2019 for Property Located on the Southwest Corner of Lotz Way and Civic Center

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

BACKGROUND: Suisun City Housing Authority (HA) owns .22-acre property located at the southwest Corner of Lotz Way and Civic Center Boulevard (prior APNS 0032-061-24 and 0032-061-25). On July 11th, 2017 the HA approved the sale of portions of the property to Harbor Park LLC for the development of a hotel. On July 21, 2017 the HA executed a Purchase and Sale Agreement (PSA) which provided the payment of purchase price to be determined by appraisal and calculated on a square footage basis of the HA property.

As provided in the HA PSA, the sale of the HA Property was to occur only with the concurrent sale of the adjacent property (prior APNs 0032- 061-26 through 0032-261-36) owned by the Successor Agency of the City of Suisun City to Harbor Park LLC. pursuant to a Purchase and Sale Agreement dated July 21, 2017.

The original buyer Harbor Park LLC. assigned its rights in the HA and SA PSA to Ashria Hospitality, LLC pursuant to the Assignment Agreements dated March 28, 2018.

STAFF REPORT: The HA and the SA executed that certain Certificate of Compliance with respect to Lot Merger 17/18-001 (Lot Line Adjustment) recorded on May 30, 2018 as Instrument No. 201800036480 in the Official Records of Solano County to legally merge the SA Property and the HA Property pursuant to the California Subdivision Map Act shown in Attachment 2. The merged parcels resulted in a single parcel with APN 0032-061-440. In order to perfect the Lot Line Adjustment, the HA needs to execute a Quit Claim Deed to transfer the HA Property to the SA shown in attachment 3.

As we near the close of escrow, the County Assessor's Office has requested that we take this clean up action in order for the recording to move forward. The Quit Claim Deed will **only** be recorded concurrently with the SA Deed to Ashria Hospitality, LLC and provided that the HA Purchase Price is paid to the HA pursuant to the HA PSA. With the affirmation of the Certificate of Compliance for the lot line adjustment and the Quit Claim Deed, the escrow will be able to close in a timely manner.

RECOMMENDATION: It is recommended that the Housing Authority Adopt Resolution No. 2019- ____: Affirming the Certificate of Compliance (Doc 201800036480) Recorded May 30, 2018

PREPARED BY:
APPROVED BY:

Tim McNamara, Development Services Director
Richard J. Ramirez, Interim Executive Director

and Affirming the Quit Claim Deed Perfecting Said Certificate of Compliance Executed February 13, 2019 for Property Located on the Southwest Corner of Lotz Way and Civic Center

ATTACHMENTS:

1. Attachment 1: Resolution No. HA 2019-___: Affirming the Certificate of Compliance (Doc 201800036480) Recorded May 30, 2018 and Affirming the Quit Claim Deed Perfecting Said Certificate of Compliance Executed February 13, 2019 for Property Located on the Southwest Corner of Lotz Way and Civic Center
2. Attachment 2: Certificate of Compliance with respect to Lot Merger 17/18-001
3. Attachment 3: Quitclaim Deed

RESOLUTION NO. HA 2019-

**HOUSING AUTHORITY ADOPTION OF RESOLUTION NO. HA 2019- ____ :
AFFIRMING THE CERTIFICATE OF COMPLIANCE (DOC 201800036480)
RECORDED MAY 30, 2018 AND AFFIRMING THE QUIT CLAIM DEED
PERFECTING SAID CERTIFICATE OF COMPLIANCE EXECUTED FEBRUARY
13, 2019 FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF LOTZ
WAY AND CIVIC CENTER**

WHEREAS, the Suisun City Housing Authority (“Authority”) owns a 0.22-acre property located at the southwest corner of Lotz Way and Civic Center Boulevard (Solano County Assessor’s Parcel Numbers 0032-061-24 and 0032-061-25) (“HA Property”); and

WHEREAS, the Authority approved the sale of portions of the HA Property to Harbor Park LLC (“Original Purchaser”) pursuant to Resolution No. 2017-02 dated July 11, 2017 (“Original Resolution”); and

WHEREAS, pursuant to the Original Resolution, the Authority executed that certain Purchase and Sale Agreement for Real Property and Joint Escrow Instructions dated July 21, 2017 (“HA PSA”) which provided for the payment of a purchase price to be determined by appraisal and calculated on a square footage basis of the HA Property (“HA Purchase Price”); and

WHEREAS, as provided in the HA PSA, the sale of the HA Property was to occur only with the concurrent sale of the adjacent property (APNs 0032- 061-26 through 0032-261-36) (“SA Property”) owned by the Successor Agency of the City of Suisun City (“Successor Agency”) to the Original Purchaser pursuant to that certain Purchase and Sale Agreement of Real Property and Joint Escrow Instructions dated July 21, 2017 (“SA PSA”); and

WHEREAS, the Authority and the Successor Authority executed that certain Certificate of Compliance with respect to Lot Merger 17/18 – 001 recorded on May 30, 2018 as Instrument No. 201800036480 in the Official Records of Solano County to legally merge the SA Property and the HA Property pursuant to the California Subdivision Map Act (“Lot Line Adjustment”); and

WHEREAS, the Original Buyer assigned its rights in the HA PSA to Ashria Hospitality, LLC (“Successor Buyer”) pursuant to that certain Assignment, Assumption and Consent dated March 28, 2018 which was approved by the Authority (“HA Assignment”); and

1 **WHEREAS**, concurrently with the HA Assignment, the Original Buyer concurrently
2 assigned its rights in the SA PSA to Successor Buyer pursuant to that certain Assignment,
3 Assumption and Consent dated March 28, 2018 which was approved by the Successor Agency;
4 and

5 **WHEREAS**, in order to perfect the Lot Line Adjustment, the Authority needs to
6 execute a quit claim deed to transfer the HA Property to the Successor Agency (“Quit Claim
7 Deed”); and

8 **WHEREAS**, the Quit Claim Deed will **only** be recorded concurrently with the
9 Successor Authority’s deed to the Successor Buyer and provided that the HA Purchase Price is
10 paid to the Authority pursuant to the HA PSA; and

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

13 Section 1. The above recitals are true and correct.

14 Section 2. The Lot Line Adjustment is ratified.

15 Section 3. The Quit Claim Deed substantially in the form attached hereto is hereby
16 approved.

17 Section 4. The Executive Director (or designee) is hereby authorized on behalf of
18 the Authority to execute the Quit Claim Deed and make revisions thereto which do not
19 materially or substantially increase the Authority’s obligations thereunder and to execute all
20 documents, to issue all approvals and take all actions necessary or appropriate to carry out and
21 implement the HA PSA and to administer the Authority’s obligations, responsibilities and
22 duties to be performed under the HA PSA.

23 **PASSED AND ADOPTED** at a regular meeting of the Suisun City Housing Authority
24 on the 19th day of February, 2019 by the following vote:

25 **AYES:** Board members: _____
26 **NOES:** Board members: _____
27 **ABSENT:** Board members: _____
28 **ABSTAIN:** Board members: _____

WITNESS my hand and the seal of said City this 19th day of February, 2019.

Donna Pock, CMC
Deputy City Clerk

Recording Requested by:
City of Suisun City

When Recorded Mail to:
City of Suisun City
701 Civic Center Blvd.
Suisun City, CA 94585

CITY OF SUISUN CITY
OFFICIAL BUSINESS
Document entitled to free
recording pursuant to
Government Code Section 27383

Recorded in Official Records of Solano County

Marc C. Tonnesen
Assessor/Recorder

CITY OF SUISUN CITY

Doc # 201800036480



5/30/2018
3:16:45 PM
AR51
2A

Title:	1	Pages:	12
Fees			\$0.00
Taxes			\$0.00
Other			\$0.00
Paid			\$0.00

Certificate of Compliance

This is to certify that the City of Suisun City, based upon the information available at this time, has determined that *Lot Merger 17/18 -001*, affecting Assessor's Parcel Numbers 0032-061-260 through 0032-261-360 and 0032-061-240 and 0032-261-250, is in compliance with the Subdivision Map Act and the City of Suisun City Subdivision Ordinance. Said *Lot Merger* is described in Exhibits A, B, C and D attached hereto and incorporated herein by reference.

Property Owners of Record:

Successor Agency to the former Suisun City Redevelopment Agency
701 Civic Center Blvd.
Suisun City, CA 94585

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

City of Suisun City

By: [Signature]
Title: Development Services Director

Date: 5/30/18

By: [Signature]
Title: City Engineer

Date: 5/24/18

This certificate relates only to issues of compliance or noncompliance with the California Subdivision Map Act and local ordinance enacted pursuant thereto. The parcels described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of any such parcel may require issuance of permit or permits or other grant or grants of approval.

This certificate relates to each of the parcels which are described in Exhibits A, B, C and D attached hereto and incorporated herein by reference.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document

State of California }
County of Solano }

On May 30, 2018 before me, Donna J. Pock, Notary Public,

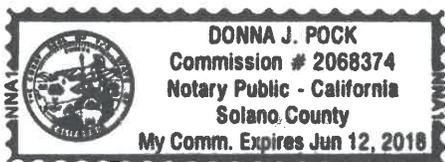
Personally appeared John Thomas Kearns

who proved to me on the basis of satisfactory evidence to be the person(s)-whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/~~their~~ authorized capacity(ies), and that by his/~~her~~/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: *Donna J Pock*



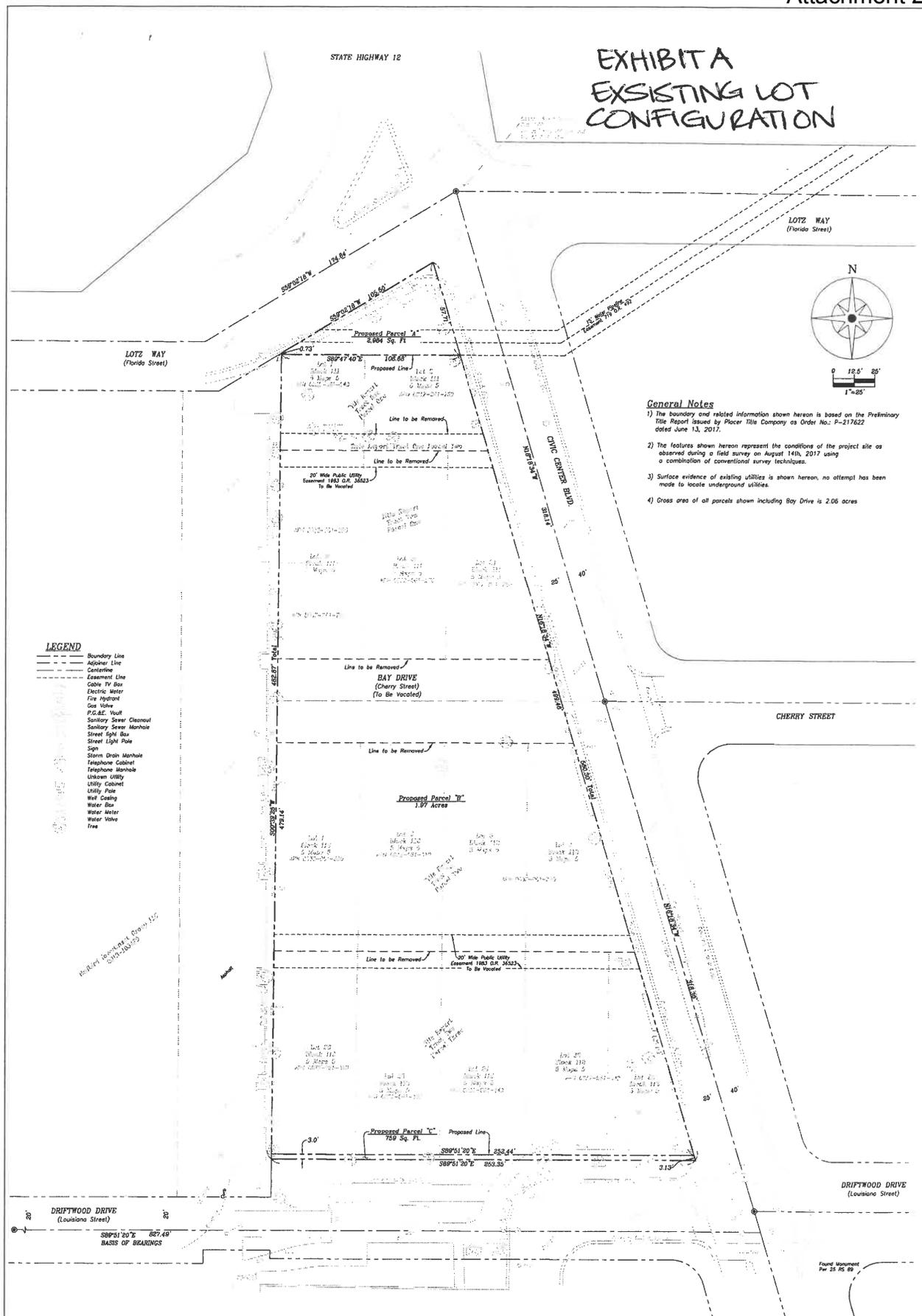
OPTIONAL

Description of Attached Document

Title of Type of Document: Certificate of Compliance

Document Date: May 30, 2018 Number of Pages: 1

EXHIBIT A EXISTING LOT CONFIGURATION



Proposed Lot Merger
of The
Suisun City Housing Authority (Tract One)
and
The Successor Agency to the Former Suisun City
Redevelopment Agency (Tract Two)
A Portion of Block 111 and 112
5 Maps 5
City of Suisun
Solano County California



Ty Hawkins LS 7973
3636 Oak Canyon Ln.
Vacaville Ca. 95688
(707) 974-9890

Job #:	17055-merger
Scale:	1"=25'
Date:	03/30/18
Sheet:	1
Of:	1

Exhibit "B"
Legal Description
Parcel "A"

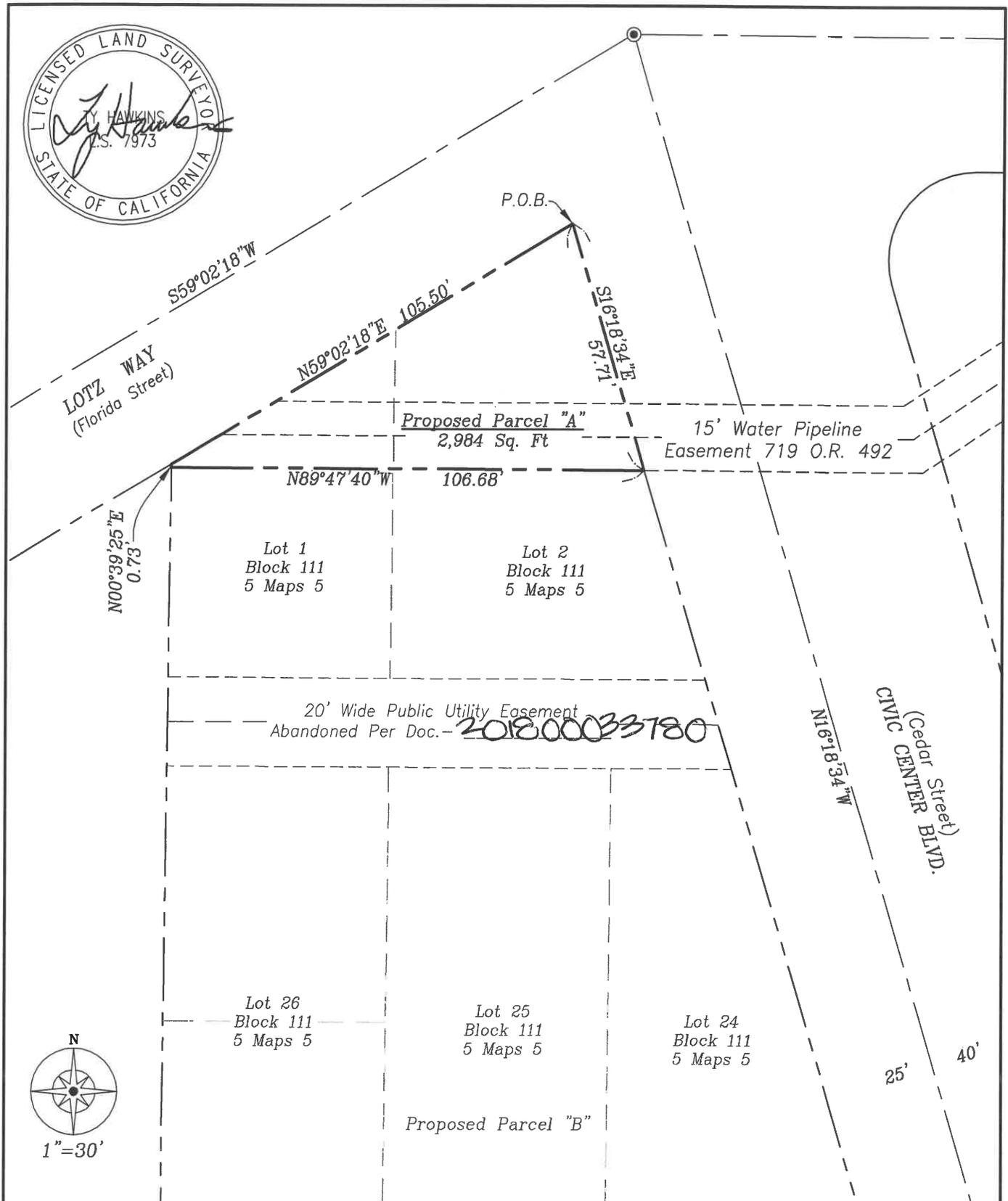
All that real property situate in the City of Suisun, County of Solano, State of California, being a portion of Lot 1 and Lot 2 in Block 111, as shown on the Map of Chaplin Addition No. 1 To Suisun City filed for record in Book 5 of Maps, Page 5, Solano County Records more particularly described as follows:

Beginning at the Northeast corner of said Lot 2, said point being on the Westerly line of Civic Center Drive (Cedar Street as shown on said map); thence along said Westerly Line South $16^{\circ}18'34''$ East, 57.71 to the Southerly line of the 15' wide City of Vallejo water line easement described in the Grant Deed filed for record in Book 719, Official Records, Page 492, Solano County records; thence leaving said Westerly line, along said Southerly line, North $89^{\circ}47'40''$ West, 106.68 feet to the West line of said Lot 1; thence along said West line North $00^{\circ}39'25''$ East, 0.73 feet to the Northwest corner of said Lot 1 and the Southerly line of Lotz Way (Florida Street as shown on said map); thence along last said Southerly line North $59^{\circ}02'18''$ East, 105.50 feet to the point of beginning.

Containing 2,984 Square Feet more or less.

The bearings shown hereon are based on the centerline of Civic Center Drive as shown on the Record of Survey Map filed for record in Book 25 of Surveys, Page 89, Solano County Records. Said bearing taken as North $16^{\circ}18'34''$ West.





Ty Hawkins LS 7973 3636 Oak Canyon Ln. Vacaville CA. 95688 Ph. 707-974-9890 Fx. 707-447-7171		Plat To Accompany Legal Description		Date: 04/13/18	Scale: 1"=30'
		Proposed Parcel A		Job #: 17055	
		A Portion of Block 111			Sheet 1
		5 Maps 5 City of Suisun City Solano County California			of 1

Parcel A Closure

Parcel name: Parcel A

North: 50578.8036	East : 50631.4712
Line Course: S 59-02-18 W	Length: 105.500
North: 50524.5276	East : 50541.0037
Line Course: S 00-39-25 W	Length: 0.729
North: 50523.7986	East : 50540.9953
Line Course: S 89-47-40 E	Length: 106.683
North: 50523.4159	East : 50647.6777
Line Course: N 16-18-34 W	Length: 57.710
North: 50578.8036	East : 50631.4713

Perimeter: 270.623 Area: 2,984 Sq Ft 0.07 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0001	Course: N 89-15-11 E
Error North: 0.00000	East : 0.00007

Precision 1: 2,706,220.000

Exhibit "C"
Legal Description
Parcel "B"

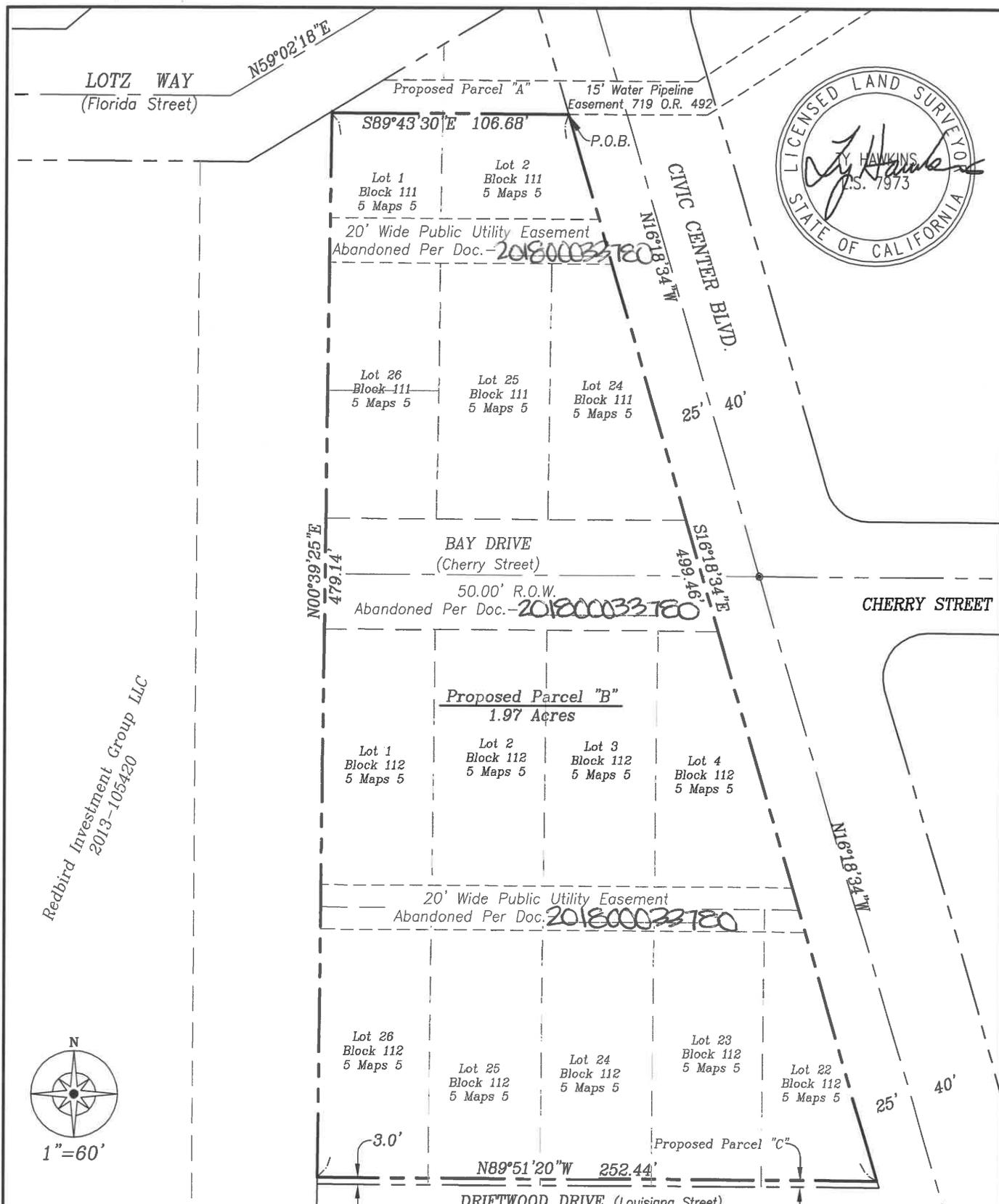
All that real property situate in the City of Suisun, County of Solano, State of California, being a portion of Block 111, a portion of Block 112, and a portion of Bay Drive (Cherry Street), as shown on the Map of Chaplin Addition No. 1 To Suisun City filed for record in Book 5 of Maps, Page 5, Solano County Records more particularly described as follows:

Beginning at the intersection of the Southerly line of the 15' wide City of Vallejo Water Line Easement described in the Grant Deed filed for record in Book 719, Official Records, Page 492, Solano County records with the Westerly line of Civic Center Drive (Cedar Street as shown on said map); thence along said Westerly line South $16^{\circ}18'34''$ East, 499.46 feet to a point that lies 3.00 feet North of the North line of Driftwood Drive (Louisiana Street as shown on said map) when measured at a right angle; thence along a line 3.00' North of and parallel with said North line North $89^{\circ}51'20''$ West, 252.44 feet to the West line of said Block 112; thence along said West line, the West line of said Bay Street, and the West line of said Block 111, North $00^{\circ}39'25''$ East, 479.14 feet to the Southerly line of said City of Vallejo Waterline Easement; thence along said Southerly line South $89^{\circ}43'30''$ East, 106.68 feet to the point of beginning.

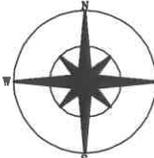
Containing 1.97 acres more or less.

The bearings shown hereon are based on the centerline of Civic Center Drive as shown on the Record of Survey Map filed for record in Book 25 of Surveys, Page 89, Solano County Records. Said bearing taken as North $16^{\circ}18'34''$ West.





Redbird Investment Group LLC
2013-105420



Ty Hawkins LS 7973 3636 Oak Canyon Ln. Vacaville CA. 95688 Ph. 707-974-9890 Fx. 707-447-7171	Plat To Accompany Legal Description Proposed Parcel B A Portion of Block 111 and 112 And a Portion of Bay Drive (Cherry Street) 5 Maps 5 City of Suisun City Solano County California	Date: 04/13/18	Scale: 1"=60'
		Job #: 17055	
			Sheet 1
			of 1

Parcel B Closure

Parcel name: Parcel B

North: 50523.4154	East : 50647.6777
Line Course: N 89-47-40 W Length: 106.683	
North: 50523.7981	East : 50540.9954
Line Course: S 00-39-25 W Length: 479.137	
North: 50044.6926	East : 50535.5018
Line Course: S 89-51-20 E Length: 252.437	
North: 50044.0562	East : 50787.9380
Line Course: N 16-18-34 W Length: 499.457	
North: 50523.4146	East : 50647.6781

Perimeter: 1337.714 Area: 86,016 Sq Ft 1.97 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0009 Course: S 21-49-44 E

Error North: -0.00081 East : 0.00032

Precision 1: 1,486,348.889

Exhibit "D"
Legal Description
Parcel "C"

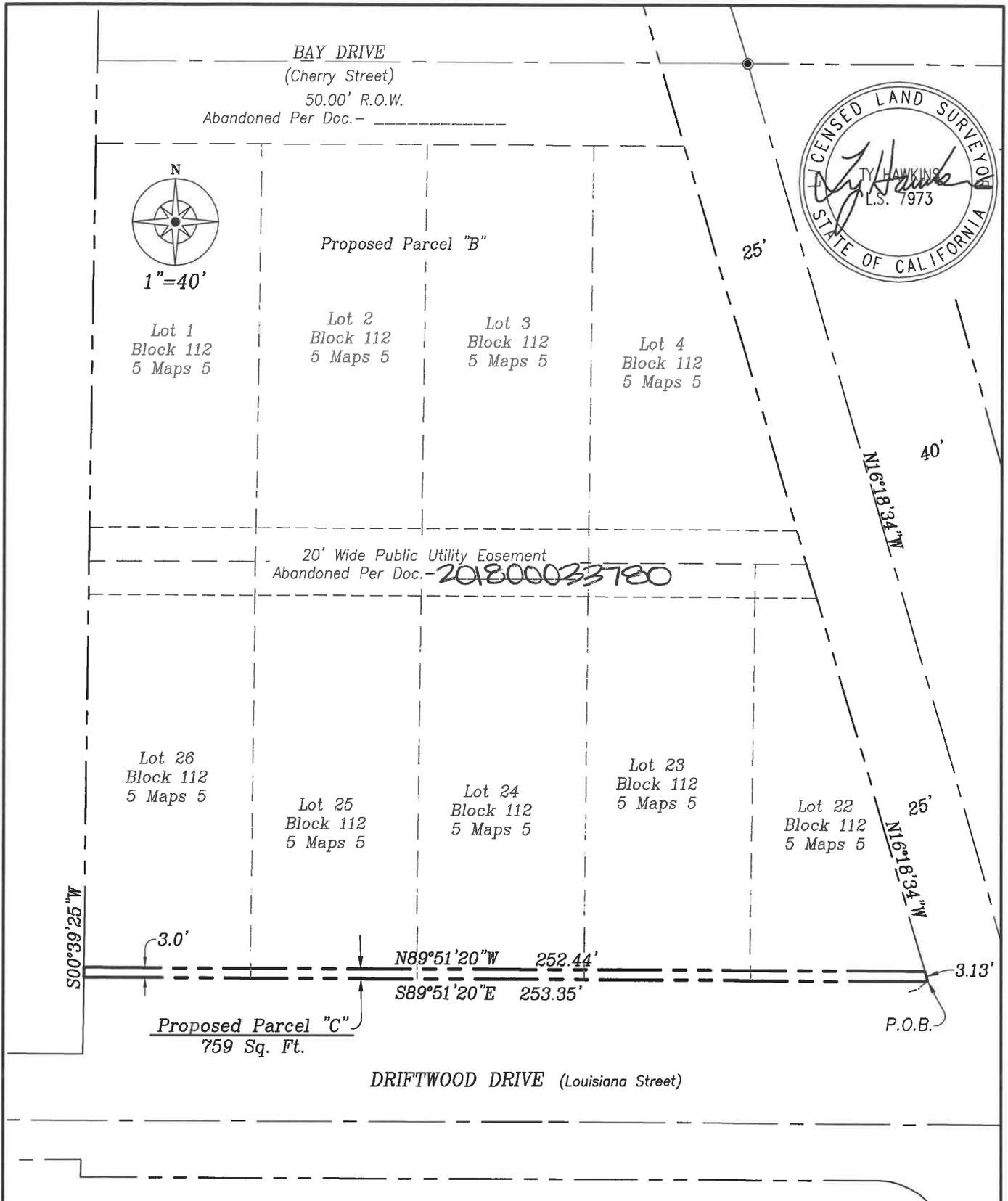
All that real property situate in the City of Suisun, County of Solano, State of California, being a portion of Lots 22 through 26 in Block 112 as shown on the Map of Chaplin Addition No. 1 To Suisun City filed for record in Book 5 of Maps, Page 5, Solano County Records more particularly described as follows:

Beginning at the Southeast corner of said Lot 22; thence along the Westerly line of Civic Center Drive (Cedar Street as shown on said map) North $16^{\circ}18'3''$ East, 3.13 feet to a point which lies 3.00 feet North of the North line of Driftwood Drive (Louisiana Street as shown on said map) when measured at a right angle; thence along a line 3.00' North of and parallel with said North line, North $89^{\circ}51'20''$ West, 252.44 feet to the West line of said Lot 26; thence along said West line, South $00^{\circ}39'25''$ West, 3.00 feet to the Southwest corner of said Lot 26 and the North line of said Driftwood Drive; thence along said North line South $89^{\circ}51'20''$ East, 253.35 feet to the point of beginning.

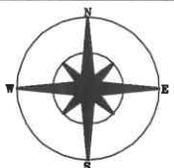
Containing 759 square feet more or less.

The bearings shown hereon are based on the centerline of Civic Center Drive as shown on the Record of Survey Map filed for record in Book 25 of Surveys, Page 89, Solano County Records. Said bearing taken as North $16^{\circ}18'34''$ West.





Ty Hawkins LS 7973
3636 Oak Canyon Ln.
Vacaville CA. 95688
Ph. 707-974-9890
Fx. 707-447-7171



Plat To Accompany Legal Description
Proposed Parcel C
A Portion of Block 112
5 Maps 5
City of Suisun City
Solano County California

Date: 04/13/18	Scale: 1"=40'
Job #: 17055	
	Sheet 1
	of 1
	1

Parcel C Closure

Parcel name: Parcel C

North: 50044.6930	East : 50535.5015
Line Course: S 89-51-20 E	Length: 252.437
North: 50044.0566	East : 50787.9377
Line Course: S 16-18-34 E	Length: 3.128
North: 50041.0545	East : 50788.8161
Line Course: N 89-51-20 W	Length: 253.350
North: 50041.6932	East : 50535.4669
Line Course: N 00-39-25 E	Length: 3.000
North: 50044.6930	East : 50535.5013

Perimeter: 511.915 Area: 759 Sq Ft 0.02 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0002 Course: S 83-07-36 W

Error North: -0.00002 East : -0.00018

Precision 1: 2,559,575.000

**Recording requested by and
When Recorded Return to:**

Suisun City Housing Authority
701 Civic Center Blvd.
Suisun City, CA 94585
Attn: Housing Authority Clerk

(Space Above This Line for Recorder's Office Use Only)
(Exempt from Recording Fee per Gov. Code §6103)

APN. 0032-061-440
THE UNDERSIGNED GRANTOR DECLARES that the
documentary transfer tax (computer on full value) is \$-0-

QUIT CLAIM DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged HOUSING AUTHORITY OF SUISUN CITY, a public body, corporate and politic ("**Grantor**") quit claims to SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY, a public body, corporate and politic ("**Grantee**"), any right, title, and interest in that certain real property in the City of Suisun City, County of Solano, State of California, as more particularly described in Exhibit A attached hereto and incorporated by this reference ("**Property**").

This Quit Claim Deed is executed and recorded to perfect that certain Certificate of Compliance recorded May 30, 2018, Instrument No. 201800036480, in the Official Records of Solano County.

IN WITNESS WHEREOF, Grantor has caused this Quit Claim Deed to be executed on its behalf as of the date written below.

GRANTOR:

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

By: 
Richard Ramirez, Interim Executive Director

February 13, 2019

ATTEST:


Donna Pock, Deputy Authority Clerk

**EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY**

That certain real property located in the City of Suisun City, County of Sonoma, State of California, and is described as follows:

Parcel "B" as described in "Certificate of Compliance" for Lot Merger 17/18-001, recorded May 30, 2018, as Instrument No. 201800036480, Official Records, more particularly described as follows:

All that real property situate in the City of Suisun, County of Solano, State of California, being a portion of Block 111, a portion of Block 112, and a portion of Bay Drive (Cherry Street), as shown on the Map of Chaplin Addition No. 1 To Suisun City filed for record in Book 5 of Maps, Page 5, Solano County Records more particularly described as follows:

Beginning at the intersection of the Southerly line of the 15' wide City of Vallejo Water Line Easement described in the Grant Deed filed for record in Book 719, Official Records, Page 492, Solano County records with the Westerly line of Civic Center Drive (Cedar Street as shown on said map); thence along said Westerly line South $16^{\circ}18'34''$ East, 499.46 feet to a point that lies 3.00 feet North of the North line of Driftwood Drive (Louisiana Street as shown on said map) when measured at a right angle; thence along a line 3.00' North of and parallel with said North line North $89^{\circ}51'20''$ West, 252.44 feet to the West line of said Block 112; thence along said West line, the West line of said Bay Street, and the West line of said Block 111, North $00^{\circ}39'25''$ East, 479.14 feet to the Southerly line of said City of Vallejo Waterline Easement; thence along said Southerly line South $89^{\circ}43'30''$ East, 106.68 feet to the point of beginning.

APN: 0032-061-440

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document

State of California }
County of Solano }

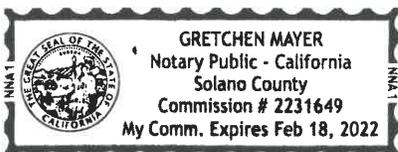
On February 13, 2019 before me, Gretchen Mayer, Notary Public

Personally appeared Richard Ramirez

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature: *Gretchen Mayer*

OPTIONAL

Description of Attached Document

Title of Type of Document: Grant Deed

Document Date: February 13, 2019 Number of Pages: 1

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AGENDA TRANSMITTAL

MEETING DATE: February 19, 2019

CITY AGENDA ITEM: City Council Consider Options to the Adoption of Resolution No. 2019-___: Approving an Extension to the Tentative Subdivision Map No. TSM07-03, for a 16-Unit Subdivision Located at the Northeast Corner of Civic Center Boulevard and Lotz Way.

FISCAL IMPACT: Ultimate development of this project, which is required to annex into Community Facilities District No. 2, would generate \$839.52 per lot, amounting to approximately \$13,432 annually to cover basic municipal service costs for such things as police and fire protection. In addition, a CFD tax zone would cover direct public costs for the maintenance of public landscaping and storm drainage improvements that would directly serve the project that do not exist yet.

BACKGROUND: On January 15, 2008, the City Council adopted Resolution Nos. 2008-11 and 2008-12. This action approved Tentative Subdivision Map Application No. TSM07-03 and Planned Unit Development No. PUD07-01. The City Council action also amended the Waterfront District Specific Plan Land Use from General Commercial to Residential Medium-Density for the property at the northeast corner of Civic Center Boulevard and Lotz Way. The Tentative Map is commonly referred to as “Main Street West Parcel 10.” The tentative map had an initial life of two years. Over the last 11 years, the tentative map has been repeatedly extended. The Developer’s most recent extension request is now before the City Council for considerations as a public hearing item. Notice was published on February 9, 2019, posted on www.suisun.com, Suisun City Hall, Suisun City Senior Center, Suisun City Fire Department, and mailed to property owners within 300 feet of Parcel 10.

STAFF REPORT: On December 7, 2018, Main Street West (the “Developer”) requested an extension of its tentative map, which was set to expire on January 15, 2019. In its letter (Attachment 1), Main Street West explains that the Parcel 10 project has been bundled with the Parcel 14 project (former Crystal Middle School). The applicant indicated that Parcel 10 was impacted by approval delays for Parcel 14. The Developer’s letter said Parcel 10 would now be marketed separately.

History of Parcel 10

Pursuant to Government Code Section 66452.6, the Developer’s tentative map gets an automatic tentative map extension for 60 days (ending March 18, 2019) or until the extension is approved, conditionally approved, or denied, *whichever occurs first*. Staff presents the following summary of Parcel 10’s history to assist the City Council in its consideration of the extension request.

PREPARED BY:
APPROVED BY:

Timothy McNamara, Development Services Director
Richard J. Ramirez, Interim City Manager

- April 17, 2006** Disposition and Development Agreement (DDA) between the Redevelopment Agency of the City of Suisun City (RDA) and Main Street West Partners, which includes Parcel 10, the subject of this tentative map extension request.
- January 15, 2008** Entitlements granted which included Tentative Subdivision Map, Specific Plan Amendment, Site Plan/Architectural Review, Planned Unit Development Permit, and Mitigated Negative Declaration. Tentative map approved by Resolution 2008-11 (Attachment 2) was set to **expire on January 15, 2010**.
- July 15, 2008** SB 1185 (Government Code Section 66452.21) granted 1-year extensions to tentative maps set to expire before January 1, 2011. As a result, Parcel 10's tentative map was **extended to January 15, 2011**.
- July 15, 2009** AB 333 (Government Code Section 66452.22) granted 2-year extensions to tentative maps set to expire before January 1, 2012. As a result, Parcel 10's tentative map was **extended to January 15, 2013**.
- July 13, 2011** AB 208 (Government Code Section 66452.23) granted 2-year extensions to tentative maps set to expire before January 1, 2014. As a result, Parcel 10's tentative map was **extended to January 15, 2015**.
- July 13, 2013** AB 116 (Government Code Section 66452.24) granted 2-year extensions to tentative maps approved on or after January 1, 2000 and has not expired as of July 11, 2013. As a result, Parcel 10's tentative map was **extended to January 15, 2017**.
- April 29, 2016** Effective Date of the Fourth Amendment to the DDA, which (among other changes) revised the performance schedule for Parcel 10.
- July 28, 2016** Deadline (90 days after DDA Effective Date) for the Developer to submit an Acquisition Financing Plan and Final Development Plan to the RDA pursuant to the DDA's Schedule of Performance. To date, the Developer has not met this performance benchmark.
- September 26, 2016** Deadline (150 days after DDA Effective Date) for the Developer to submit all applications to the City necessary to process amendments to the existing tentative map. To date, the Developer has not met this performance benchmark.
- December 6, 2016** The City Council granted the Developer a discretionary extension of 2 years. The Developer's request for extension pointed to residential market conditions are the reason for the extension. As a result, Parcel 10's tentative map was **extended to January 15, 2019**.
- December 9, 2016** Main Street West opened escrow and deposited \$30,000 pursuant to the Disposition and Development Agreement (DDA) with the Redevelopment Agency of the City of Suisun City.
- December 7, 2018** Main Street West filed an extension request with the City. Pursuant to Government Code Section 66452.6, this timely request for extension gives the Developer a 60-day **extension up to March 18, 2019**, unless the City approves, conditionally approves, or denies the extension, whichever occurs first.

March 18, 2019

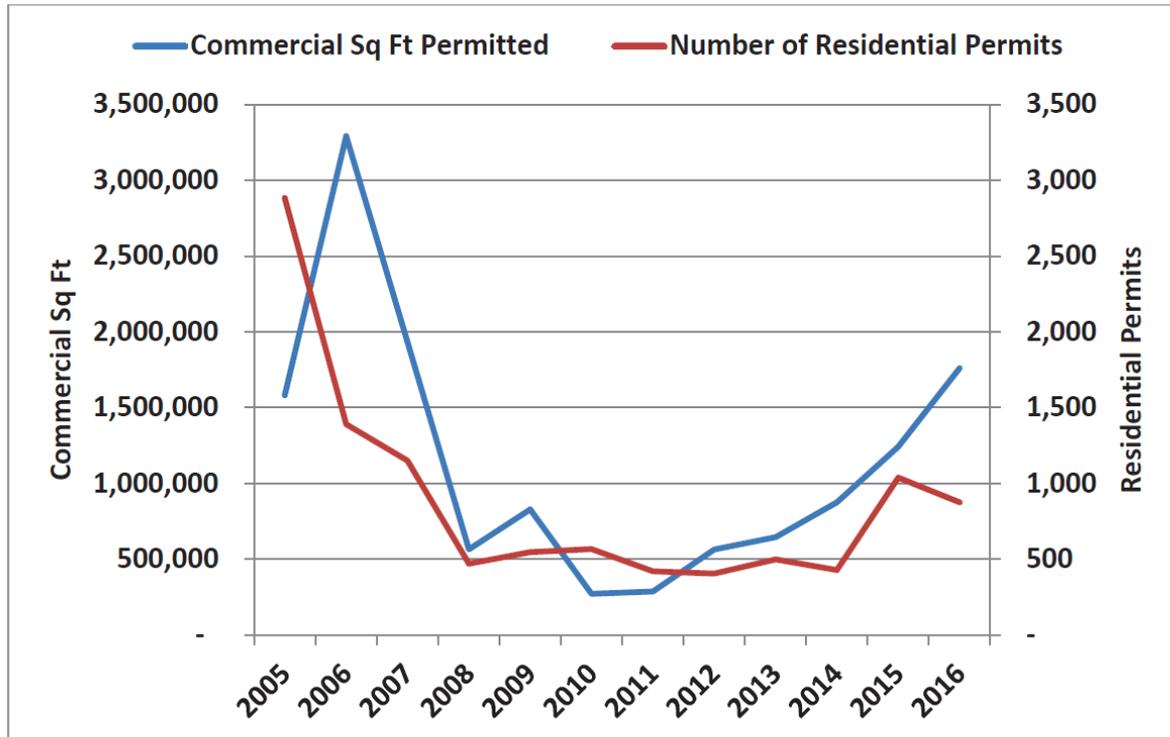
Current expiration date of the tentative map on Parcel 10 unless the City Council approves, conditionally approves, or denies the Developer's extension request prior to March 18, 2019.

Economic Condition Related to Housing During the Extensions

- Residential building permits data are a way to forecast an increase in housing units, construction activity around housing, and subsequent impacts on local economy. Commercial space construction is an indicator of confidence in the local and regional economies, as employees build or occupy more space as a business grows. The County of Solano tracks both date series as shown below. **Approximately 1.28 million square feet of new commercial space was permitted in fiscal year 2016-17. There were also 950 residential building permits issued. In fiscal year 2015-16 there were 875 residential building permits issued.**
- **According to the California Association of REALTORS, Solano County housing prices grew at 15.3 percent on average in 2016; from December 2015 to December 2016, prices grew at 15.8% to reach \$405,000 at the median.** California home prices grew 5.2% over 2016 on average. Rental prices increased approximately 8.0 percent countywide according to Zillow Research, suggesting sustained demand as available inventory levels remain relatively low.
- **According to the California Association of REALTORS®, Solano County housing prices grew at 6.8 percent on average in 2017 and over 18 percent as a two-year average; as of December 2017, Solano County's single-family home market prices grew to reach \$450,000 at the median.** California median home prices also grew at 6.6 percent during 2017, but only 12 percent from 2015 to 2017. Rental prices increased approximately 6.1 percent countywide in 2017 from 2016 prices according to Zillow Research, suggesting sustained demand as available inventory levels remain relatively low. As of January 2018, vacancy rates in Solano County housing were at 6.4 percent average; the statewide average was 7.4 percent Vacancy.
- Housing markets continued their recovery and expansion in 2017 from the Great Recession that ended in 2010; especially in terms of median home price. Sales volume was estimated at 9,452 single-family home units in Solano County for 2017, basically the same volume as 2016. There are 4,800 more housing units built in net in Solano County since 2010 (the end of the Great Depression as a reference point) on the supply side. Prices increased by 6.8 percent in Solano County between 2016 and 2017; according to the California Association of REALTORS®, Solano County's median home price was approximately \$450,000 as of December 2017. The statewide median was \$549,650 for a single-family home as 2017 ended according the California Association of REALTORS®.
- Rental prices have also slowly increased, another sign of both excess demand for housing. In February 2011, the average rental price for one- and two-bedroom apartments in Solano County was \$1,687 per month, according to Zillow Research. The regional fires of late 2017 have put more pressure on both home purchase and rental pricing such that 2018 is a year where prices are likely to rise regionally for both market and post-fire

reasons. Rental prices are \$2,100 at the median as of January 2018 in Solano County, and should increase throughout 2018 due to regional supply constraints and rising demand.

Solano County Residential and Commercial Building Permits, Fiscal Years 2005 to 2016
Commercial Square Feet and Residential Units Permitted



Sources: Census Bureau (www.census.gov/const) and County of Solano

City Council Options

In considering this item, the City Council has four (4) options:

1. Approve the extension request.
2. Conditionally approve the extension request.
3. Deny the extension request.
4. Take no action and continue the item to a future meeting.

Each option is discussed in more detail below. Whichever option the City Council selects, the City Council should make findings on the record to support the Council's decision so that any parties that may pursue legal review of the Council's action will have clear bases upon which to seek review.

- 1. Approve the Tentative Parcel Map Extension, as is** – This is the most straightforward option for the City Council. The City Council may approve the tentative map extension without additional conditions. The Developer will still be required to comply with the conditions of the original tentative map approval. Since the approval of the project in 2008

(including the tentative map for Parcel 10), there have been no changes to applicable land use documents that would contradict the approval of the project. The 2015 comprehensive update of the City's General Plan and November 2016 adoption of the Waterfront District Specific Plan assumed the previously approved project would proceed, and no new policies, goals, objectives or action items were adopted that would prohibit the previously approved project from maintaining consistency with the updated General Plan.

The City Council has the discretion to determine the duration of the extension, but the extension shall not exceed four (4) years, ending in 2023. (Government Code Section 66452.6 limits discretionary extensions to six years, two of which the City granted in 2017, causing the extension of the map to January 15, 2019.) Staff notes, however, that the DDA performance period on Parcel 10 ends on April 29, 2021. **To avoid the situation where the Parcel 10 tentative map operates outside of the DDA, staff recommends that any extension shall not exceed April 29, 2021.**

2. **Conditionally Approve the Tentative Parcel Map Extension** – As mentioned above, any tentative map condition would continue to hold the Developer to compliance with the conditions of approval in Resolution 2008-11 approving the original tentative map. When considering the current extension request, the City Council may impose additional conditions, but *only* conditions related to the extension of time. For example, the City Council may set time constraints for:

- Filing the final map;
- Performance of Tentative Map condition PW-6 requiring the Developer to submit six copies of the final map, prepared by a licensed land surveyor or registered civil engineer with land surveyor privileges, to the Public Works Department;
- Performance of Tentative Map condition PW-7 requiring the Developer to dedicate the required street right-of-way by final map;
- Performance of Tentative Map condition PW-8 requiring the Developer to dedicate, as required, on-site easements for new utilities by means of final map;
- Performance of the first item on the Schedule of Performance in the Fourth Amendment to the DDA requiring the Developer to submit all applications necessary to process amendments to the existing tentative map, which should have been done by September 26, 2016; or
- Recordation of the final map.

Note: Outside of the Schedule of Performance, the DDA does not specifically address the map approvals. The map approvals/denials affect the DDA timelines to the extent that the map approvals/denials affect the Developer's performance of other duties/obligations. For example, close of escrow shall occur within 90 days of recordation of the final map on Parcel 10.

3. **Deny Tentative Parcel Map Extension** - If the Council denies the extension request, then, if the Developer fails to file its final map for Council approval in a manner compliant with Chapter 17. 20 of the City Code prior to the tentative map's expiration on March 18, 2019, then the tentative map would expire, and the Developer would need to restart the entitlement process, including any environmental review.

- 4. Take No Action** – The City Council may decide not to take action on the item, and may bring the item back to the City Council for consideration at a future date. To accomplish this, the Council may open the public hearing for purposes of continuing the hearing to a date certain. The Council may also open the public hearing, receive public comments, close the public hearing, and continue discussions at a later meeting without receiving further public comments at that later meeting unless the later meeting is a properly noticed public hearing. The subsequent meeting on this matter should occur before March 18, 2019. Otherwise, the City Council should grant a short extension to allow the tentative map to extend to a date allowing the Council’s further consideration without the tentative map’s expiration lapsing.

RECOMMENDATION: It is recommended that the City Council exercise one of its options described above:

1. Approve the Extension without further conditions by adopting Resolution No. 2019 -___: Approving an Extension to the Tentative Subdivision Map No. TSM07-03, for a 16-Unit Subdivision Located at the Northeast Corner of Civic Center Boulevard and Lotz Way (Attachment 1).
Note: To avoid the situation where the Parcel 10 tentative map operates outside of the DDA, staff recommends that any extension *shall not exceed* April 29, 2021.
2. Conditionally Approve the Extension by adopting, with amendments directed by the City Council, Resolution No. 2019 -___: Approving an Extension to the Tentative Subdivision Map No. TSM07-03, for a 16-Unit Subdivision Located at the Northeast Corner of Civic Center Boulevard and Lotz Way (Attachment 1).
3. Deny the extension.
4. Take no action and direct staff to bring the item back for a later meeting occurring before March 18, 2019. If the item cannot be brought back to the City Council for consideration before March 18, 2019, then the City Council should instead grant a short extension to ensure the tentative map does not expire prior to that subsequent meeting.

ATTACHMENTS:

1. Council Resolution No. 2019-___: Approving an Extension to the Tentative Subdivision Map No. TSM07-03, for a 16-Unit Subdivision Located at the Northeast Corner of Civic Center Boulevard and Lotz Way.
 Exhibit A: Tentative Subdivision Map TSM07-03
 Exhibit B: Conditions of Approval – Tentative Subdivision Map (SM 07-03) Main Street West Parcel 10 Housing Project Approved by City Council
2. Letter from Main Street West, dated December 7, 2018.

RESOLUTION NO. 2019-___

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

WHEREAS, on January 15, 2008, the City Council adopted Resolution No. 2008-11 approving Main Street West Partners' application for Tentative Subdivision Map No. SM07-3 ("Tentative Map") creating a total of 16 lots for alley loaded residential units on Parcel 10 located at the northeast corner of Civic Center Boulevard and Lotz Way; and

WHEREAS, the Tentative Map was set to expire on January 15, 2010; and

WHEREAS, the Tentative Map expiration date was automatically extended for one year to January 15, 2011, by SB 1185 (Government Code Section 66452.21); and

WHEREAS, the Tentative Map expiration date was automatically extended for two years to January 15, 2013, by AB 333 (Government Code Section 66452.22); and

WHEREAS, the Tentative Map expiration date was automatically extended for two years to January 15, 2015, by AB 208 (Government Code Section 66452.23); and

WHEREAS, the Tentative Map expiration date was automatically extended for two years to January 15, 2017, by AB 116 (Government Code Section 66452.24); and

WHEREAS, on December 6, 2016, the City Council adopted Resolution No. 2016-95 approving a two-year extension of the Tentative Map and the expiration date was then set for January 15, 2019; and

WHEREAS, on December 7, 2018, Main Street West filed an extension request with the City of Suisun City (the "City"); and

WHEREAS, pursuant to Government Code Section 66452.6, Main Street West's timely filed extension request provides a 60-day automatic extension of the Tentative Map (to March 18, 2019) unless the City approves, conditionally approved, or denies the extension, whichever occurs first; and

WHEREAS, Main Street West's request for a Tentative Map extension is now before the City Council for consideration; and

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

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

WHEREAS, the City Council finds there have been no changes to the provisions of the General Plan, any applicable specific plan, or land use codes applicable to the project; and

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

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

WHEREAS, the City Council finds that the health, safety, and welfare of the citizens of the City of Suisun City will not likely be jeopardized by the City Council's granting of the requested Tentative Map extension; and

WHEREAS, notice of a public hearing to be conducted by the City Council on February 19, 2019 to consider the Tentative Map extension provided for in this Resolution (the "Notice") was published in the *Daily Republic* on February 9, 2019 and posted at Suisun City Hall, Suisun Fire Station, Suisun City Senior Center and at www.suisun.com; and

WHEREAS, notice of the public hearing was also mailed to property owners within a 300-foot radius of Parcel 10.

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

Section 1. The above recitals are true and correct, and are incorporated herein by this reference.

Section 2. The City Council approves a(n) _____ extension to Tentative Subdivision Map SM07-03 for the property at the northeast corner of Civic Center Boulevard and Lotz Way, subject to compliance with the previously approved map (Exhibit "A") and previously adopted Conditions of Approval (Exhibit "B").

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or any part hereof is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this Resolution or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

Section 4. This Resolution shall take effect and be in full force immediately after its adoption by the City Council of the City.

PASSED, APPROVED, AND ADOPTED as a Resolution at a regular meeting of the City Council of the City of Suisun City, California, on this 19th day of February, 2019.

Lori Wilson
Mayor

CERTIFICATION

I, Linda Hobson, City Clerk of the City of Suisun City, California, do hereby certify that the foregoing was adopted by the City Council of the City of Suisun City at a regular meeting held on the 19th day of February, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

WITNESS my hand and the seal of said City this 19th day of February, 2019.

Linda Hobson, CMC
City Clerk

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EXHIBIT B
CONDITIONS OF APPROVAL –TENTATIVE SUBDIVISION MAP (SM 07-03)
MAIN STREET WEST PARCEL 10 HOUSING PROJECT
DECEMBER 11, 2007

DEVELOPMENT IMPACT FEES

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

GENERAL

- G-1 The applicant or applicants successor in interest shall indemnify, defend and hold harmless the City of Suisun City it's agents, officers, and employees from any and all claims, actions or proceedings against the City of Suisun City, its agents, officers, and employees to attach, set aside, void or annul, any approval by the City of Suisun City and its advisory agency, appeal board, or legislative body concerning this application which action is brought within applicable statutes of limitations. The City of Suisun City shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the City fails to do so, the applicant or applicant's successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans, or other documents pertaining to this application.
- G-2 The uses shall be constructed in accordance with the information presented and shall conform to all requirements of the City of Suisun City Code including but not limited to the Uniform Building Code as adopted by the City of Suisun City.
- G-3 The Mitigation Monitoring Program as recommended by Planning Commission Resolution No. 2007- dated January 18, 2007 are incorporated as conditions of project approval.
- G- 4 The applicant or applicant's successor in interest shall fund and be responsible for the implementation of all conditions relating to the Main Street West Parcel 10 Housing Development including but not limited to the conditions established for the Tentative Subdivision Map and Preliminary Development Plan Approval, and the Mitigation Monitoring and Reporting Program.
- G-5 As required by Community Redevelopment Law of the State of California, Section 33413 (b-2-A-I), replacement housing inclusionary requirements, the private project shall make provisions for affordable housing units and insure affordability for 45 years as required by state law, prior to filing of the map. Said provisions shall be

subject to the approval of the Economic Development Director and Community Development Director.

- G-6 Final landscape plans to be reviewed and approved by the Community Development Director and Public Works Director.

COMMUNITY DEVELOPMENT DEPARTMENT

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

PUBLIC WORKS DEPARTMENT

- PW-1 The Applicant agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against the City by reason of its approval of Applicant's project.
- PW-2 All work performed shall conform to these conditions as well as all City ordinances, rules, standard specifications and details, design standards, and any special requirements imposed by the City Engineer. Any deviation from the aforementioned documents shall require review and written approval by the City Engineer.

- PW-3 The Improvement Plans shall include a General Note that: any revisions to the approved Improvement Plans and/or City Standards, including those due to field conditions, shall require review and written approval by the City Engineer. The Applicant shall have the revised plans prepared by the Project Civil Engineer and shall have the revised plans submitted for review and approval by the City Engineer. Any revisions to the Improvement Plans resulting from these or other conditions contained herein shall be subject to written approval of the City Engineer.
- PW-4 When submitting Improvement Plans, the engineer's estimate of costs for the public improvements necessary to accommodate the project shall be included. This estimate shall show quantities as well as unit prices used to obtain the final cost of each item.
- PW-5 The Applicant shall pay all public works fees as established by the City Public Works Fee Schedule at the time of submittal of Improvement Plans. The Applicant shall also pay Suisun-Solano Water Authority (SSWA) plan check and inspection fees within 30 calendar days upon receipt of invoice from the Solano Irrigation District (SID). The invoice will be for actual expenses incurred by SID for providing plan checking and inspection services for the project. At the time of submittal of Improvement Plans, Applicant shall pay a deposit of \$350 to be applied towards SSWA fees.
- PW-6 After City Council approval of Tentative Map, Applicant shall submit six copies of Final Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Public Works Department. The submittal shall include a title report, closure calculations, and all appropriate fees. Final Map must be approved by City Council and recorded by the Applicant prior to building permit issuance.
- PW-7 The Applicant shall dedicate required street right-of-way by Final Map or approved instrument prior to start of construction.
- PW-8 The Applicant shall dedicate, as required, on-site easements for new utilities by means of Final Map or approved instrument prior to start of construction.
- PW-9 The Applicant shall obtain all necessary permits from all applicable agencies prior to development.
- PW-10 All work within the public right-of-way, which is to be performed by the Applicant, the general contractor, and all subcontractors shall be included within a single City Encroachment Permit issued by the City Public Works Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- PW-11 The Applicant shall prepare a notice, subject to the review by the City Engineer, that lists all construction mitigation requirements, permitted hours of construction, and identifies a contact person as well as the Applicant who will respond to complaints related to the proposed construction. The notice shall be mailed to property owners and residents within a 300-foot radius from the subject site at least five (5) days prior to the start of construction.
- PW-12 A sign shall be posted on the property in a manner consistent with the public hearing sign requirements, which shall identify the address and phone number of the Applicant

and/or applicant for the purposes of responding to questions and complaints during the construction period. Said sign shall also indicate the hours of permissible construction work.

- PW-13 Any existing wells shall be abandoned per County of Solano Health Department standards prior to development of the property. Owner shall submit documentation to the Public Works Director that this condition has been satisfied prior to any construction on this project.
- PW-14 If any archaeological resources are found during the grading of the site or during performance of any work, work shall be halted, the City Engineer shall be notified and a certified archaeological firm shall be consulted for advice.
- PW-15 Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways and corners in order to allow an unobstructed view of oncoming traffic.
- PW-16 Any relocation or modification of any existing facilities necessary to accommodate subject project shall be at the Applicant's expense. It shall be the responsibility of the Applicant to coordinate all necessary utility relocations with the appropriate utility company.
- PW-17 If existing easements and utilities are located within the proposed lots, the utilities shall be relocated within the public streets or into appropriate easements, as required by the City Engineer.
- PW-18 Any existing frontage, or street, improvements, which in the opinion of the City Engineer, are currently damaged or become damaged as a part of the work shall be removed and replaced as required to the current City Standards, or as directed.
- PW-19 Immediately after demolition (and during construction), a security fence, the height of which shall be the maximum permitted by the Zoning Ordinance, shall be maintained around the perimeter of the lot. The lot shall be kept clear of all trash, weeds, etc... throughout the construction activity.
- PW-20 The Improvement Plans shall show the installation of and the Applicant include street signage and pavement markings and striping. All pavement markings and striping shall be thermoplastic or as required by City Standards.
- PW-21 The Solano Irrigation District (SID) and the Fairfield-Suisun Sewer District may have separate comments and conditions which shall be resolved or met.
- PW-22 Direct tapping of City or SSWA water mains is not permitted. Applicant shall install the required fittings in the existing or new main lines to accommodate the proposed water system. No existing water mains shall be shut down without specific permission of the City Engineer and the Solano Irrigation District.
- PW-23 Storm drainage shall comply with Solano County Hydrology and Drainage Design as described in the City Standards. The Applicant shall provide a hydrology and hydraulic study for the project.
- PW-24 The Applicant shall obtain all necessary permits for storm water discharges.

- PW-25 Applicants whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (State Water Resources Control Board Construction General Permit, 99-08-DWQ). Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.
- PW-26 Applicants whose projects disturb less than one acre of soil and are not part of a larger common plan of development shall prepare and implement an abbreviated Storm Water Pollution Prevention Plan prior to the start of construction.
- PW-27 The project shall use best management practices (BMPs) during construction to mitigate construction impacts and during post-construction to mitigate post-construction impacts to water quality.
- PW-28 The project shall comply with the requirements of the most current National Pollutant Discharge Elimination System (NPDES) permit issued to the Fairfield-Suisun Urban Runoff Management Program.
- PW-29 All projects creating, adding or replacing 43,560 square feet (1 acre) or more of impervious surface on the project site shall fill out completely and submit to the City the “New and Redevelopment Post Construction Stormwater Requirements Application”, attached to these conditions, no later than with development or grading plans.
- PW-30 Interior remodeling projects and routine maintenance or repair projects, and projects involving only construction of sidewalks, bicycle lanes, trails, bridge accessories, guardrails and landscape features are not required to complete the “New and Redevelopment Post Construction Stormwater Requirements Application”.
- PW-31 All projects creating, adding or replacing 43,560 square feet (1 acre) or more of impervious surface on the project site shall include the design and implementation of stormwater treatment measures.
- PW-32 After October 15, 2006, all projects creating, adding or replacing 10,000 square feet or more of impervious surface on the project site shall fill out completely and submit to the City the “New and Redevelopment Post Construction Stormwater Requirements Application”, attached to these conditions, no later than with development or grading plans.
- PW-33 After October 15, 2006, all projects creating, adding or replacing 10,000 square feet or more of impervious surface on the project site shall include the design and implementation of stormwater treatment measures.
- PW-34 To limit pollutant generation, discharge and runoff to the maximum extent practicable, the project shall include stormwater pollution control measures listed within the document entitled “Storm Water Pollution Control Measures List”. This list is provided within Appendix B of the document entitled “Storm Water Requirements for Development Projects- Packet for Project Applicants”.

- PW-35 The City shall designate which stormwater pollution control measures will be required as conditions of approval for the project. Each identified source of pollutants may have one or more appropriate control measures.
- PW-36 All stormwater treatment measures shall be adequately operated and maintained. To ensure operation and maintenance of stormwater treatment measures, the Applicant shall enter into a Stormwater Treatment Measures Maintenance Agreement with the City. This agreement is included in the document entitled “Storm Water Requirements for Development Projects- Packet for Project Applicants”.
- PW-37 Improvement Plans shall include an Erosion Control Plan (or Storm Water Pollution Prevention Plan –SWPPP) for any grading during the rainy season (October 15 to April 15). No work shall be allowed during the rainy season without an approved and implemented Erosion Control Plan.
- PW-38 Improvement Plans shall include a Grading Plan prepared by a registered Civil Engineer and shall comply with the requirements of the soils report for the project and the City’s Grading Ordinance prior to approval by the City Engineer. To the extent possible, the Grading Plan shall follow natural contours and maintain any existing native trees. In addition, the Grading Plan shall be prepared to the satisfaction of the City Engineer, and is to reflect a positive drainage to existing drain inlets as well as to proposed drain inlet.
- PW-39 Dust control shall be in conformance with City Standards and Ordinances. Vehicles hauling dirt or other construction debris from the site shall cover any open load with a tarpaulin or other secure covering to minimize dust emissions.
- PW-40 Improvement Plans shall include a grading plan prepared by a registered Civil Engineer and comply with the requirements of the soils report for the project and the City’s Grading Ordinance prior to approval by the City Engineer. To the extent possible, the Grading Plan shall follow natural contours and maintain any existing native trees. Also, the Grading Plan is to be prepared to the satisfaction of the City Engineer, and is to reflect a positive drainage to existing drain inlets as well as to proposed drain inlet.
- PW-41 The maximum allowable slope in landscape areas shall be 3:1. The toe and top of slope shall not be closer than one foot from a wall, property line, or sidewalk. One-foot concrete mow strips shall be as required by the City Engineer.
- PW-42 Unless otherwise approved by the City Engineer, all existing sidewalks shall be kept clear and passable during the grading and construction phase of the project.
- PW-43 The Applicant shall provide the following easements: a) 10-foot public utility easement along the southerly frontage of the project site along the north side of Lotz Way, and b) 10-foot public utility easement along the easterly frontage of the project site along the west side of Port Way.
- PW-44 Improvement Plans shall show the reconstruction of and the Applicant shall reconstruct the alley with 3” AC over 15” AB over road stabilization fabric. The alley should terminate into a “hammerhead”, or comparable improvement satisfactory to the Public Works Director to allow vehicles to adequately make a U-turn, at the westerly property limits. Width of paved travel ways in alley shall be 24’ at the minimum.

- PW-45 Improvement Plans shall show the installation of and the Applicant shall install rolled curbs and 5' wide sidewalk along the south side of the alley from Port Way to the westerly property limits.
- PW-46 Improvement Plans shall show the installation of and the Applicant shall install a fence along the north side of the alley.
- PW-47 Improvement Plans shall show the removal of and the Applicant shall remove the existing curb along Lotz Way from Civic Center Boulevard to Driftwood Drive.
- PW-48 Improvement Plans shall show of and the Applicant shall 2" overlay of the following streets: a) full-width Lotz Way from Civic Center Boulevard to Josiah Circle, and b) Full-width Port Way from Lotz Way to new alley driveway.
- PW-49 Improvement Plans shall show the installation of and the Applicant shall install a 5' wide meandering sidewalk along the north side of Lotz Way from Civic Center Boulevard to Port Way.
- PW-50 Improvement Plans shall show the installation of and the Applicant shall install a City standard curb/gutter and sidewalk along the west side of Port Way from Lotz Way to the new alley driveway.
- PW-51 The minimum longitudinal slopes of gutter flow lines shall be 0.005.
- PW-52 Improvement Plans shall show the removal of and the Applicant shall remove existing street lights in the alley, Port Way and on the north side of Lotz Way.
- PW-53 The Improvement Plans shall show the installation of and the Applicant shall install decorative lighting fixtures along the southerly, easterly and northerly frontage of the project site, as well as within the parcel directly west of the project site. The decorative lighting fixtures shall match the existing decorative street lighting fixtures in the Harbor Village subdivision. The Applicant shall provide a photometric analysis for lighting. The analysis is to be prepared and signed by a design professional.
- PW-54 Improvement Plans shall show the installation of and the Applicant shall install curb ramps at the following locations: a) Northeast and southeast corners of Lotz Way and Civic Boulevard, and b) All four corners at the intersection of Lotz Way and Port Way. The driveways and curb ramps shall comply with the State American Disability Act (ADA) regulations. New curb ramps shall utilize truncated domes (3'X4' Naviplate, "adobe" color).
- PW-55 The Improvement Plans shall show the installation of and the Applicant shall install landscaping and automatic irrigation system at the following locations: a) Along the north side of Lotz Way from Civic Center Boulevard to Port Way, b) Along the west side of Port Way from Lotz Way to the Alley, c) Along the north and south sides of the alley, and d) within the entire parcel immediately west of the project site. Trees shall be no smaller than 24" box trees. Landscaping along the north side of the alley shall consist of no less than seventeen 24" box trees. The Applicant shall re-use the existing palm trees within the project site as part of the new landscaping in this project.
- PW-56 No permanent structures shall be installed within easements. Permanent structures shall include, but not limited to buildings, block walls, street lights, and trees.

- PW-57 Improvement Plans shall show the undergrounding of and the Applicant shall underground all existing overhead lines within, through, over and around the project site, the parcel immediately west of project site, the alley, Port Way and the intersection of Lotz Way and Civic Center Boulevard.
- PW-58 Upon the approval of the Improvement Plans, the Applicant shall submit electronic AutoCAD files of the plans to the Public Works Department. Also, prior to the issuance of Certificate of Occupancy, the Applicant shall submit to the Public Works Department electronic AutoCAD files of the "as-built" Improvement Plans.
- PW-59 Improvement Plans shall show a north-south access drive no less than 20' wide through the middle of the project site. Access drive alignment shall be approved by the Public Works Director.

FIRE DEPARTMENT

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



Real Estate Development
Commercial - Residential - Mixed-Use

December 7, 2018

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

**RE: REQUEST FOR A TENTATIVE MAP EXTENSION – LOTZ WAY/PARCEL 10 TENTATIVE
SUBDIVISION MAP NO. TSM 07-03 AND PLANNED UNIT DEVELOPMENT NO. PUD 07-01**

Dear John:

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

As discussed with the City, this property was previously bundled with Parcel 14 as a package and marketed to larger builders. Due to the delays in obtaining approvals for Parcel 14, the timing of Parcel 10 was also impacted, hence the need for an extension. It has recently been determined that Parcel 10 will be marketed separately from Parcel 14.

Thank you in advance for your assistance in this matter and should you have any questions please do not hesitate to call me at 530-636-0863.

Sincerely,

FRANK MARINELLO
MAIN STREET WEST PARTNERS

Copy: Mike Rice via email

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AGENDA TRANSMITTAL

MEETING DATE: February 19, 2019

CITY AGENDA ITEM: Council Adoption of Resolution No. 2019-____: Accepting the Comprehensive Annual Financial Report and Report on Federal Awards in Accordance with OMB Circular A-133 for Fiscal Year 2017-18.

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

STAFF REPORT: The outside auditing firm of Chavan & Associates, LLP (C&A) has completed its fieldwork and has provided the City with the necessary adjustments to the general ledger. The Comprehensive Annual Financial Report (CAFR) (Attachment 2) summarizes the results of operations for all Funds for the Fiscal Year ending June 30, 2018. C&A has determined that the City has a clean audit report.

The Government Accounting Standards Board (GASB) issues numbered statements to set forth any changes in reporting requirements. GASB Statement Number 34 (GASB 34) required numerous changes to the presentation of the CAFR. With this CAFR, the City has fully implemented GASB 34. With this implementation, the financial report contains two statements: the Government-Wide Financial Statements and the Fund Financial Statements.

The Government-Wide Financial Statements are designed to provide readers with a broad overview of the City's finances. As of June 30, 2018, the City's assets were \$180.1 million, its deferred outflow of resources was \$5.5 million, liabilities were \$27.1 million, deferred inflow of resources was \$0.8 million and its net position was \$157.7 million, as illustrated on CAFR page 35.

GASB 68 required changes in how the City reports its long-term pension obligations beginning in FY 2014-15. The new accounting standards provide additional transparency on long-term pension obligations in annual financial reports. Net pension liabilities are reported on the City-wide balance sheet, providing citizens and others a clearer picture of the size and nature of the financial obligations owed to current and former employees for pension benefits. GASB 68 required governments providing defined benefit pensions to recognize their long-term obligation for pension benefits as a liability. Previously, the City, like most California cities, had only reported the Annual Required Contribution (ARC) to the pension plan in its financial reports. Now, the Net Pension Liability must be recorded in the balance sheet.

As a long-term obligation, the Net Pension Liability is not recorded in the modified accrual basis financial statements for governmental funds. The liability impact is limited to the Government-Wide Financial Statements, and does not impact the modified accrual current resources focus of the General Fund, other governmental funds, or the budget-to-actual comparison. Therefore, the General Fund, the Housing Authority Fund and other governmental funds will not contain this liability; their liability is reported in the Government-Wide Financial Statements.

PREPARED BY:	Elizabeth N. Luna, Accounting Services Manager
REVIEWED BY:	Joe Dingman, Administrative Services Director
APPROVED BY:	Richard Ramirez, Interim City Manager

The accounting valuation for financial reporting actuarial study determines the total liability of the pension plan. In order to determine the Net Pension Liability, the City contracted with CalPERS (California Public Employees Retirement System) to prepare GASB 68 Accounting Valuation Reports for all five of the City's retirement plans. As of June 30, 2018, the City's reported net pension liability for its proportionate shares of the net pension liability of each Plan are as follows:

	Proportionate Share of Net <u>Pension Liability</u>
Miscellaneous	\$ 7,983,268
Safety	10,556,309
	<hr/>
Tota Net Pension Liability	<u>\$ 18,539,577</u>

Detailed information on pension plan can be found on CAFR pages 75-79.

In June 2015, GASB released new accounting standards for postretirement benefit programs, GASB 74 and GASB 75. In August 2018, the City released a request for proposal for actuarial valuation of retiree health insurance as of June 30, 2018. The City selected Dempsey, Filliger & Associates, LLC (DFA) to perform the actuarial.

As of June 30, 2018, the City's reported Other Post Employment Benefit (OPEB) is as follows:

Net OPEB Liability <u>(Acturial Liability)</u>
\$ 2,882,155

The City has not adopted an irrevocable trust for the pre-funding of retiree healthcare benefits. The City operates in a Pay-As-You-Go Plan, and contributes \$133 per month on behalf of all eligible retirees and surviving spouses, who are responsible for the premium costs of their selected health plan.

Detailed information on OPEB plan can be found on CAFR page 81.

The Fund Financial Statements focus on short-term inflows and outflows of spendable resources and the remaining year-end balances available for spending. This information is useful in evaluating the City's near-term financing requirements.

As shown on CAFR pages 38 and 40, the General Fund balance as of June 30, 2018, is \$3,941,931. The net change in fund balance is an increase of \$79,624. This is a favorable result in terms of budget compared to actual. A summary of the variances is presented on the table below:

Fiscal Year 2017-18 General Fund – Revenues and Expenditures

	<u>Final Adopted Budget</u>	<u>Actual Amounts</u>	<u>Variance with Final Budget</u> Positive (Negative)
Taxes - Property	2,146,300	2,408,983	262,683
Taxes - Transient Occupancy	369,400	406,299	36,899
Sales Tax	1,699,100	1,748,217	49,117
Sales & Use Tax (Measure S)	1,827,700	2,501,763	674,063
License and Permits	1,446,800	1,436,097	(10,703)
Fines & Forfeitures	405,000	516,936	111,936
Intergovernmental Revenues	2,308,900	2,329,306	20,406
Charges for Services	2,684,400	2,467,483	(216,917)
Investment Earnings	53,000	19,205	(33,795)
Other Revenues	88,000	56,441	(31,559)
Total Revenues	13,028,600	13,890,730	862,130
Total Expenditures	13,049,600	12,267,928	781,672
Emergency Reserves	2,220,800	-	2,220,800
Other Financing Sources/(Uses)	(1,640,400)	(1,543,178)	97,223
Net Change in Fund Balance	(3,882,200)	79,624	3,961,825
Fund Balance Beginning	3,862,307	3,862,307	-
Fund Balance Ending	(19,893)	3,941,931	3,961,824

For FY 2017-18, overall General Fund revenue was higher compared to budget by \$862,130. The increase can be attributed mainly due to influx of the Transactions and Use Tax (Measure S) and increases in property tax prompted by an increase in property assessed value. Fines and Forfeitures have exceeded the budget due to increase in parking fines collection. The significant increase in the revenues were partly offset by lower than expected collection of Charges for Services revenues. The actual Charges for Services revenue came short of the target due to lower charges to SSWA. The revenues in Plan Check Fee, Engineering Fees and Recreation Program also were below target.

The General Fund actual expenditures were lower by \$781,672 from budget excluding emergency reserves. All Departments ended with lower expenditures compared to budget. The majority of the savings came from general government, culture and recreation program, public safety and community development. The detailed comparison of budget to actual can be found on CAFR page 88.

In terms of Other Financing Sources and Uses (Transfer In/Transfer Out), the net use impact is \$1,583,178. Majority of this transfers are related to spending Measure S proceeds on the following:

- Marina Dredging
- Fire Engine Acquisition
- Street Repair Program
- Public Safety Communication System
- Storm Drain Repairs
- Enterprise Resource Planning Management

The Statement of Revenues, Expenditures and Changes in Fund Balance for the City's major funds are illustrated, starting on CAFR page 40. Individual financial statements for the City Funds may be reviewed beginning on CAFR page 100. The former Redevelopment Agency financial information is now classified as a Private Trust Fund; statements can be found in CAFR pages 48-49.

The following sections of the CAFR can be found on the following pages:

- Independent Auditor's Report – Page 14-16
- Management's Discussion and Analysis – Page 17-29
- Notes to Financial Statements – Page 51-94
- Agency (Fiduciary) Funds Statements – Page 159-164
- Statistical Section – Page 165-189

Report on Federal Grant Awards

Also attached is a copy of the Report on Federal Awards in Accordance with federal Office of Management and Budget (OMB) Circular A-133 for FY 2017-18. The report analyzes the City/Agency/Authority compliance with OMB Circular A-133 regarding federally funded programs, including police grants, street improvement grants, capital improvement grants, and Section 8 housing grants.

The single audit reported no findings.

RECOMMENDATION: It is recommended that City Council review the material and adopt Resolution No. 2018-____: Accepting the Comprehensive Annual Financial Report and Report on Federal Awards in Accordance with OMB Circular A-133 for Fiscal Year 2017-18.

ATTACHMENTS:

1. Resolution No. 2019-____: Accepting the Comprehensive Annual Financial Report and Report on Federal Awards in Accordance with OMB Circular A-133 for Fiscal Year 2017-18.
2. CAFR Power Point Presentation Slides.
3. Comprehensive Annual Financial Report (CAFR) for FY 2017-18*
4. Report on Federal Awards in Accordance with OMB Circular A-133 (Single Audit) for FY 2017-18. *

*Due to size, these attachments are available for review in the City Manager's Office.

RESOLUTION NO. 2019-___

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
ACCEPTING THE COMPREHENSIVE ANNUAL FINANCIAL REPORT
AND THE REPORT ON FEDERAL AWARDS IN ACCORDANCE WITH
OMB CIRCULAR A-133 FOR FISCAL YEAR 2017-18**

WHEREAS, the City of Suisun City endeavors to manage its financial affairs in a prudent and professional manner, consistent with Generally Accepted Accounting Practices; and

WHEREAS, an annual audit conducted by outside auditors is an essential method to ensure we meet this goal of fiscal prudence; and

WHEREAS, the accounting firm of Chavan & Associates, LLP (C&A) conducted the audit and concluded that the City’s financial statements “present fairly in all material respects the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the City of Suisun City, California, as of June 30, 2018”; and

WHEREAS, the City of Suisun City’s Comprehensive Annual Financial Report and the Report on Federal Awards in Accordance with OMB Circular A-133 for the fiscal year ending June 30, 2018, was presented to the City Council for its review and consideration.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Suisun City hereby accepts the Comprehensive Annual Financial Report and the Report on Federal Awards in Accordance with OMB Circular A-133 for Fiscal Year 2017-18.

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Suisun City held on Tuesday the 19th day of February 2019 by the following vote:

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

WITNESS my hand and the seal of said City this 19th day of February 2019.

Donna Pock, CMC
Deputy City Clerk

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Highlights from the Comprehensive Annual Financial Report (CAFR)

YEAR ENDED JUNE 30, 2018



OVERVIEW

- Certificate of Achievement for Financial Reporting Excellence
- Importance of CAFR
- Common Acronyms used in financial report
- Audit Results
- General Fund Highlights, Revenues & Expenditures
- Pensions and OPEB Liability



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to
**City of Suisun City
California**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

June 30, 2017

Christopher P. Morvill
Executive Director/CEO

- 14th year in a Row!
- Suisun City Awarded for Outstanding Financial Reporting—FY 16-17



Why is CAFR important?

- CAFR stands for Comprehensive Annual Financial Report with Independent Auditor's Report.
- CAFR is submitted in compliance with California Government Code sections 25250 and 25253.
- Prepared to comply with principles and standards set forth by the Governmental Accounting Standards Board (GASB).
- CAFR provides public transparency of City finances.
- CAFR is required to borrow money and to apply for grants, among other things.



Acronyms

- List of common acronyms used in the report:

- ❖ CAFR – Comprehensive Annual Financial Report
- ❖ GASB – Governmental Accounting Standards Board
- ❖ OMB – Office of Management and Budget
- ❖ GFOA – Government Finance Officers Association
- ❖ ROPS – Recognized Obligation Payment Schedule
- ❖ OPEB – Other Post-Employment Benefits



AUDIT RESULTS FISCAL YEAR 2017-2018



- ❖ *No Exceptions in Audit Opinions*
- ❖ *No Material Weaknesses*
- ❖ *No Disagreements with Management*



- ❖ *No Significant Passed on Adjustments*

- The City submitted this Audit Report for GFOA Award for Excellence.



General Fund Fiscal Highlights

Total Assets \$4,316,436

Total Liabilities (374,505)

Fund Balance \$3,941,931

- An Increase of \$79,624 from last year
- Fund balance is higher by \$171,831 compared to the balance rolled over to FY18-19 budget.
- -from CAFR page 38





General Fund

Statement of Revenues, Expenditures & Changes in Fund Balance

Revenues	\$13,890,730
Expenditures	(12,267,928)
Other Sources/Uses	<u>(1,543,178)</u>
Change in Fund Balance	\$79,624

-from CAFR page 40



General Fund

Expenditures by Program Area

<u>Program Area/Department</u>	<u>Actual</u>
General Government	\$2,352,701
Public Safety	7,088,858
Public Works	427,823
Culture and Recreation	1,389,487
Community Development	551,501
Building Services	259,601
Capital Outlay	28,620
Debt-Principal Payment	<u>169,337</u>
Total Expenditures	12,267,928

Item 15
Attachment 2



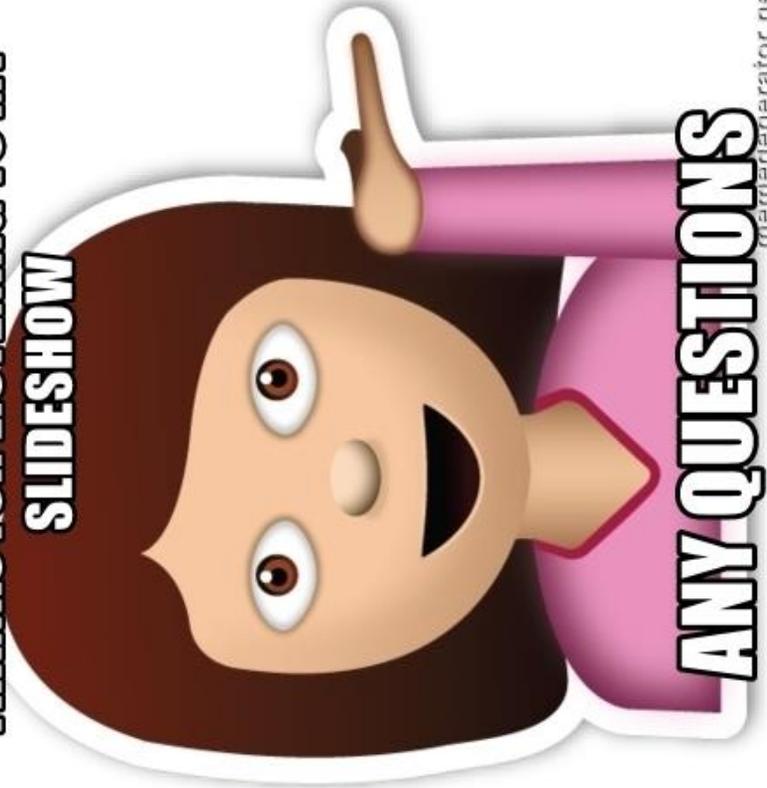
Pensions and OPEB Liability

- Based on CalPERS valuation, the City's net pension liability as of June 30, 2018, is \$18,539,577. This amount represents the City's obligation if we decide to close in 2018. (GASB 67 and 68)
- Based on OPEB's actuarial valuation with a measurement date of June 30, 2018, the City's net OPEB liability is \$2,882,155. (GASB 75)

These retirement related liabilities are required to be reported in the CAFR. It is more of an accounting requirement and not to be construed as a liability that requires immediate funding. However, it is recommended to evaluate the unfunded liability and find ways to lower the City's annual contribution.



**THANKS FOR LISTENING TO MY
SLIDESHOW**



memegenerator.net

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AGENDA TRANSMITTAL

MEETING DATE: February 19, 2019

CITY AGENDA ITEM: Cannabis Request for Application

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

FISCAL IMPACT: Approval of the proposed actions would establish procedures to consider the approval of one storefront retailer cannabis dispensary (storefront retailer) within Suisun City. Proposed fees would offset direct costs associated with the review of applications and the annual cost of administering the storefront retailer business. The storefront retailer is expected to generate over \$100,000 in general revenue annually. A negotiated tax rate and the success of the storefront retailer could substantially affect City revenue levels.

BACKGROUND: On May 29, 2018, the City Council adopted Ordinance No. 750, adding Chapter 18.49 (“Cannabis Regulatory Program”) to the Suisun City Code (SCC). Adoption of this ordinance established a comprehensive regulatory program for commercial cannabis activities, including provisions related to storefront retailers. The actions currently under consideration would establish procedures for the review of storefront retailers and would establish fees for the processing of applications and a Commercial Cannabis Business Permit (CCBP) annual fee for storefront retailers.

STAFF REPORT: SCC Section 18.49.160 establishes that up to one storefront retailer may operate in Suisun City at any given time. The SCC further directs that a Request for Applications (RFA) process will be conducted to accept and consider applications for the one allowed storefront retailer. Two resolutions are before the City Council for consideration. The first resolution, provided as Attachment 1, addresses the application review process and includes the following exhibits: RFA Notice; RFA Guidelines and Procedures; and, Supplemental Security Requirements. The second resolution would establish deposit-based fees to offset the costs of reviewing RFA

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Paul Junker, Senior Project Manager
 Anthony Taylor, City Attorney
 Richard J. Ramirez, Interim City Manager

applications and a CCBP annual fee to offset the ongoing costs of administering a storefront retailer.

REQUEST FOR APPLICATIONS – NOTICE

Due to the complexity of requirements associated with the RFA process, staff recommends that a notice be published and circulated to interested parties in advance of the application period during which applications will be accepted. The RFA Guidelines and Procedures (described below) would be released with the RFA Notice. During the notice period staff would hold an informational workshop to discuss the application process with prospective operators and respond to questions associated with the process. The intent is that prospective operators would be well prepared to complete an RFA application within the 30-day application window. The RFA Notice also summarizes the RFA process, including application dates and the process by which the City Council would consider applications.

REQUEST FOR APPLICATIONS - GUIDELINES AND PROCEDURES

SCC Sec. 18.49.160(B)(4) stipulates that the City Council shall approve a process for reviewing and selecting a storefront retailer from applications received through the RFA process. The RFA Guidelines and Procedures provide details on the review process, the procedures by which the City would accept, review and consider applications and the criteria that would be applied in the consideration of RFA applications. To date, 14 individuals and businesses have expressed interest in operating some form of cannabis business in Suisun City. Given that only one storefront retailer applicant can ultimately be selected, it is important that the selection process be fair and transparent. Clearly describing the process for review and the basis for selection helps to ensure that applications are evaluated in a fair and consistent manner.

RFA Review Process:

Both the RFA Notice and the RFA Guidelines and Procedures describe a review process that includes a preliminary review and scoring of applications by City staff. Staff findings would be presented to the City Council for consideration. The City Council's first action would be to identify a recommended operator for the storefront retailer business. Once a recommended operator is identified, staff would work directly with that applicant to finalize the review process, complete any required CEQA analysis, determine compliance with all applicable City regulations and develop project specific conditions of approval. Upon completion of review of the recommended operator, the application would be presented to the City Council for final action.

RFA Review Criteria:

In the interests of clarity and transparency, the RFA Guidelines and Procedures includes scoring criteria that would be applied in the review of applications. The scoring criteria identify nine key items in the application that would be evaluated and assigns points to each item, providing a maximum possible score of 200 points. Council is requested to review the criteria and ensure that the points allocated to each item reflect the City Council's interests and priorities.

Business Tax:

With the passage of Measure C in November 2018, City residents approved taxes on cannabis businesses in the City with nearly 74% of voters favoring the measure. Measure C established the maximum tax rates that may be applied to cannabis businesses as 15% of gross receipts and an

annual tax of \$25 per square foot of space used for commercial cannabis activities. Voter approval automatically set tax rates at the maximum allowed rates.

The establishment of both a gross receipts tax and a per square foot tax was proposed to allow the City flexibility to charge taxes under either or both approaches. Gross receipts may be the most effective approach for retail sales, while per square foot may be a preferred approach for cannabis cultivation. As cannabis uses are proposed, it is anticipated that negotiations between the City and business operators would occur and that the current tax rates would be adjusted.

The RFA Guidelines and Procedures establish that a business seeking to adjust the current commercial cannabis tax rates must make a request through the RFA process for such adjustment and the RFA scoring criteria identify such a request as a factor in the selection process.

SUPPLEMENTAL SECURITY REQUIREMENTS – CANNABIS RETAIL DISPENSARY

SCC Chapter 18.49 establishes numerous requirements that assure cannabis businesses will be operated in a safe and secure manner to avoid negative impacts on the community. In addition to these currently adopted measures, staff proposes adoption of supplemental security requirements applicable to a storefront retailer business. These proposed requirements relate specifically to storefront retailer businesses.

To the extent practicable, applicants will demonstrate compliance with the supplemental security measures in the RFA application process. Some of the specific measures identified in the supplemental security requirements cannot be confirmed until tenant improvement plans are submitted and reviewed under the building permit process. Compliance with these security measures would be required through conditions of approval and confirmed prior to the business commencing operations.

APPLICATION REVIEW FEE AND CCBP ANNUAL FEE

The City will incur costs processing RFA applications and administering approved cannabis businesses. The City Council must adopt a fee resolution if it intends for applicants and approved businesses to fund these obligations.

The level of effort associated with processing RFA applications is not known at this time. The completeness of application submittals, the Council review process and the number of applications received will all affect the cost to process individual applications. Therefore, staff recommends a deposit-based fee to fund process of selecting a storefront retailer operator and issuing the associated CCBP. This deposit-based approach allows the City to charge applicants the actual cost of processing applications.

Additionally, there are two distinct phases of work to review application and approve a single storefront retailer. The first phase is the selection process and an initial fee of \$3,000 per application is proposed for this operator selection phase. A second phase, final approval of the selected operator and approval of a CCBP will only involve a single applicant and a second fee of \$5,160 is proposed to fund CEQA analysis, preparation of project specific conditions of approval and other actions related to final approval of the proposed storefront retailer.

Once approved and operational, the City will have ongoing obligations related to monitoring the business for compliance with operational requirements, processing and auditing of quarterly tax

payments and other tasks and responsibilities associated with the storefront retailer. The proposed storefront retailer CCBP annual fee for a storefront retailer is \$4,320.

The application processing fee and the storefront retailer CCBP annual fee would allow the City to recapture actual costs associated with conducting the RFA process and the direct efforts required to administer the storefront retailer's CCBP for a one-year period. The analysis for the application review fees and storefront retailer CCBP annual fee is provided in Attachment 2 of this report ("Deposit and Fee Analysis").

CEQA ANALYSIS: The recommended actions considered herein include establishment of a review process for storefront retailer applications, a processing fee associated with the review of such applications and a CCBP annual permit fee to offset costs associated with administering the storefront retailer use.

Establishment of the review procedures and approval of the deposit and annual fee do not, of themselves, allow any new use to commence. Subsequent discretionary actions by the City Council are required before a storefront retailer may be operated in the City and, therefore, no impact on the environment could result from the current actions. Because subsequent discretionary actions by the City Council would be required before a storefront retailer may be operated in the City, no impact on the environment could result from the recommended actions. Consequently, the recommended actions are exempt from CEQA under CEQA Guidelines Section 15061(b)(3), in that there is no possibility that the activity in question may have a significant effect on the environment. No further analysis under CEQA is required at this time.

RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2019-__: A Resolution of the City Council of the City of Suisun City, California, Approving the Following Documents to Establish a Request for Applications Process for Review And Selection of a Recommended Operator for a Cannabis Storefront Retailer/Dispensary Pursuant to Suisun City Code Section 18.49.160(B): (1) Request for Applications Guidelines and Procedures; (2) Supplemental Security Requirements – Cannabis Storefront Retailer/Dispensary; and (3) Notice of Request for Applications – Storefront Retailer/Dispensary.

It is further recommended that the City Council adopt Resolution No. 2019-__: A Resolution of the City Council of the City of Suisun City, California, Adopting Fees Applicable to Cannabis Storefront Retailer Permittees and Applicants Pursuant to any Request for Application Process for Cannabis Storefront Retailers Initiated by the City Pursuant to Chapter 18.49, "Cannabis Regulatory Program," of the Suisun City Code.

ATTACHMENTS:

1. Resolution No. 2019-__: A Resolution of the City Council of the City of Suisun City, California, Approving the Following Documents to Establish a Request for Applications Process for Review And Selection of a Recommended Operator for a Cannabis Storefront Retailer/Dispensary Pursuant to Suisun City Code Section 18.49.160(B): (1) Request for Applications Guidelines and Procedures; (2) Supplemental Security Requirements –

Cannabis Storefront Retailer/Dispensary; and (3) Notice of Request for Applications – Storefront Retailer/Dispensary.

Exhibit A: Request for Application Notice

Exhibit B: Request for Application Guidelines and Procedures

Exhibit C: Supplemental Security Requirements

2. Resolution No. 2019-__: A Resolution of the City Council of the City of Suisun City, California, Adopting Fees Applicable to Cannabis Storefront Retailer Permittees and Applicants Pursuant to any Request for Application Process for Cannabis Storefront Retailers Initiated by the City Pursuant to Chapter 18.49, “Cannabis Regulatory Program,” of the Suisun City Code.

Exhibit A: Deposit and Fee Analysis

Exhibit B: Revised Master Fee Schedule

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RESOLUTION NO. 2019 - ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, APPROVING THE FOLLOWING DOCUMENTS TO ESTABLISH A REQUEST FOR APPLICATIONS PROCESS FOR REVIEW AND SELECTION OF A RECOMMENDED OPERATOR FOR A CANNABIS STOREFRONT RETAILER/DISPENSARY PURSUANT TO SUISUN CITY CODE SECTION 18.49.160(B): (1) REQUEST FOR APPLICATIONS GUIDELINES AND PROCEDURES; (2) SUPPLEMENTAL SECURITY REQUIREMENTS – CANNABIS STOREFRONT RETAILER/DISPENSARY; AND (3) NOTICE OF REQUEST FOR APPLICATIONS – STOREFRONT RETAILER/DISPENSARY.

WHEREAS, on May 29, 2018, the City Council of the City of Suisun City (“City”) adopted Ordinance No. 750, adding Chapter 18.49 (Cannabis Regulatory Program) to the Suisun City Code (“SCC”) to establish a comprehensive regulatory scheme relating to commercial cannabis activities, including requiring all commercial cannabis uses to obtain a commercial cannabis business permit (“CCBP”) issued by the City prior to commencing operation; and

WHEREAS, SCC Section 18.49.160(A) provides that no more than one CCBP for a cannabis storefront retailer or “dispensary” requiring a Type 10 License issued by the State Bureau of Cannabis Control (“Storefront Retailer”) may be active or valid at any one time in the City; and

WHEREAS, SCC Section 18.49.160(B)(1) provides that applications for Storefront Retailers may only be accepted pursuant to a Request for Applications (“RFA”) process conducted pursuant to Section 18.49.160(B);

WHEREAS, SCC Section 18.49.160(B)(2) provides that the City’s Development Services Director (“Director”), in his or her discretion, may initiate and conduct an RFA process whenever there is no existing CCBP for a Storefront Retailer in the City; and

WHEREAS, SCC Section 18.49.160(B)(3) provides that the Director, upon initiating an RFA process, shall prepare an RFA for the purpose of soliciting applications for the establishment of a Storefront Retailer, and that responses to the RFA, including regulations and other requirements that the Director may promulgate to guide the RFA process, shall be deemed applications for a CCBP for a Storefront Retailer, pursuant to SCC Sections 18.49.080 and 18.49.090; and

WHEREAS, SCC Section 18.49.160(B)(4) provides that the City Manager shall develop, for Council approval, a process for reviewing and selecting a recommended operator for a Storefront Retailer from applications received through the RFA process; and

WHEREAS, pursuant to SCC Section 18.49.160(B)(4), if the City Council selects a recommended operator for a Storefront Retailer, then upon complying with all applicable City laws and requirements for operation of a Storefront Retailer and any conditions of approval imposed through the RFA process, the successful applicant will be issued a CCBP and will thereafter be authorized to commence business in the City for the one-year term of the CCBP until renewal is required pursuant to SCC Sections 18.49.140 and 18.49.160(B)(6); and

WHEREAS, the City has not yet established, initiated or conducted any RFA process pursuant to SCC Section 18.49.160(B) or issued any CCBP for the establishment or operation of any Storefront Retailer in the City.

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

Section 1. The foregoing recitals are true and correct, and are incorporated herein by this reference.

Section 2. The City Council finds and determines that this Resolution is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), in that there is no possibility that the activity in question may have a significant effect on the environment, because this Resolution merely establishes a process through which applications for issuance of a commercial cannabis business permit authorizing operation of a cannabis storefront retailer in the City can be accepted and evaluated by the City. The actions provided for in this Resolution, taken individually or collectively, do not authorize operation of any cannabis storefront retailer in the City. Any approval of an application for issuance of a commercial cannabis business permit for a storefront retailer, as is necessary for authorization of such an operation, would be the subject of a separate and subsequent review by the City Council. Because separate, subsequent discretionary actions by the City Council are required before a storefront retailer can be authorized to operate in the City, no impact on the environment can result from the actions provided for in this Resolution for purposes of Section 15061(b)(3). Finally, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines Section 15300.2 apply to the actions provided for this Resolution.

Section 3. The “Notice of Request for Applications – Storefront Retailer/Dispensary” (“RFA Notice”), attached hereto as Exhibit “A” and incorporated herein by this reference, is hereby approved. The RFA Notice, or a substantively similar notice, shall be used by the Director for the initiation of any Request for Applications process initiated or conducted by the Director pursuant to SCC Section 18.49.160(B)(2).

Section 4. The “Request for Applications - Guidelines and Procedures” (“RFA Guidelines and Procedures”), attached hereto as Exhibit “B” and incorporated herein by this reference, is hereby approved, and shall apply to any Request for Applications process initiated or conducted by the Director pursuant to SCC Section 18.49.160(B)(2).

Section 5. The “Supplemental Security Requirements – Cannabis Storefront Retailer/Dispensary” (“Supplemental Security Requirements”), attached hereto as Exhibit “C” and incorporated herein by this reference, is hereby approved, and shall apply to any Request for Applications process initiated or conducted by the Director pursuant to SCC Section 18.49.160(B)(2).

Section 6. The City Manager, or his or her designee(s) are authorized to make non-substantive revisions to the RFA Notice, the RFA Guidelines and Procedures, and the Supplemental Security Requirements as they deem necessary to facilitate the orderly and efficient implementation of any Request for Applications process initiated or conducted by the Director pursuant to SCC Section 18.49.160(B)(2).

Section 7. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or any part hereof is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this Resolution or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase may be declared invalid or unconstitutional.

Section 8. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED as a Resolution at a regular meeting of the City Council of the City of Suisun City, California, on this 19th day of February, 2019.

Lori Wilson
Mayor

CERTIFICATION

I, Linda Hobson, City Clerk of the City of Suisun City, California, do hereby certify that the foregoing was adopted by the City Council of the City of Suisun City at a regular meeting held on the ____ day of February, 2019, by the following vote:

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

WITNESS my hand and the seal of said City this ____ day of February, 2019.

Linda Hobson, CMC
City Clerk

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**CITY OF SUISUN CITY
NOTICE OF REQUEST FOR APPLICATIONS
STOREFRONT RETAILER/DISPENSARY**

Date: _____, 2019

As of the date of this Notice, the City of Suisun City (“City”) has released a Request for Applications (“RFA”) pursuant to Suisun City Code (“SCC”) Section 18.49.160(B). The purpose of the RFA is to solicit applications from interested parties seeking to open and operate a cannabis storefront retailer/dispensary (“Storefront Retailer”) in the City. Under SCC Section 18.49.160(A)(1), no more than one (1) Storefront Retailer may be permitted to operate within the City at any given time. Responses meeting the requirements of the RFA shall be considered applications for a Commercial Cannabis Business Permit (“CCBP”) to operate a Storefront Retailer in the City.

BEFORE YOU APPLY:

- Review Chapter 18.49 (Cannabis Regulatory Program) of the Suisun City Code, available at: www.suisun.com/TBD, with particular attention to Sections 18.49.080, 18.49.090, 18.49.150 and 18.49.160.
- Review the other RFA materials available on the City webpage: www.suisun.com/TBD, which includes the following information, in addition to this Notice:
 - RFA Guidelines and Procedures;
 - Supplemental Security Requirements – Storefront Retailers;
 - Resolution No. 19-____, Approving the RFA Guidelines and Procedures, Supplemental Security Requirements, and Notice of RFA;
 - Resolution No. 19-____, Adopting Fees Applicable to the RFA Process; and Notice of Public Hearing Regarding Adoption of Fees;
 - Background Live Scan form and appointment scheduling link;
 - Frequently Asked Questions, as available.
- Review your application in its entirety to ensure it is complete and accurate.

RFA PROCESS

The RFA process is set forth in detail in the RFA Guidelines and Procedures, and is governed by SCC Chapter 18.49. The process consists of the following three phases:

1. Notice and Initiation of RFA Process

With the release of this Notice, the City has initiated the RFA process. This Notice has been posted to the City website and provided to all parties that have requested it from the City.

An informational workshop for potential applicants is scheduled for Thursday, April 11, 2019, at 1:00 p.m. at Suisun City City Hall, 701 Civic Center Blvd. Suisun City, CA 94585. Attendance at the workshop is strongly encouraged, but not mandatory.

2. Application Period

Applications submitted in response to the RFA will be accepted from **8:00 a.m. on Monday, April 22, 2019** through **5:00 p.m. on Wednesday, May 22, 2019**. Applications must be delivered to City Hall no later than **5:00 p.m. Wednesday, May 22, 2019**, in the manner set forth in the RFA Guidelines and Procedures, and must be accompanied by payment of an initial deposit in the amount of \$3,000 toward the CCBP Application Review Fee, as established by the City Council's adoption of the RFA Fee Resolution referenced above.

Late proposals WILL BE REJECTED. Furthermore, a proposal MAY BE REJECTED, in the City's sole discretion, if the application (including any attachments) submitted is deemed incomplete, untimely, or unresponsive to the requirements of the RFA Guidelines and Procedures or SCC Chapter 18.49.

3. Application Review

Upon expiration of the application period, City staff will open and evaluate all applications received pursuant to the RFA. The criteria for evaluation are provided in the RFA Guidelines and Procedures.

City staff will prepare a report summarizing its evaluation of the top five ranked applicants and identifying its recommended applicant, which shall be set for the consideration of the full City Council. The City Council will consider the applications, staff's evaluation, and interviews conducted, and the information presented at the hearing. Using the criteria listed in the City's RFA Guidelines and Procedures, the City Council will determine whether to tentatively approve one of the applicants as the "recommended operator" for issuance of a CCBP pursuant to SCC Section 18.49.160(B)(4).

If the City Council tentatively approves a recommended operator, City staff will work directly with that applicant (commencing upon payment by the applicant of the required deposit toward the CCBP Application Fee, as established by the City Council's adoption of the RFA Fee Resolution referenced above) to complete the City's review of, and preparation of documentation concerning, all aspects of the proposed use, including but not limited to confirmation of compliance with Supplemental Security Requirements for Storefront Retailers/Dispensaries and other RFA materials, confirmation of compliance and compatibility with applicable City laws, regulations, and zoning standards, development of proposed conditions of approval, and CEQA review of the proposed use. City staff will then present the documents to the City Council for consideration of final approval of the applicant for issuance of a CCBP.

Prior to issuance of a CCBP and commencement of operations, the selected applicant/permittee must make payment of all required fees and comply with all applicable City laws, regulations, standards, and conditions as referenced above.

WITHDRAWAL OF APPLICATIONS

An applicant may withdraw his/her application at any time by submitting a written request for withdrawal to:

Tim McNamara
Development Services Director
City of Suisun City
701 Civic Center Boulevard
Suisun City, CA 94585

In accordance with the RFA Guidelines and Procedures, deposited funds remaining unspent at the time of submission of a written request for withdrawal will be refunded. However, deposited funds

which have been applied by the City prior to submission of such a request will not be refunded.

THE CITY'S RESERVATION OF RIGHTS

The City's establishment and initiation of the RFA process does not commit it to pay any costs related to any application, including but not limited to costs incurred in the preparation or review of an application. Notwithstanding initiation of the RFA process, the City is not obligated at any time to approve any application for issuance of a CCBP for a Storefront Retailer. The City may, at any time and in its sole discretion, modify, postpone, or cancel the RFA process and reject all applications without liability, obligation or commitment to any person or entity, and the City is not required to thereafter issue/re-issue any new or subsequent RFA. The City reserves the right to require additional information from any applicant as it deems necessary to complete application review, and reserves the right to waive any irregularities in any application.

CONTACT

If you have any questions please refer to our website at <http://www.suisun.com/TBD/> or e-mail TBD@suisun.com.

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REQUEST FOR APPLICATIONS GUIDELINES AND PROCEDURES

This document (hereafter the “RFA Guidelines and Procedures”) outlines the application process, required materials and review criteria for the consideration of applications, submitted in response to any “Request for Applications” (“RFA”) process initiated by the City of Suisun City (“City”) pursuant to Suisun City Code (“SCC”) Section 18.49.160(B), for a City-issued commercial cannabis business permit (“CCBP”) to operate as a cannabis storefront retailer/dispensary (“Storefront Retailer”) in the City.

To be considered under the first RFA process initiated by the City pursuant to SCC Section 18.49.160(B) and these RFA Guidelines and procedures, applications must meet the criteria set forth herein, satisfy any and all other applicable requirements as set forth in SCC Chapter 18.49, and be submitted to the City during the RFA application period of 8:00 a.m. Monday, April 22, 2019 through 5:00 p.m. Wednesday, May 22, 2019. Applicants must **schedule an appointment** to submit an application, and applications (with applicable fees) shall be submitted to the Development Services Department located at 701 Civic Center Blvd., Suisun City, CA 94585.

An informational workshop for potential applicants is scheduled for 1:00 p.m., Thursday, April 11, 2019, at the Suisun City City Hall, 701 Civic Center Blvd. Suisun City, CA 94585. Attendance at the workshop is strongly encouraged, but not mandatory.

Application Requirements

Each application shall include the materials and comply with the requirements set forth in these RFA Guidelines and Procedures, as follows (without limitation as to any other applicable requirements set forth in SCC Chapter 18.49 or otherwise established by or pursuant to the authority of the City Council):

1. **Application Submission.** Applicants, by appointment, must hand-deliver five (5) completed and signed copies of their application, including all attachments, along with a flash drive containing one completed and signed copy of the application in PDF format, and payment of the required application fees, to the City’s Development Services Department during the application period. All application contents, as provided above, shall be enclosed in a sealed envelope or container and addressed to the City of Suisun City, Development Services Department, 701 Civic Center Blvd., Suisun City, CA 94585. **Late applications will not be accepted or considered.** No person or entity may submit multiple applications. The applicant shall be the owner(s) of the proposed Storefront Retailer that is the subject of the application.
2. **Application Deposit.** Payment of an initial deposit, in the amount established by resolution of the City Council, toward the Preliminary RFA Application Review Fee is required at the time of application submission, and may be made by a certified check, cashier’s check, or money order made payable to the City. Deposited amounts expended by the City are non-refundable. Deposited amounts remaining unexpended upon the conclusion of the RFA process will be refunded upon request of the fee payor.
3. **Required Application Contents.** Applications must include the following sections, lettered and in the sequence as noted.
 - A. **Application Form.** Include a fully completed and signed RFA application form in each set of application materials. The form will be promulgated by the City’s Development Services Department and provided by said department to prospective applicants upon request.
 - B. **Proposed Location.** Include the address, assessor’s parcel number(s), and a detailed description of the proposed location. This section should also describe and generally

characterize all uses within 600 feet of the property line of the proposed location. The proposed site may not be located within 600 feet of a K-12 school, commercial daycare center, or youth center.

- C. **Site Control.** Provide a statement regarding whether the applicant has legal control of the proposed Storefront Retailer site or location. The City considers site control a significant advantage in enabling an operator to commence business activities in a timely manner. Demonstration of any legal control through proof of ownership, tenancy, or other legal right or entitlement to control of the site should be included with the application.
- D. **Business Plan.** With as much detail as possible, describe:
- The day-to-day operations of the proposed Storefront Retailer, which are to meet industry best practices for Storefront Retailer uses.
 - How the proposed use will conform to local and state laws and regulations.
 - How cannabis and cannabis products will be tracked and monitored to prevent theft and diversion.
 - A schedule for commencement of operation, including a narrative outlining any proposed construction and improvements and a timeline for completion of work.
 - A budget for construction, operation, maintenance, compensation of employees, equipment costs, utility costs, and other operation costs. The budget must demonstrate sufficient capital in place to pay startup costs and at least three months of operating costs, and must describe the sources and uses of funds.
 - A pro forma for at least three years of operation.
- D. **Compliance with City Regulations.** Describe in detail how the proposed use will comply with SCC Sections 18.49.150 “General Operating Standards and Restrictions” 18.49.160 “Commercial Cannabis Retailer (Storefront and Non-Storefront): Establishment, Operating Standards and Restrictions.”
- E. **Floor Plan.** Depict existing and proposed conditions. The floor plan(s) should be accurate, dimensioned and to-scale (minimum scale of 1/4”). If new building construction is proposed, provide a preliminary site layout and floor plan.
- F. **Qualifications of Applicants.** Include information concerning applicant’s past experience with operation of any commercial cannabis businesses, including, but not limited to, Storefront Retailers/Dispensaries. Provide details on all such businesses that have been under the full or partial ownership or management of the applicant, including the full legal name, location, commencement date, and current status of the operation (including date of termination of the business and description of the reason for termination, if applicable). To the extent applicable, disclose and describe: (1) any and all state or local cannabis permits or licenses currently held by the business or applicant; (2) any administrative order or civil judgment ever entered against the business or applicant for violation of labor standards; (3) any suspension or revocation of a state or local cannabis license or permit ever held by the business or application; and (4) any sanctions for unlicensed/unpermitted commercial cannabis activity ever imposed by a state or local agency against the business or applicant.
- G. **Special Qualifications.** Describe any special qualifications or licenses of the applicant that would add to the number or quality of services that the proposed Storefront Retailer

would provide, especially in areas related to medicinal or scientific applications of cannabis or cannabis products.

- H. **Neighborhood Compatibility.** Address the degree to which the proposed use is compatible with surrounding uses and how the proposed use, including its exterior areas and surrounding public areas, will be managed to avoid becoming a nuisance or having impacts on its neighbors and the surrounding community. Include a site plan (accurate, dimensioned and to-scale) for the proposed location.
- I. **Safety and Security Plan.** The application shall include:
- A detailed security plan meeting and confirming ability to comply with the requirements of SCC Section 18.49.150(H) and the Supplemental Security Requirements for Storefront Retailers/Dispensaries adopted by the City Council. This plan should also include a description and detailed schematic of the overall facility security of the proposed use. It should have details on operational security, including but not limited to general security policies for the facility, employee specific policies, training, sample written policies, transactional security, visitor security, third party contractor security and delivery security. In particular, applications should address ingress and egress, perimeter security, product security (at all hours), internal security measures for access (area specific), types of security systems (alarms and cameras), and security personnel to be employed. Security plans will not be made public.
 - A detailed fire safety plan. This plan should describe the fire prevention, suppression, HVAC and alarm systems the facility will have in place. An appropriate plan will have considered all possible fire, hazardous material, and inhalation issues/threats and will have both written and physical mechanisms in place to deal with each specific situation. The plan should reflect compliance with all applicable provisions of the California Fire Code and other applicable laws and regulations.
 - A detailed fire evacuation plan. This plan should depict the location of all exits, the primary and secondary evacuation routes, and the distance to all exits. The plan should reflect compliance with all applicable provisions of the California Fire Code and other applicable laws and regulations.
- J. **Community Benefits.** Describe the benefits that the proposed use would provide to the local community, such as community contributions, participation in or support of community organizations, drug abuse awareness education, or other contributions or activities that will benefit the community.
- K. **Air Quality/Odor Control Plan.** Describe how interior air circulation, ventilation and filtration systems will minimize impacts to employees' and customers' health and welfare and prevent any odor impacts to surrounding businesses or the public.
- L. **Labor & Employment.** The application should describe to what extent the Storefront Retailer will adhere to heightened pay and benefits standards and practices, including recognition of the collective bargaining rights of employees. Specific practices that are subject to consideration include the following:
- Providing a description of proposed payroll practices/use of payroll consultants that document employee compensation.
 - Providing compensation to and opportunities for continuing education and training of employees/staff (include proof of the proposed business' policies and regulations

for employees);

- Providing a “living wage” to the proposed business’ staff and employees. The proposed wage scale should be provided in writing for all levels of employment within the business. “Living Wage” shall mean 150% of the minimum wage mandated by California or Federal law, whichever is greater.
- Describing the extent to which the proposed business will be a locally managed enterprise whose owners reside in or within the vicinity of the City.

M. **Alternative Tax Proposal.** In November 2018, the voters of the City approved the Suisun City Marijuana Business Tax, establishing a maximum tax rate of 15% of gross receipts plus an annual tax of \$25.00 per square foot of space used for commercial cannabis activities. The City Council is authorized to adjust the tax rate at any time without further voter approval, provided the adjusted rate does not exceed the maximum rate. The maximum rate applies by default unless it has been adjusted downward by the City Council. Notwithstanding any such reduction, the City Council retains authority to thereafter increase the rate by any amount up to the maximum. If the applicant wishes to request a reduced tax rate applicable to Storefront Retailers/Dispensaries, such request must be included in the application.

N. **Criminal History Check.** As part of the RFA Process, each owner and manager of the proposed Storefront Retailer must undergo a criminal background check, administered by the Suisun City Police Department using “Live Scan,” demonstrating that he or she has not been convicted within the last ten years of a felony substantially related to the qualifications, functions or duties of operation of a Storefront Retailer (such as a felony conviction for distribution of controlled substances, money laundering, racketeering, etc.). All fees and costs associated with completing background checks shall be paid by the applicant. No individual who does not undergo and pass the required background check shall be involved in the operation or ownership of a Storefront Retailer in the City, unless such individual has obtained a certificate of rehabilitation (expungement of felony record) for the applicable transgression(s) under California law or under a similar federal statute or state law where the expungement was granted. The application for the Live Scan and appointment link will be made available on the City’s website. Persons who do not meet criminal history eligibility requirements will be disqualified from the RFA process.

4. Application Process

A. **Application Period.** As noted above, applications under the first RFA process initiated by the City pursuant to SCC Section 18.49.160(B) and these RFA Guidelines and Procedures will be accepted from 8:00 a.m. Monday, April 22, 2019 through 5:00 p.m. Wednesday, May 22, 2019. Late applications will not be accepted.

B. **Review Process.** After the application period has expired, the Director and/or his/her designees shall open and evaluate all applications received pursuant to the RFA process. The criteria for evaluation are listed in Section 5 below.

City staff will then prepare a report summarizing its evaluation of the top five ranked applicants and identifying its recommended applicant, which shall be set for the consideration of the full City Council. The City Council will consider the applications, staff’s evaluation, and any interviews conducted. Using the criteria listed in Section 5 below, the City Council shall determine whether to tentatively approve one of the applicants as the “recommended operator” for issuance of a CCBP pursuant to SCC

Section 18.49.160(B)(4).

If the City Council tentatively approves a recommended operator, City staff will work directly with that applicant (commencing upon payment by the applicant of the required deposit toward the Application Fee as established by resolution of the City Council) to complete the City's review of, and preparation of documentation concerning, all aspects of the proposed use, including but not limited to confirmation of compliance with the Supplemental Security Requirements for Storefront Retailers/Dispensaries, applicable City laws, and regulations and zoning standards, development of draft conditions of approval, and CEQA review of the proposed use. City staff will then present the selection/approval documents to the City Council for consideration of final approval of the applicant as the "recommended operator" pursuant to SCC Section 18.49.160(B)(4).

As provided in SCC Section 18.49.160, final approval of a "recommended operator" pursuant to this RFA process shall constitute approval of issuance of a CCBP to the selected applicant. Prior to commencement of operations, the selected applicant/permittee must make payment of all required fees and comply with all applicable laws, regulations, standards and conditions, as referenced above.

- C. **Withdrawal of Application.** Any applicant may withdraw his/her application at any time by submitting a written request for withdrawal to:

Tim McNamara
Development Services Director
City of Suisun City
701 Civic Center Boulevard
Suisun City, CA 94585

Any fees deposited and applied to the City's costs up to the time of submission and processing of the request for withdrawal will not be refunded.

5. **Scoring Criteria for Application Evaluation.** The City will consider the following selection criteria in its evaluation of applications submitted under this RFA, and will award up to a maximum of 200 points to each application received.
- Alternative Tax Proposal (0 - 35 points)
 - Business Plan (0 - 25 points)
 - Community Benefits (0 - 20 points)
 - Compliance with City Regulations (0 - 15 points)
 - Labor & Employment (0 - 20 points)
 - Neighborhood Compatibility (0 - 20 points)
 - Safety and Security Plan (0 - 30 points)
 - Site Control (0 - 15 points)
 - Qualifications of Owners (0 - 20 points)
6. **Amendments to the Application.** An applicant will not be allowed to amend or supplement its application, except as otherwise specifically provided for in these procedures or SCC Chapter 18.49, or as authorized in writing by the Director or designee. The City may, at its discretion, request supplemental information to clarify the qualifications of an applicant.

7. **Cash Deposit.** The City anticipates generation of local revenue from operation of a permitted Storefront Retailer in the form of payment of the voter-approved Suisun City Marijuana Business Tax at the rates set forth in the tax ordinance, as adjusted by the City Council (including through action upon an Alternative Tax Proposal pursuant to the RFA process). The failure of an approved operator to open a Storefront Retailer business in a timely manner, or to remain in operation for a reasonable period of time, would result in a negative fiscal impact to the City. To provide security to the City against this risk, the applicant selected by the City Council for tentative approval as the recommended operator, prior to final approval as recommended operator and issuance of a CCBP, shall provide a cash deposit to the City in the amount of \$50,000. In the event such applicant does not receive final approval from the City Council, the cash deposit shall be returned to the applicant.

The cash deposit shall be forfeited to the City if: (1) the permittee fails to commence operations as a Storefront Retailer within a reasonable period of time as be determined by the Director based upon the physical improvements required to open and operate the business (e.g. tenant improvements at an existing business versus new building construction); or (2) the permittee fails to remain in operation as a Storefront Retailer for a period of twenty-four (24) months.

If the permittee opens the Storefront Retailer within a reasonable period of time and maintains operations for a period of twenty-four (24) months, then the cash deposit and any associated revenue generated by the cash deposit shall be returned to the permittee.

8. **The City's Reservation of Rights.** The initiation or conducting of an RFA process does not commit the City to approve any application for CCBP issuance or pay any costs related to any application, including but not limited to those costs incurred in the preparation or processing of an application. The City reserves the right to reject all applications submitted in response to any RFA for a Storefront Retailer at any time, with or without any cause or reason. The City may also modify, postpone, or cancel the RFA process at any time with or without cause or reason, and without liability, obligation, or commitment to any party, firm, or organization. After taking such action, the City is not obligated to resume such process or to initiate any new RFA process at any time. The City reserves the right to request and obtain additional information from any candidate submitting a proposal and reserves the right to waive any irregularities in any proposal. Late proposals WILL BE REJECTED. Furthermore, a proposal MAY BE REJECTED, in the Director's (or designee's) sole discretion, if the application or documents submitted are incomplete or not responsive to the requirements of this application procedure.
9. **Definitions.** Except as otherwise defined herein, and to the extent applicable, the terms used in these RFA Guidelines and Procedures shall have the definitions set forth in SCC Chapter 18.49.

City of Suisun City
Supplemental Security Requirements
Cannabis Storefront Retailer/Dispensary

The following requirements are intended to be supplemental to the security requirements set forth in SCC Chapter 18.49, including but not limited to Section 18.49.150 and 18.49.160(A). Storefront retailers will be required to comply with these requirements in addition to (rather than in lieu of) those requirements. Determinations regarding compliance with these requirements will be made by the City Manager (or his or her designee), in his or her sole discretion.

General Security Requirements

1. Retail sales buildings must be permanent structures meeting applicable building codes and state cannabis laws and regulations.
2. All storage rooms are to be located inside the secured space. Customer areas and public hallways must not have direct access to a storage room.
3. Storage room door(s) must be equipped with card access control and must not include relites, glass, or other transparent material.
4. A secured, fully enclosed space, defined by an interior barrier not less than 7 feet tall, shall be established within the secured space of the business for the delivery of cannabis products.
5. All walls must be full height and slab-to-slab construction (no access from crawlspace). The walls must not allow people to climb over, through, around, or under them to gain access into the space.
6. Secured space and sales space must be secured from the lobby by a clearly defined perimeter of physical barriers (walls) and doors with security devices (card readers). This perimeter should be solid and there should be no gaps in the barriers large enough to pass items through, over, or around.
7. Doors located in the path of egress through lobbies and reception areas must have glass viewing panels.
8. Cash reserves stored on premises overnight shall be secured.
9. There shall be no operable/openable first-floor windows.
10. If multiple reception staff will be in the lobby at one time, duress buttons must be configured as follows:
 - a. For multiple workstations, a button must be installed at each work station.
 - b. For a single workstation shared by more than one receptionist, one duress button must be provided for each receptionist.
11. All receptionists' duress button(s) must be:
 - a. Out of view of customers and the public and beneath the reception desk.
 - b. Within easy and inconspicuous reach of the receptionist's normal position.
 - c. Positioned so as to limit the risk of false alarm activation (for example, bumping the button with one's knee).
12. If the site includes entrance/exit gates, such gates shall be equipped with a "Knox" key override to allow police and fire access to the facility during an emergency.

Doors and Access Requirements

1. Lobby entry doors must meet or exceed the minimum requirements of a card reader access door and must meet all the other requirements listed in this section.
2. All lobby entry doors must be equipped with electrified locking hardware that may be associated with a time zone for automatic locking and unlocking purposes. This time zone must be predicated on building business hours as determined by lobby staffing requirements, and the front doors must never be unlocked unless the reception desk is staffed. Outside of normal business hours, lobby entry doors must only be accessible by following normal procedures for card reader door entry.
3. All interior doors located in the lobby/reception area and leading to secured space or sales space must meet or exceed the minimum requirements of a card reader access door.
4. Interior doors to secured space or sales space within view of the receptionist can be configured for remote release by using a card reader located on the underside of the reception desk. The receptionist(s) will use this card reader to remotely release the doors as required, allowing entry to visitors. If multiple doors require remote release, each door must have a separate card reader on the underside of the desk, configured for remote door release of the corresponding door. Individual remote door release card readers must be spaced a sufficient distance from one another to prevent accidental release of an unintended door.
5. Lobby doors and interior doors to secured space and sales space must not suffer unintentional unlocking or alarm shunting due to pedestrian traffic. Therefore, request to exit (REX) motion detectors cannot be utilized to unlock these doors.
6. Interior security doors that are not in view of the receptionist must not be enabled for remote release by a card reader and must function as standard card reader access doors. It is allowable to use surveillance to make these doors "in view," if the receptionist is equipped with both video and audio communication to the remote door, including a viewing monitor at each receptionist's workstation. The viewing monitor must not be part of the receptionist's computer workstation and must not be connected to the monitored security system.

Video Surveillance

1. CCTV general requirements.
 - a. All cameras shall be minimum 1080P HD.
 - b. All video surveillance cameras shall include remote focus functionality.
 - c. Cameras on all perimeter doors.
 - d. Building perimeter to be fully covered by CCTV surveillance.
 - e. Cameras to view parking lot, entrances and exits.
 - f. CCTV storage to be a minimum of 90 days.
 - g. Cameras in public areas to give a general overview of the area.
2. The entire opening of all entry and exit doorways must be captured as primary views.
3. Primary views are required of all Lobby doors that provide entry from the building's exterior space into the lobby.

4. The entire lobby space must be monitored by security video cameras. All required views of the lobby space, primary or incidental, must be captured by cameras located within the lobby space.
5. The entire reception desk area must be monitored and recorded by the security video system to produce primary views.
6. The entire reception desk area must be monitored by a security video primary camera and recorded.
7. The field of view for the reception desk camera must include the area directly in front of the reception desk, including a clear view of both the face of the persons standing in that location and a view of items they are holding.
8. All persons entering the employee space from the lobby must be monitored by security video cameras and recorded.
9. A dedicated incidental video camera must be placed on the outside of the storage room. The camera should be located on the unsecured side of the door with an unobstructed view of both the doorway and the card reader. The field of view for this camera must provide a clear view of both the face of the person entering and a view of items being carried into the premises by that person. This field of view must be limited to the doorway only, in order to provide full-size images. It must not be possible for any person to enter using the door from any angle without being captured and identified on camera.
10. An incidental camera will also be located within the room and positioned to view the entire room and the entry door to the room (whenever possible).

General Lighting Requirements

1. Lighting must be designed to support security video surveillance by avoiding fixture placement that results in high glare or extreme ranges of luminance in the view of any camera.
2. Lighting Measurements Note: One foot-candle (fc) = 10.764 lux. The fc (or lumen per square foot) is a unit of luminance. Lux and fc are different units of the same quantity.
3. Bollard lighting, lamp standard lighting, low-level lighting, and uplights are not sufficient or adequate for these purposes.
4. The lighting element types must support color video monitoring and recording. Therefore, sodium vapor elements and other elements that do not support color rendition must be avoided.

Interior Lighting Requirements

1. Building entry and exit lobbies must be illuminated to 5 fc/50 lux.
2. Main storage rooms must be illuminated to a minimum of 30 fc/300 lux when in use.
3. Indoor lighting levels must support interior video surveillance design. Indoor lighting must not be on a switchable circuit and must not be lower than 0.25 fc at any time.

Exterior Lighting Requirements

1. Lighting must be sufficient to enable the identification of all people and activity 24 hours per day, in any weather, and must deter concealment in all locations where video camera coverage is installed.

2. All exterior lighting during the hours of darkness will be a minimum of 1 foot-candle uniform at plane, dependent on the range and angle of view, for all areas except walkways and loading docks. Exterior lighting must not be on any form of switched circuit.
3. Exterior walkways must be illuminated to 3 fc/30 lux at plane.
4. Loading docks must be illuminated to 5 fc/50 lux at plane when in use during hours of darkness and to 3 fc/30 lux when not in use during hours of darkness.
5. Vehicular entry and exit points should be illuminated to 3 fc/30 lux.
6. Parking lots and parking garages must be illuminated to 2 fc/20lux.
7. Perimeter fencing/walls surrounding high value spaces must be illuminated to 2 fc/20lux.

Landscaping

1. Landscaping for parking lots (car parks) will be composed of low shrubbery and trees that are sufficiently pruned to enable visibility through the planted areas of any individuals in or behind those areas. Foliage shall not compromise the lighting criteria nor interfere with camera views as applicable.
2. Trees and shrubs around buildings must be kept trimmed to prevent obstruction of intended fields of view for security cameras and to allow clear fields of view for pedestrians and drivers. Care should be taken in trimming to eliminate potential areas of obstruction or concealment and to keep lines of sight clear.

Fencing

1. Exterior fencing shall consist of 8-foot-high wrought iron with hooks facing out on all perimeter fence lines, or an alternative design as approved by the Director or his/her designee, and shall be provided for all exterior secured spaces and business services areas, excluding street frontage and public parking areas.
2. All fencing shall be based in concrete, asphalt or a similar hard surface material.

Definitions

1. "Public space" shall mean any space to which the public may be granted access, including lobby and sales areas.
2. "Lobby" and "lobby space" shall mean those areas where members of the public may enter and present identification prior to accessing sales areas.
3. "Lobby entry doors" shall mean any authorized entry doors that allow entry to the lobby from an outdoor or non-public space.
4. "Sales area" shall mean the floor area where cannabis or cannabis products are displayed for public viewing and where sales transactions occur.
5. "Secured space" shall mean all spaces where public access is restricted, and shall include all areas of the business other than lobby areas and sales areas.

RESOLUTION NO. 20-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, ADOPTING FEES APPLICABLE TO CANNABIS STOREFRONT RETAILER PERMITTEES AND APPLICANTS PURSUANT TO ANY REQUEST FOR APPLICATION PROCESS FOR CANNABIS STOREFRONT RETAILERS INITIATED BY THE CITY PURSUANT TO CHAPTER 18.49, “CANNABIS REGULATORY PROGRAM,” OF THE SUISUN CITY CODE

WHEREAS, on May 29, 2018, the City Council adopted Ordinance No. 750, adding Chapter 18.49 (“Cannabis Regulatory Program”) to the Suisun City Code (“SCC”) to establish a comprehensive regulatory scheme relating to commercial cannabis activities, including requiring all commercial cannabis uses to obtain a commercial cannabis business permit issued by the City of Suisun City (“City) prior to commencing operation; and

WHEREAS, SCC Section 18.49.210 provides that an application fee set by resolution of the City Council shall be required for formal processing of every application made under SCC Chapter 18.49, and that the City Council is authorized to adopt resolutions to recover any and all fees and costs incurred in the administration and enforcement of this chapter through an appropriate fee recovery mechanism to be imposed on commercial cannabis operations; and

WHEREAS, SCC Sections 18.49.050(C) and 18.49.160(B) limit the total number of “Storefront Retailers” (e.g. commercial cannabis businesses requiring a Type 10 State License, also referred to as dispensaries) that may hold a permit to operate in the City at any given time to one Storefront Retailer, and SCC Section 18.49.160(B) provides that applications for Storefront Retailers may only be accepted pursuant to a Request for Applications (“RFA”) process conducted pursuant to SCC Section 18.49.160(B); and

WHEREAS, SCC Section 18.49.160(B)(3) provides that the City’s Development Services Director (“Director”), upon initiating an RFA process, shall prepare an RFA for the purpose of soliciting applications for the establishment of a Storefront Retailer in the City, and that responses to the RFA, including regulations and other requirements that the Director may promulgate to guide the RFA process, shall be deemed applications for City-issued commercial cannabis business permits for Storefront Retailers, pursuant to SCC Sections 18.49.080 and 18.49.090; and

WHEREAS, if and when the Director initiates an RFA process, the City will necessarily incur costs related to review and processing of each application received pursuant to the RFA, and recovery of such costs is necessary for the City to cover its operating expenses; and

WHEREAS, upon selection and approval by the City Council, and upon complying with all City regulations and obligations for operation of a Storefront Retailer, and upon compliance with any conditions of approval imposed through the RFA review process, the successful applicant will be issued a commercial cannabis business permit (“Permit”) and will thereafter be authorized to commence business in the City for the one-year term of the Permit until renewal is required pursuant to SCC Sections 18.49.140 and 18.49.160(B)(6).

WHEREAS, during the one-year term of the Permit, City staff will be required to perform various administrative services and regulatory activities pertaining to the permitted Storefront Retailer, such as permit inspections, audits and investigations, as required by SCC Chapter 18.49, and recovery of such costs is necessary for the City to cover its operating expenses.

WHEREAS, based on the foregoing, the City Council has determined it is necessary, prior to initiating any RFA process for Storefront Retailers, to adopt permit application fees and annual permit fees applicable to Storefront Retailers (and proposed Storefront Retailers) which may apply to and ultimately be permitted by the City pursuant to such a process.

WHEREAS, City staff has conducted an analysis of the City's anticipated costs of providing the services and regulatory activities for which the above-referenced fees are to be charged pursuant to SCC Chapter 18.49, which analysis is attached hereto as Exhibit "A" and incorporated herein by reference (the "Fee Analysis"); and

WHEREAS, based on the Fee Analysis, the City has determined that the interests of the City and the Storefront Retailer applicants would be best served by establishing the fees as deposit-based fees pursuant to SCC Chapter 18.49, with any deposited amounts remaining unspent after completion of the services to be refunded to the depositor; and

WHEREAS, the initial deposit amounts established by this Resolution bear a reasonable relationship to, and do not exceed, the estimated costs of the City in providing the applicable service and/or regulatory activity; and

WHEREAS, pursuant to Government Code Sections 66016 and 66018, the specific fees to be charged by a city for certain regulations, services and products may be adopted by resolution, following notice and a public hearing; and

WHEREAS, the City has established various fees and charges for the purpose of recovering the costs of certain City services and regulatory activities, based on analyses of the costs of providing those services and regulatory activities, and has incorporated such fees and charges into a Master Fee Schedule, which was most recently adopted/amended pursuant to Resolution No. 2018-100 (the "Master Fee Schedule"); and

WHEREAS, notice of a public hearing to be conducted by the City Council on February 19, 2019 to consider adoption of the fees provided for in this Resolution (the "Notice") was given pursuant to Government Code Section 6062a by publication in the *Daily Republic* a newspaper of general circulation, on February 6, 2019 and February 13, 2019; and

WHEREAS, the Notice, including a general explanation of the matter to be considered, and a statement that the data required by Government Code Section 66016 is available, was mailed at least 14 days prior to the February 19, 2019 meeting to all interested parties who filed a written request with the City for mailed notice of the meeting on new or increased fees or service charges, to the extent any such requests were received; and

WHEREAS, the proposed fees to be adopted pursuant to this Resolution, including the Fee Analysis, as is required by Government Code Section 66016, were made available for the public's review at the City Clerk's Office and the Development Services Department of City

Hall, located at 701 Civic Center Boulevard, beginning on February 6, 2019, and on the City's website beginning on February 13, 2019; and

WHEREAS, at the time and place specified in the Notice, the City Council conducted the duly noticed public hearing concerning the proposed fees contemplated by this Resolution, and heard oral and written presentations made and received, as part of its regularly scheduled meeting on February 19, 2019; and

WHEREAS, based upon the Fee Analysis and the oral and written presentations made during the public hearing by City staff and members of the public, including but not limited to staff reports, exhibits, attachments, the City Council now desires to adopt the fees set forth herein pursuant to SCC Chapter 18.49, and to incorporate said fees into the Master Fee Schedule; and

WHEREAS, all requirements of applicable law have been satisfied with respect to the procedural requirements for adoption of the proposed fees contemplated by this Resolution.

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

Section 1. The above recitals are true and correct, and are incorporated herein by this reference.

Section 2. The City Council hereby makes the following findings, based upon the Fee Analysis and the oral and written presentations made during the public hearing by City staff and members of the public, including but not limited to staff reports, exhibits, attachments:

A. The adoption of fees pursuant to this Resolution does not constitute a project under the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines §15378(b)(4), because the fees contemplated by this Resolution are for the purpose of defraying the costs borne by the City in providing certain services and conducting regulatory activities pursuant to the City's commercial cannabis regulatory program, and therefore are for the creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Furthermore, even if the adoption of fees pursuant to this Resolution does constitute a project under CEQA, said action is exempt from CEQA under CEQA Guidelines Sections 15061(b)(3), in that there is no possibility that the activity in question may have a significant effect on the environment, because the adoption of these fees relates only to the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to a specific project, and which do not have the effect of permitting new uses within the City. Additionally, the adoption of fees pursuant to this Resolution is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(1) and 15273 because it is for the establishment of charges which the City Council finds are for the purpose of meeting City operating expenses. Finally, none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines Section 15300.2 apply to the adoption of fees pursuant to this Resolution.

B. Given the uncertain nature of the City's actual costs of providing the services and regulatory activities for which the application review and processing fees contemplated by this Resolution are charged, use of trust deposit-based fees (whereby the applicant makes an

initial payment into a trust account which is drawn down upon by the City as necessary to cover its actual costs, and thereafter replenished upon request of the City as necessary to cover any additional actual costs, and ultimately refunded to the depositor to the extent there are any unspent amounts remaining after completion of the services) for such fees is in the best interests of fairness to both the City and the applicants/fee payors, and is in accordance with the provisions of SCC Chapter 18.49.

C. The initial deposit and fee amounts adopted pursuant to this Resolution bear a reasonable relationship to, and do not exceed, the estimated amounts required to provide the services for which the fees adopted pursuant to this Resolution are charged. The initial deposit amounts are estimates of the anticipated costs of providing the respective application review services for which the fees are charged.

Section 3. The Fee Analysis, including the data and calculations set forth therein, is hereby approved and adopted.

Section 4. Application Review Fee Adopted. A “Storefront Retailer Commercial Cannabis Business Permit Application Review Fee” is hereby adopted pursuant to Suisun City Code (“SCC”) Sections 18.49.160(B) and 18.49.210. The fee shall be a deposit-based fee subject to the replenishment and refund procedures set forth in Section 7 of this Resolution. There shall be a mandatory initial deposit toward payment of the fee in the amount of \$3,000, based on the City’s estimated costs of providing the administrative services detailed in Section I, Table 1 of the Fee Analysis. The fee shall be paid by all persons applying to the City for a commercial cannabis business permit pursuant to any RFA process initiated by the City pursuant to SCC Section 18.49.160(B). Payment of the initial deposit shall be a condition of review or consideration of any such application received.

Section 5. Application Fee Adopted. A “Storefront Retailer Commercial Cannabis Business Permit Application Fee” is hereby adopted pursuant to Suisun City Code (“SCC”) Sections 18.49.160(B) and 18.49.210. The fee shall be a deposit-based fee subject to the replenishment and refund procedures set forth in Section 7 of this Resolution. There shall be a mandatory initial deposit toward payment of the fee in the amount of \$5,160, based on the City’s estimated costs of providing the administrative services detailed in Section I, Table 2 of the Fee Analysis. The fee shall be paid by all persons tentatively approved by the City Council as a “recommended operator” under SCC Section 18.49.160(B)(4) as part of any RFA process conducted pursuant to SCC Section 18.49.160(B). The mandatory initial deposit shall be a condition of City staff’s performance of the services necessary to administer the application from the time of such tentative approval to the time of final review and/or issuance of the commercial cannabis business permit by the City Council.

Section 6. Annual Fee Adopted. A “Storefront Retailer Commercial Cannabis Business Permit Annual Fee” for storefront retailers/dispensaries is hereby adopted pursuant to Suisun City Code Sections 18.49.160(B) and 18.49.210. The fee shall be in the amount of \$4,320, based on the City’s estimated annual costs of performing the required administrative functions pursuant to Suisun City Code Chapter 18.49, as detailed in Section II of the Fee Analysis. The fee shall be paid annually as a condition of issuance or renewal of the permittee’s commercial cannabis business permit.

Section 7. Deposit Procedures.

A. All deposits made toward payment of fees associated with the review of applications as provided for in this Resolution shall be made into trust accounts held by the City and shall be drawn down upon by the City as necessary to cover the actual costs of the services for which the fees are charged.

B. In the event any deposited amount exceeds the City's actual costs of providing the services for which the fee is charged, the unspent amounts shall be refunded to the fee payor upon written request to the Director. No excess determination or refund pursuant to this subsection shall be made until the services for which the fee was charged have been completed.

C. In the event the City's actual costs of providing the services exceed any deposited amount, the City may require the fee payor to replenish the deposit in an amount equal to the estimated costs to complete the services for which the fee is charged.

D. If any application is withdrawn, then, upon written request to the Director, the unspent portions of any initial or subsequent deposit shall be refunded to the fee payor upon request.

Section 8. The Master Fee Schedule is hereby amended as necessary to adopt and incorporate therein the fees established by this Resolution. The revised Master Fee Schedule, attached hereto as Exhibit "B" and incorporated herein by reference, is hereby adopted.

Section 9. The City Council hereby authorizes the City Manager, or his or her designee(s), to adopt administrative procedures and regulations for the collection and administration of the deposits and fees contemplated by this Resolution, provided that such administrative procedures and regulations are consistent with this Resolution and applicable law, including SCC Chapter 18.49.

Section 10. The fees established pursuant to this Resolution may be changed from deposit-based fees to non-deposit-based fees and/or from non-deposit based fees to deposit-based fees by further resolution of the City Council. Additionally, the amounts, rates, methodologies and calculations of any and all fees and deposits set by this Resolution may be changed by further resolution of the City Council. New or additional fees may be established pursuant to Suisun City Code Chapter 18.49 by further resolution of the City Council.

Section 11. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or any part hereof is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this Resolution or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

Section 12. The fees established pursuant to this Resolution shall take effect 60 days following the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED as a Resolution at a regular meeting of the City Council of the City of Suisun City, California, on this 19th day of February, 2019.

Lori Wilson
Mayor

CERTIFICATION

I, Linda Hobson, City Clerk of the City of Suisun City, California, do hereby certify that the foregoing was adopted by the City Council of the City of Suisun City at a regular meeting held on the ____ day of February, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

WITNESS my hand and the seal of said City this ____ day of February, 2019.

Linda Hobson, CMC
City Clerk

EXHIBIT A – DEPOSIT AND FEE ANALYSIS

**I. Storefront Retailer/Dispensary Commercial Cannabis Application
Review and Commercial Cannabis Business Permit Issuance – Deposit for Services**

Processing of applications under the Storefront Retailer/Dispensary Request for Applications (RFA) process shall be performed on a time and materials basis with each applicant being charged the actual cost and rates incurred in the processing of an application.

Efforts associated with the processing of RFA applications will be completed by a combination of City staff and consultants retained by the City. For purposes of calculating the initial deposits, the costs associated with tasks below reflect the combined costs of staff and consultants with an estimated average billing rate of \$120 per hour. However, deposits will be drawn down upon based on the actual rate(s) of the personnel performing the necessary services.

The deposit amount described herein is anticipated, but not guaranteed, to fund the full cost of processing applications. If additional funding is required to cover the actual costs of services performed, the applicant will be required to replenish the deposit in accordance with the process established by resolution of the City Council. If any deposited amounts exceed actual costs upon completion of the services for which the fees are charges, the excess amounts will be refunded in accordance with the process established by resolution of the City Council.

For purposes of this analysis, it is assumed that three applications will be received under the RFA process. The analysis provided in Table 1 establishes an initial deposit amount that funds efforts through tentative approval of a recommended Cannabis Storefront Retailer operator by the City Council.

Table 1. Preliminary RFA Application Review			
Service	Total Hours	Hours per Application	Cost per Application
Prepare for and conduct informational workshop	15	5	\$600
Respond to inquiries prior to and during the application period	12	4	\$480
Evaluate applications received in response to the RFA	24	8	\$960
Prepare reports and recommendations to the City Council Subcommittee and to the City Council	12	4	\$480
Conduct meetings with the City Council Subcommittee and the City Council	12	4	\$480
Cost for RFA Application Preliminary Review and Processing	\$3,000		

Following tentative approval by the City Council, the recommended operator will be required to pay the initial deposit toward the Application Fee for costs related to final review/approval of the commercial cannabis business permit, as established in Table 2.

Table 2. Final Review and Approval of Recommended Operator			
Service	Total Hours	Hours per Application	Cost per Application
Prepare CEQA analysis and conditions of approval for the selected operator	20	20	\$2,400
Prepare for and conduct final City Council approval meeting	8	8	\$960
Establishment of procedures and practices to administer the permitted business	15	15	\$1,800
Cost for Final Application Processing for City Council Consideration of Commercial Cannabis Business Permit Approval	\$5,160		

II. Storefront Retailer/Dispensary Commercial Cannabis Business Permit Annual Fee

The City will undertake activities to administer permitted commercial cannabis storefront retailers. Such establishment and conduct of such activities will be undertaken largely through consultants to be retained by the City. It is estimated that the average hourly rate for staff and consultant services will be \$120 per hour. Anticipated cost associated with administering commercial cannabis programs on an annual basis are identified in Table 3.

Table 3. Annual costs for Administration of Commercial Cannabis Businesses		
Service	Total Hours	Annual Cost
Acceptance, processing and documentations of quarterly tax payments	12	\$1,440
Audit cannabis sales	12	\$1,440
Inspect business sites and determine compliance with operating regulations	12	\$1,440
Total annual cost to administer a commercial cannabis business	\$4,320	



MASTER FEE SCHEDULE

Section 6: Planning

Fee Description		Adopted Feb. 2019
Variance		\$ 1,318
Use Permits		
Conditional Use Permit		\$ 1,501
Temporary Use Permit		\$ 385
Exceptions (Historic Residential District)		\$ 385
Home Day Care		\$ 385
Site Plan / Architectural Review		
0-1 Acre		\$ 3,303
1-10 Acres		\$ 5,007
10+ Acres (Minimum Deposit Required)		\$ 10,000
Site Plan / Architectural Review (Non-Residential)		
0-1 Acre	Up to	\$ 3,303
1-10 Acres		\$ 5,007
10+ Acres (Minimum Deposit Required)		\$ 10,000
Tentative Parcel Map (0-4 Lots)		\$ 1,098
Lot Line Adjustments / Merger Processing		\$ 411
Tentative Subdivision Map		
5-100 Units	Up to	\$ 6,108
100+ Units (Minimum Deposit Required)		\$ 10,000
Condo Map		\$ 4,404
Tentative Map Extension		\$ 666
Planned Unit Development		
0-5 Acres		\$ 5,306
5+ Acres (Minimum Deposit Required)		\$ 8,000
Annexations		\$ 4,597
Final Parcel Map		\$ 495
Final Subdivision Map		\$ 495
Appeals Planning Comm/City Council		\$ 411
Rezoning/Prezoning		



MASTER FEE SCHEDULE

Section 6: Planning

Fee Description	Adopted Feb. 2019
0-10 Acres	\$ 4,339
10+ Acres (Minimum Deposit Required)	\$ 8,000
General Plan Amendment	
0-10 Acres	\$ 4,339
10+ Acres (Minimum Deposit Required)	\$ 8,000
Specific Plan Amendment	
0-10 Acres	\$ 4,339
10+ Acres (Minimum Deposit Required)	\$ 8,000
Custom Homes	\$ 853
Demolition Permit (Historic District Resource Assessment)	\$ 346
Ordinance Amendment-Text or other	\$ 3,357
Design Review	\$ 267
Planning & Zoning Insp. -Letter of Compliance	\$ 134
Work of - Professional Staff - Director, per hour	\$ 177
Work of - Professional Staff - Senior Planner, per hour	\$ 138
Work of - Professional Staff - Assistant Planner Staff, per hour	\$ 109
Public Hearing Notice	\$ 212
Water Efficient Landscaping Ordinance Compliance	\$ 63
Storefront Retailer/Dispensary Commercial Cannabis Business Permit Annual Fee	\$ 4,320
Deposits applied toward Actual Costs of Staff, Attorneys, Consultants	
Development Agreement - Minimum Deposit Required	\$ 20,000
Environmental Impact Report (EIR), Minimum Deposit Required	\$ 20,000
Categorical Exemption	\$ 250
Initial Study / Environmental Determination at Actual Cost, Min. Deposit Required	\$ 12,000
Mitigation Monitoring Program, at Actual Cost - Minimum Deposit	\$ 5,000
Annexation into Community Facilities District #2, Min. Deposit	\$ 10,000
Preliminary Request for Application Review - Cannabis RFA	\$ 3,000
Final Review and Approval of Recommended Operator - Cannabis RFA	\$ 5,160