

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



CITY COUNCIL MEETING

First and Third Tuesday
Every Month

A G E N D A

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

TUESDAY, MARCH 5, 2019

6:30 P.M.

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

NOTICE

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

ROLL CALL

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

Successor Agency

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

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

Negotiating Party: City Manager and Development Services Director

Subject: Price and Terms of Payment

Parties Negotiating With: Main Street West Partners

DEPARTMENTS: AREA CODE (707)

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

CONVENE OPEN SESSION

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

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

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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 March 5, 2019 was posted and available for review, in compliance with the Brown Act.
the Brown Act.



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First and Third Tuesday
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**REGULAR MEETING OF THE
 SUISUN CITY COUNCIL**

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

AND HOUSING AUTHORITY

TUESDAY, MARCH 5, 2019

7:00 P.M.

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

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 Councilmember Jane Day from: 301 Morgan Street, Suisun City, CA 94585.*

(Next Ord. No. – 755)

(Next City Council Res. No. 2019 – 15)

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

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

ROLL CALL

Council / Board Members

Pledge of Allegiance

Invocation

PUBLIC COMMENT

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SUCCESSOR AGENCY 421-7309 FAX 421-7366

REPORTS: (Informational items only.)

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

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

City Council

3. Approving Appointments to the General Tax Oversight Committee:
 - a. one appointment for unscheduled vacancy, term ending April 2020
 - b. one appointment for unscheduled vacancy, term ending April 2022
4. Approving Appointment to Solano Transportation Authority Safe Routes to School Task Force.
5. Presentation to Former Police Chief Tim Mattos in Recognition of over 10 Years of Service to Suisun City.

CONSENT CALENDAR

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

City Council

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

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

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

PUBLIC HEARINGSCity Council

11. PUBLIC HEARING - (Continued from February 19, 2019)

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

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

GENERAL BUSINESSCity Council

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

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

14. Fiscal Year 2018-19 Mid-Year Fiscal Review – (Dingman/Corey).

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

3. Authority Adoption of Resolution No. HA 2019-__: Adopting the 1st Amendment to Resolution No. HA 2018-02 to Appropriate Mid-Year Budget Adjustments Related to Employee Memorandum of Understanding Implementation

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AGENDA TRANSMITTAL

MEETING DATE: March 5, 2019

CITY AGENDA ITEM: Informational update on Lighting and Landscape Maintenance Assessment Districts, Community Facilities Districts, and Tax Zones.

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

BACKGROUND: There are thirteen (13) Lighting and Landscape Maintenance Assessment Districts (LLMADs) within the City's boundaries. Two of these are dredging only districts and have no landscape maintenance associated with them. LLMADs are managed by the Public Works Engineering Department with support from NBS, a contract consultant, with the Public Works Maintenance Landscape Division providing additional field services as needed.

The City also contains three (3) Community Facilities Districts (CFDs), and five (5) Tax Zones (TZs) both of which go through a concurrent, similar processes to that of the LLMADs. CFDs help fund emergencies services such as police and fire services. The TZs are created concurrently with the addition of new areas into existing CFDs. The TZs provide additional assessments to maintain special features such as the bio-swale located in Peterson Ranch Tax Zone #3.

STAFF REPORT: This Staff Report includes four (4) informational updates.

- **Lighting and Landscape Maintenance Assessment Districts (LLMADs)**

Each year, the LLMADs go through the same process; the City conducts annual meeting with eleven (11) of the twelve (12) Districts, the Initiation and Intent and draft Engineer's Report is brought before the Council on consent, and finally, the Council conducts a Public Hearing where the approve the final Engineer's Report and order the levy and collection of assessments for the Districts. The levy request is submitted to the Assessor's Office by NBS. The annual timeline for levy assessment process is included with this report as Attachment #1.

PREPARED BY:

REVIEWED/APPROVED BY:

Amanda Dum, Management Analyst
Matt Medill, Public Works Director/City Engineer
Richard J. Ramirez, Interim City Manager

The annual meetings typically occur between February and April each year. This year's tentative meeting schedule is as follows:

FY19-20 Lighting & Landscape Maintenance Assessment Districts - Annual Meetings 2019		
District Name	Meeting Date	Meeting Time
Victorian Harbor A	Thursday, 3/14/19	6:00pm to 7:30pm
Heritage Park	Thursday, 3/14/19	8:00pm to 9:00pm
Montebello	Wednesday, 3/20/19	6:15pm to 7:00pm
Victorian Harbor B	Wednesday, 3/20/19	7:15pm to 8:00pm
Lawler Ranch	Thursday, 3/21/19	5:30pm to 7:30pm
Blossom	Thursday, 3/21/19	8:00pm to 9:00pm
Peterson Ranch	Wednesday, 3/27/19	6:15pm to 7:00pm
Victorian Harbor F	Wednesday, 3/27/19	7:15pm to 8:00pm
Victorian Harbor E	Thursday, 3/28/19	6:15pm to 7:00pm
Victorian Harbor D	Thursday, 3/28/19	7:15pm to 8:00pm

- **Community Facilities Districts (CFD) & Tax Zones (TZ)**

The CFD and TZ process is very similar to the LLMADs however, they do not have annual District meetings, and there is currently only an Engineer's Report for CFD#1. The levy request for CFD#1 is submitted to the Assessor's Office by NBS, and the levy requests for CFD#2, CFD#3, and the TZs are submitted to the Assessor by the City.

- **LLMAD City-Wide Landscape Contract**

A Request for Proposals (RFP) has been released for landscape maintenance contract services for the LLMADs and two TZs. In response to community feedback, the Public Works staff increased task item frequency for numerous task items in comparison to the previous contract Levels of Service task item frequencies. The Levels of Service in the Request for Proposals were enhanced in an attempt to improve resident satisfaction and raise the overall visual appearance of District landscaping and grounds. Ultimately, selection of Level of Service for each District will be constrained by the available individual District budgets. The request to award the new contract is anticipated to go before Council in April 2019. The contract will cover eleven (11) LLMADs as well as cover Amberwood (TZ#1) and Walmart (TZ#6). The dredging Districts and Montebello LLMAD are not included in the landscape contract. Staff has directly reached out to thirteen (13) local commercial landscape contractors in an attempt to cast a wide advertising net with the hope that this extra outreach will result in the receipt of multiple proposals by the RFP deadline, 2:00pm on March 7, 2019. A mandatory walk-through will be conducted on Thursday, February 21st. This will be a good indicator of how many bids the City may expect to receive.

- **Lawler Ranch Mexican Fan Palm Tree Trimming & Removal Project**

The Lawler Ranch LLMAD has 203 Mexican Fan palm trees within its boundaries. Ideally, these trees need to be pruned on roughly a three to five-year basis. The current Project will trim 185 trees and remove 18 trees. Bids are due by 2:00pm on March 12, 2019.

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

ATTACHMENTS:

- FY2019-20 Timeline/Steps for Annual Levy Assessments.

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**Maintenance Assessment Districts
Benefit Assessment District
Community Facilities District No. 1 & 2**

Timeline/Steps for Annual Levy of Assessments

Item	Action	Date	Performed By
1	Initiate Contact with NBS. NBS provides Staff with a draft timeline for levy of assessments for the Districts	week of March 4	NBS/PW
2	PW holds District meetings, especially for short funded districts, to discuss budget, landscape questions, and ballot possibilities; Send notices 1-2 weeks prior	February/March/April	PW
3	Hold District meetings	February/March/April	PW
4	If bidding a new landscape contract , Notice to Contractors due 4 weeks prior to completion of MAD budgets (April).	March	PW
5	If bidding a new landscape contract , Bid opening. New landscape contract is tentatively scheduled to be awarded at the April 16 City Council Meeting.	March	PW
6	ENR Index available for MADs (March to March); CPI index available for CFDs (February to February) published on March 12; Incorporate into budgets.	week of April 1	PW
7	Submit budgets, fund balances, and new APNs to NBS	week of April 8	PW
8	NBS completes Preliminary Engineer's Reports and delivers them to the City for staff review and comment	April 29	NBS
9	PW provides changes to Preliminary Engineer's Reports to NBS	May 1	PW
10	NBS completes the Engineer's Reports	May 9	NBS
11	PW prepares Staff Report for May 21 City Council Meeting; Resolutions include: <ul style="list-style-type: none"> • Initiation and Intent to Levy and Collect for MAD/BAD • Preliminary Approval of Engineer's Reports for MAD/BAD • Sets time and place for Public Hearing 	May 9	PW
12	CITY COUNCIL MEETING – MAY 21 CONSENT) Council adopts the Resolutions of Initiation and Intent; Reviews and approves the Preliminary Engineer's Reports; Sets time and place for Public Hearing.	May 21	City Council & PW
13	If balloting, notices and ballots are mailed at least 45 days prior to public hearing; a separate timeline will be provided	Not Applicable	NBS
14	City publishes the adopted, certified Resolution Declaring the Intent to Levy and Collect Assessments in the local newspaper: <ul style="list-style-type: none"> • MAD/BAD - once, 10 days prior to Public Hearing • The City Clerk also posts the adopted Resolution on the bulletin board. *Public Hearings – MAD/BAD	Publish No Later than May 31 ⁽¹⁾	PW

Item	Action	Date	Performed By
15	NBS produces and delivers the Final Engineer's Reports, updated with adopted budgets. NBS also provides Annual Report for CFD No. 1.	June 6	NBS
16	PW prepares Staff Report for June 18 City Council Meeting; Resolutions include: <ul style="list-style-type: none"> • Approve/Amend Final Engineer's Reports • Order Levy and Collection of Assessments 	June 6	PW
17	PUBLIC HEARING – JUNE 18 City Council holds the Public Hearing at a regularly scheduled meeting . Property owners can ask questions and voice opinions. City Council adopts Resolutions: Declaring the results, Amending/Approving the Final Engineer's Reports, and Ordering the Levy and Collection of Assessments.	June 18	PW
18	PW prepares Staff Report for June 18 City Council Meeting for CFDs; Determine if new building permits have been taken out in either of the CFDs for the time period of July 1, 2018 to June 30, 2019. Resolutions include: <ul style="list-style-type: none"> • Order Levy and Collection of Assessments for CFD No. 1 • Order Levy and Collection of Assessments for CFD No. 2 	June 18	PW
17	CITY COUNCIL MEETING – JUNE 18 CFDs Order Levy and Collection on Consent.	June 18	City Council & PW
18	City Clerk provides by email NBS the certified Resolutions adopted on June 18.	June 18	PW/City Clerk
22	Staff provides NBS with an excel file of all CFD No. 2 APNs and levy amounts	July 22	PW
23	Staff to send letters to District with ballot proceedings declaring results; Staff to determine FY work plan for Districts; a separate timeline will be provided if balloting.	Not Applicable	PW
24	NBS transmits Resolution and assessments to the County Auditor Controller in the required format for collection on the tax rolls (MAD, BAD, CFD)	July/August	NBS
25	NBS provides City Staff with an "applied" report confirming the assessments that were placed on the tax roll	September	NBS

NOTES:

Council meetings held 1st and 3rd Tuesdays of each month at 7:00 p.m. There are no meetings the first Tuesday of August, as that is National Night Out.

Documents need to be to the City Clerk by the Wednesday before the Council Meeting.

Staff Report - One week and the Thursday prior

FOOTNOTES:

(1) Includes 1 week lead time for publishing.

RECEIVED

FEB 21 2019

Information to identify the cases:

Debtors PG&E Corporation and Pacific Gas and Electric Company EIN (See below)
 Name

United States Bankruptcy Court for the: Northern District of California Date cases filed in chapter 11: **CITY OF SUISUN CITY** 01 / 29 / 2019
 MM / DD / YYYY

Case number: 19-30088 (DM) (Lead Case; Jointly Administered)

Official Form 309F (For Corporations or Partnerships)

Notice of Chapter 11 Bankruptcy Case

12/17

For the debtors listed above, cases have been filed under chapter 11 of the Bankruptcy Code and orders for relief have been entered. This notice has important information about the cases for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the cases imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from the debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

1. Debtors' full names (Jointly Administered Cases):			
Debtor	Address	Case No.	EIN#
PG&E Corporation	77 Beale Street, P.O. Box 77000, San Francisco, California 94177	19-30088 (DM)	94-3234914
Pacific Gas and Electric Company	77 Beale Street, P.O. Box 77000, San Francisco, California 94177	19-30089 (DM)	94-0742640
2. All other names used in the last 8 years: Other names, if any, used by any of the Debtors in the last 8 years may be found in the Debtors' chapter 11 petitions.			
3. Address: See above			
4. Debtors' Attorneys			
Tobias S. Keller (#151445) KELLER & BENVENUTTI LLP 650 California Street, Suite 1900 San Francisco, CA 94108		Stephen Karotkin (<i>pro hac vice</i>) WEIL, GOTSHAL & MANGES LLP 767 Fifth Avenue New York, NY 10153	
Debtors' Claims and Noticing Agent If you have questions about this notice, please contact Prime Clerk LLC		Contact Phone: (844) 339-4217 (Toll Free) +1 (929) 333-8977 (Int'l) Email: pgeinfo@primeclerk.com Website: https://restructuring.primeclerk.com/pge	
5. Bankruptcy clerk's office: Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.com .		U.S. Bankruptcy Court 450 Golden Gate Avenue Mail Box 36099 San Francisco, CA 94102	Hours open: Monday-Friday, 9 a.m.- 4:30 p.m. (CT) Contact phone: 888-821-7606

Name

Item 2.b

6. Meeting of creditors

The debtors' representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.

Date and Time:**Monday March 4, 2019 at 10:00 a.m.**

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

Location:

Phillip Burton Federal Building and U.S. Courthouse
450 Golden Gate Avenue, 2nd Floor
California Conference Room
San Francisco, CA 94102

7. Proof of claim deadline**Deadline for filing proof of claim:****To Be Determined**

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office.

Your claim will be allowed in the amount scheduled unless:

- your claim is designated as *disputed, contingent, or unliquidated*;
- you file a proof of claim in a different amount; or
- you receive another notice.

If your claim is not scheduled or if your claim is designated as *disputed, contingent, or unliquidated*, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.

You may review the schedules at the bankruptcy clerk's office or online at www.pacer.gov.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

8. Exception to discharge deadline

The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.

You must start a judicial proceeding by filing a complaint if you want to have a debt excepted from discharge under 11 U.S.C. § 1141(d)(6)(A).

Deadline for filing the complaint: To Be Determined**9. Creditors with a foreign address**

If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

10. Filing a Chapter 11 bankruptcy case

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtors will remain in possession of the property and may continue to operate their business.

11. Discharge of debts

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtors except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge under 11 U.S.C. § 1141(d)(6)(A), you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.

AGENDA TRANSMITTAL

MEETING DATE: March 19, 2019

CITY AGENDA ITEM: Council Adoption of Resolution No. 2019-___: Confirming the Discontinuation of the Iconic Waterfront District Sign Project and authorization for the City Manager to move the remaining funds into the General Fund Reserve.

FISCAL IMPACT: A total of \$226,000+/- remains in the budget for the Iconic Waterfront Sign Project.

BACKGROUND: As part of the work plan adopted in the FY 2017-18 budget, the City Council reaffirmed its desire to proceed with an Iconic Sign near the Train Depot that would entice traffic to exit off Highway 12. On October 2017, City Council confirmed the final conceptual design of the Iconic Waterfront District Sign and directed staff to attain proposals for construction bid documents. On January 2018, Council authorized a professional services agreement with Graphic Solutions Ltd. for the preparation of construction bid documents for the Iconic Sign. On April 2018, Council approved the iconic sign design concept created by Graphic Solutions and directed to staff to assemble the final construction bid documents for the Request for Proposals (RFP) package.

STAFF REPORT: On October 2018, the City received zero bids during the construction bid opening. To understand why there were no proposals submitted, staff reached out to the contractors who registered but did not submit a bid and found the main two reasons were:

- The engineers estimate was too low because the project included too many external elements such as sidewalk removal and underground electric conduit connections that could get expensive. Two companies suggested that 300K-350K estimate would be more reasonable. The estimate on the RFP was 250k to match the allocated budget.
- Companies needed more time to get estimates from their subcontractor for the sidewalk and electrical work

Considering the insufficient funding paired with the shift in priorities with the new City Council, staff is recommending discontinuing the Iconic Waterfront District Sign Project. Any remaining money in the account will revert to reserves.

RECOMMENDATION: It is recommended that the City Council Adopt Resolution No. 2019-___: Confirming the Discontinuation of the Iconic Waterfront District Sign Project and authorization for the City Manager to move the remaining funds into the General Fund Reserve.

ATTACHMENTS:

1. Resolution No. 2019-___: Confirming the Discontinuation of the Iconic Waterfront District Sign Project and authorization for the City Manager to move the remaining funds into the General Fund Reserve.

PREPARED BY:

Sajuti Rahman, Economic Development Analyst

REVIEWED BY:

Tim McNamara, Development Services Director

APPROVED BY:

Richard J. Ramirez, Interim City Manager

RESOLUTION NO. 2019 - ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
CONFIRMING THE DISCONTINUATION OF THE ICONIC WATERFRONT
DISTRICT SIGN PROJECT**

WHEREAS, on October 2017, City Council confirmed the final conceptual design of the Iconic Waterfront District Sign and directed staff to attain proposals for construction bid documents; and

WHEREAS, on January 2018, Council authorized a professional services agreement with Graphic Solutions Ltd. for the preparation of construction bid documents for the Iconic Sign; and

WHEREAS, on April 2018, Council approved the updated design concept prepared by Graphic Solutions Ltd; and

WHEREAS, on April 2018 Council approved the final iconic sign design concept created by Graphic Solutions and directed to staff to assemble the final construction bid documents for the Request for Proposals (RFP) package; and

WHEREAS, On October 2018, the City received zero bids during the construction bid opening due to a low engineer's estimate on the RFP and feedback from the contractors indicating actual construction costs will most definitely exceed the allocated budget by a minimum of \$100,000; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Suisun City confirms the discontinuation of the Iconic Waterfront District Sign Project; and

BE IT FURTHER RESOLVED, that the City Manager is authorized to transfer remaining funds appropriated for this project to the General Fund Reserve.

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

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

WITNESS my hand and the seal of the City of Suisun City this 19th day of March 2019.

Donna Pock, CMC
Deputy City Clerk

AGENDA TRANSMITTAL

MEETING DATE: March 5, 2019

CITY AGENDA ITEM: Council Adoption of Resolution No. 2019-___: Accepting the Marina Fire Suppression System Replacement Project as Complete, and Authorizing the City Manager to Record the Notice of Completion for the Project.

FISCAL IMPACT: Acceptance of this Marina Fire Suppression System Replacement Project (Project) as complete will not have fiscal impact on the General Fund as the project costs are covered by ROPS (Recognized Obligation Payments Schedule). The project construction is complete and Contractor provided the final invoice in the amount of \$123,313.76, which included a change order in the amount of \$4,813.76 over the original contract amount of \$118,500.00.

BACKGROUND: In the event of a fire at the marina, the Fire Department would need to fight the fire from the land, as not all boat slips are accessible from the land. Without a proper fire suppression system one boat fire could set off a chain of events ending with multiple boat fires and damage to the infrastructure of the marina including the fuel system. Prior to the start of the construction on this Project, the fire suppression system was not holding the water pressure needed to fight a fire on either the east or west docks. The completion of this Project addressed that deficiency and provided additional updates to the fire suppression system.

STAFF REPORT: On October 17, 2017, the construction contract (\$118,500) for this Project was awarded to Bellingham Marine Industries, Inc. who has since replaced the fire suppression systems in the east and west docks. The work included removing and disposing the water suppression system; replacing the 3” fire main line with a 3” HDPE main line; adding new risers to the 1½” fire cabinets; adding risers to the 2½” Fire Department Connections (FDC); and testing the system and repairing any leaks (if any). Bellingham Marine Industries, Inc. has completed the Project in an acceptable and satisfactory manner. There was It is now appropriate to file the Notice of Completion with the County for the work completed.

Staff recommends accepting the Project as completed and authorizing the City Manager to file and record the Notice of Completion (NOC) with the County, which will then start the one-year warranty period on all work.

RECOMMENDATION: It is recommended that the City Council Adopt Resolution No. 2019-___: Accepting the Marina Fire Suppression System Replacement Project as Complete, and Authorizing the City Manager to Record the Notice of Completion for the Project.

ATTACHMENTS:

1. Resolution No. 2019-___: Accepting the Marina Fire Suppression System Replacement Project as Complete, and Authorizing the City Manager to Record the Notice of Completion for the Project.
2. Location Map.
3. Notice of Completion.

PREPARED BY:

Nick Lozano, Associate Engineer

REVIEWED BY:

Kris Lofthus, Recreation, Parks, and Marina Director

APPROVED BY:

11

Richard J. Ramirez, City Manager

RESOLUTION NO. 2019 - ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
ACCEPTING THE MARINA FIRE SUPPRESSION SYSTEM REPLACEMENT
PROJECT AS COMPLETE, AND AUTHORIZING THE CITY MANAGER TO RECORD
THE NOTICE OF COMPLETION FOR THE PROJECT**

WHEREAS, the marina fire suppression system could no longer be pressurized; and

WHEREAS, in an effort to create a safe marina environment and avoid a fire disaster, the construction documents for the Marina Fire Suppression System Replacement Project (Project) were prepared and subsequently advertised on August 21, 2017; and

WHEREAS, on October 10, 2017, the City Council awarded the construction contract for the Project to Bellingham Marine Industries, Inc.; and

WHEREAS, on October 10, 2017, the City Council adopted the 8th Amendment to the Annual Appropriation Resolution No. 2017-44 which allowed transfer of \$20,700 from the Marina Operations Fund Emergency Reserve to cover the budget shortfall; and

WHEREAS, in 2018 the balance of 2017 Recognized Obligation Payments Schedule (ROPS) money was received and, at that time, the Marina Operations Fund Emergency Reserve was fully reimbursed for the amount borrowed to cover the budget shortfall; and

WHEREAS, the construction contract included, among other improvements, removing and disposing of the water suppression system on the east and west docks; replacing the 3” fire main line with a 3” HDPE main line; adding new risers to the 1½”; adding risers to the 2½” Fire Department Connections (FDC); and testing the system and repairing any leaks found; and

WHEREAS, Bellingham Marine Industries, Inc. has completed all work under the contract for the Project and is ready to receive a Notice of Completion.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Suisun City does hereby accept the Marina Fire Suppression System Replacement Project as completed, and authorizes the City Manager to take such measures as necessary to execute the Notice of Completion.

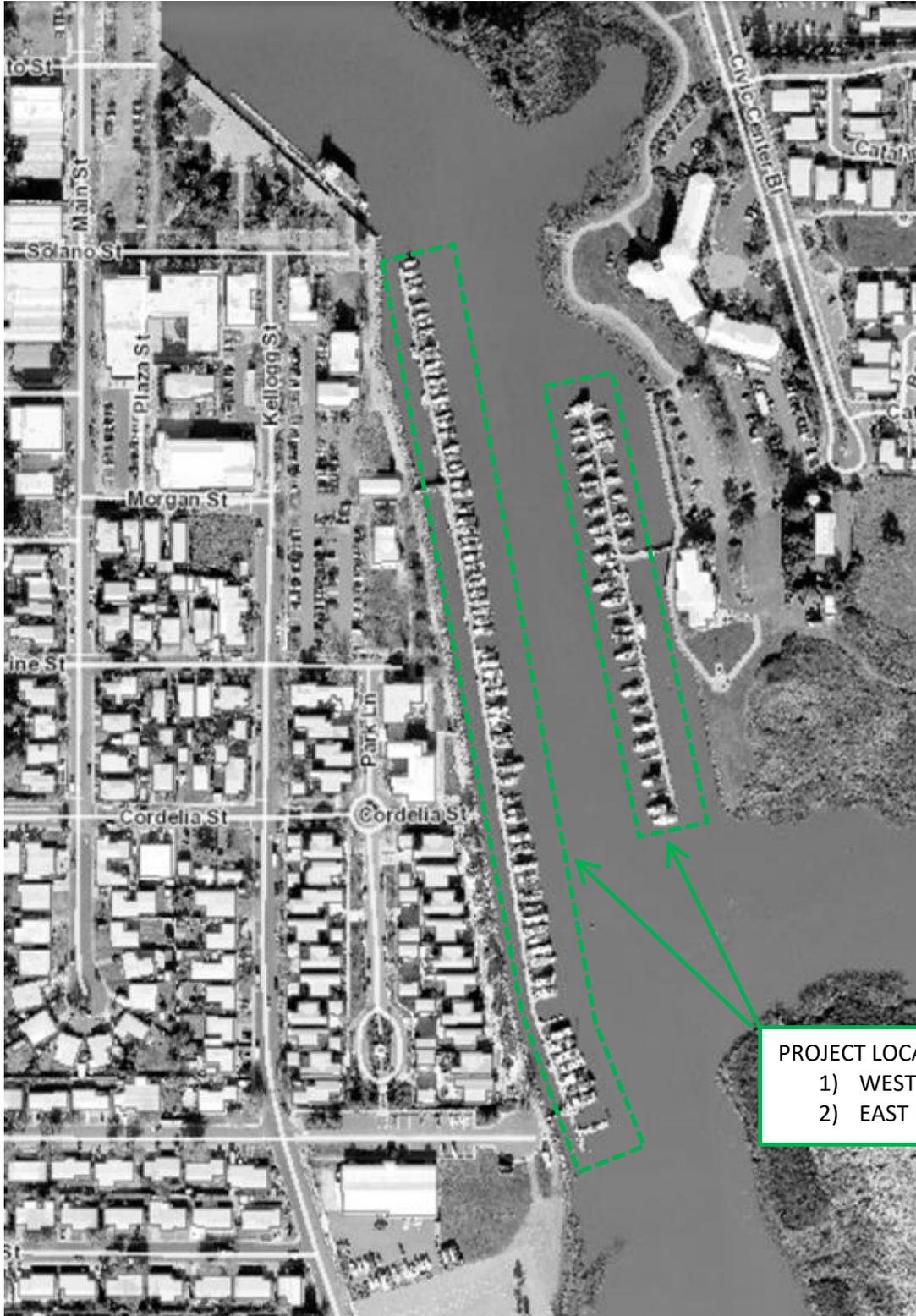
PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Suisun City duly held on Tuesday, the 5th day of March 2019, by the following vote:

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

WITNESS my hand and the seal of the City of Suisun City this 5th day of March 2019.

Donna Pock, CMC
Deputy City Clerk

LOCATION MAP
Marina Fire Suppression System Replacement Project



WHEN RECORDED MAIL TO:

Name	Public Works Department
Street Address	CITY OF SUISUN CITY 701 CIVIC CENTER BLVD.
City & State, Zip	SUISUN CITY, CA 94585

SPACE ABOVE THIS LINE FOR RECORDER'S USE

No Fee, per code 27283

NOTICE OF COMPLETION

A.P.N. N/A

Notice is hereby given that:

- The undersigned is owner of the interest or estate stated below in the property hereinafter described.
- The full name of the undersigned is City of Suisun City
- The full address of the undersigned is 701 Civic Center Blvd.
Suisun City, CA 94585
- The nature of the title of the undersigned is: In fee. N/A
(If other than fee, strike "In fee" and insert, for example, "purchaser under contract of purchase," or "lessee.")
- The full names and full addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are: **NONE**

NAMES

ADDRESSES

- The names of the predecessors in the interest of the undersigned, if the property was transferred subsequent to the commencement of the work of improvement herein referred to: **NONE**

NAMES

ADDRESSES

(If no transfer made, insert "none.")

- A work of improvement on the property hereinafter described was completed on: March 5, 2019
- The name of the contractor, if any, for such work of improvement was Bellingham Marine Industries, Inc.

(If no contractor for work of improvement as a whole, insert "none.")

- The property on which said work of improvement was completed is in the City of Suisun City, County of Solano, State of California, and is described as follows: Marina Fire Suppression System

- The street address of said property is East and West Docks

- I declare under penalty of perjury the foregoing is true and correct.

Signature of
owner named
in paragraph 2

Dated: _____

By Richard J. Ramirez, Interim City Manager

AGENDA TRANSMITTAL

MEETING DATE: March 5, 2019

CITY AGENDA ITEM: Council Adoption of Resolutions Approving Labor Memorandum of Understanding and Other Compensation Schedule

- a. Council Adoption of Resolution No. 2019-__: Approving the Memorandum of Understanding (MOU) with the Suisun City Police Officers' Association (SCPOA) and Authorizing the City Manager to Execute it on Behalf of the City; and
- b. Council Adoption of Resolution No. 2019-__: Approving the City of Suisun City Schedule of Salary and Benefits for Executive Management and Confidential Employees, and Authorizing the City Manager to Execute it on Behalf of the City.

FISCAL IMPACT: The impact on the current fiscal year budget above Resolution No. 2019-4 the approved Council Resolution on February 5, 2019, would be approximately \$40,000 for Executive Management and Confidential Employees, and approximately \$95,000 for SCPOA members. Staff has confirmed sufficient funds are available to undertake this investment.

BACKGROUND: On February 5, 2019, the City Council approved Resolutions 2019-3 and 2019-4, a two- year agreement providing a 2019 Cost of Living increase of 4% and a one-time bonus, and a 2020 Consumer Price Index increase of 3.9% (Effective on December 27, 2019) for the Suisun City Management & Professional Employees' Association (SCMPEA) and the Suisun City Employees' Association (SCEA). By operation of Resolution No. 2017-114, these provisions were applied to the Unrepresented Employees (Executive Management & Confidential). These two-year agreements will be valid through December 31, 2020.

Negotiations with the Suisun City Police Officers' Association (SCPOA) on a similar agreement were ongoing at the time. Bargaining has since concluded with the SCPOA necessitating tonight's proposed action.

With regard to Unrepresented Executive Management and Confidential Employees, Suisun City has never implemented a program to differentiate these employees from other employees who are represented by labor groups, unlike many other California cities. In the past, the Executive Team received the same compensation plan as SCMPEA, and although certain employees were identified as "confidential," they were not compensated for their confidential duties while abstaining from union activities, effectively leaving them unrepresented.

STAFF REPORT:

Suisun City Police Officers' Association

The Tentative Agreement with the SCPOA would provide a base salary adjustments of 4.0% effective December 28, 2018, and a 3.9% Consumer Price Index (CPI) adjustment effective on December 27, 2019. In addition, this group would receive a 1% base salary differential for obtaining a Basic POST Certificate effective December 28, 2018, that would increase to 2%

PREPARED BY:

Joe Dingman, Administrative Services Director

REVIEWED/APPROVED BY:

Richard J. Ramirez, Interim City Manager

effective December 27, 2019. Officers working night shifts would receive a 2.5% differential for those hours worked.

Unrepresented Executive Management & Confidential Employees

The Unrepresented Executive Management & Confidential Employee Compensation Program (the “Program”) will be set up to promote the development of a stronger, more effective Management Team, not merely for purposes of employer-employee relations but also as a means of recognizing outstanding management performance in all public service areas. These general purposes may be achieved through several means, notably: training, more effective communication among departments, clear identification of goals and objectives, and by relating effective job performance to an incentive program. Also inherent in such a program is the means of retaining good Department Heads and strengthening managers whose effectiveness and performances fall short of reasonable levels of expectation.

For Confidential employees, this program recognizes and rewards performance and ensures that employees who are not fully represented by a union are treated at least equally to represented employees. All rights and benefits of those outside of the Executive Management/FLSA Exempt category will continue to receive benefits from the labor group that generally represents their job classification.

Employees Covered: Employees covered under this program shall include the following:

At-Will Management/FLSA Exempt (Confidential)

- Chief of Police
- Fire Chief
- Administrative Services Director
- Development Services Director
- Recreation, Parks and Marina Director
- Public Works Director

Confidential, FLSA Exempt (SCMPEA)

- Deputy (Assistant) City Clerk
- Senior Management Analyst – Admin Services Department
- Accounting Services Manager

Confidential, FLSA non-exempt (SCEA)

- Administrative Assistant II to the Police Department
- Payroll Technician
- Human Resources Technician

Additional job classes may be added to the Program from time to time based upon the creation of additional City departments/divisions, the addition of new positions, or by the reclassification of existing positions to either At-Will Management, Confidential, based upon the nature of the work. As part of the program, Confidential employees will receive a 3% pay differential to be added to the employee's base pay. This 3% pay differential will not be added to the salary range for that job class. If at any time that a designated Confidential employee who receives the confidential differential is deemed to be Non-Confidential, the 3% confidential differential will cease.

Furthermore, the Executive Management Employees will have a Schedule of Salary and Benefits to better align them with current practices of municipal executive teams. The salary schedule as previously approved in Resolution No. 2019-__ will not change. But, similar to other labor groups, the schedule of benefits will differentiate these employees, further highlighted by their

“at-will” status. The fully burdened cost for the Executive Management Employee benefits for FY19 will be approximately \$30,000.

RECOMMENDATION: It is recommended that the City Council adopt

- a. Resolution No. 2019-__: Approving the Memorandum of Understanding (MOU) with the Suisun City Police Officers’ Association (SCPOA) and Authorizing the City Manager to Execute it on Behalf of the City; and
- b. Resolution No. 2019-__: Approving the City of Suisun City Schedule of Salary and Benefits for Executive Management and Confidential Employees, and Authorizing the City Manager to Execute it on Behalf of the City.

ATTACHMENTS:

1. Resolution No. 2019-__: Approving the Memorandum of Understanding (MOU) with the Suisun City Police Officers’ Association (SCPOA) and Authorizing the City Manager to Execute it on Behalf of the City;
2. Resolution No. 2019-__: Approving the City of Suisun City Schedule of Salary and Benefits for Executive Management and Confidential Employees, and Authorizing the City Manager to Execute it on Behalf of the City.

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RESOLUTION NO. 2019-___

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
APPROVING THE MEMORANDUM OF UNDERSTANDING (MOU)
WITH THE SUISUN CITY POLICE OFFICERS' ASSOCIATION (SCPOA) AND
AUTHORIZING THE CITY MANAGER TO EXECUTE IT ON BEHALF OF THE CITY**

WHEREAS, the City has met and conferred in good faith with Suisun City Police Officers' Association (SCPOA) consistent with the Employee-Employer Relations Resolution (Resolution 74-33), and has agreed to various Tentative Agreements for a Memorandum of Understanding (MOU) for the period from December 28, 2018, through December 31, 2020; and

WHEREAS, the significant financial deal points agreed by the City and SCPOA include:

- 4% cost-of-living adjustment (COLA) effective retroactively to December 28, 2018
- 1% differential for a POST Basic Certificate
- 2.5% night-shift differential
- A COLA based on the U.S. Bureau of Labor Statistics Consumer Price Index for the San Francisco-Oakland-Hayward Region for Urban Wage Earners and Clerical Workers for 2018 (calculated at 3.9%) effective December 27, 2019; and

WHEREAS, the City Council is desirous of implementing these significant financial elements promptly while the totality of the MOU is finalized to encompass all Tentative Agreements reached by the City and SCPOA.

NOW, THEREFORE, THE CITY COUNCIL HEREBY RESOLVES THAT

- The significant deal points enclosed herein are approved and shall be implemented as soon as practicable; and
- The City Manager is authorized and directed to take all actions necessary to finalize and execute on the City's behalf a Memorandum of Understanding with the Suisun City Employees' Association consistent with the Tentative Agreements reached by the City and SCEA.

PASSED AND ADOPTED by the City Council of the City of Suisun City at a regular meeting thereof held on the 5th day of March, 2019 by the following vote:

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

WITNESS my hand and the seal of said City this 5th day of March, 2019.

 Linda Hobson, CMC
 City Clerk

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RESOLUTION NO. 2019-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY APPROVING THE CITY OF SUISUN CITY SCHEDULE OF SALARY AND BENEFITS FOR EXECUTIVE MANAGEMENT AND CONFIDENTIAL EMPLOYEES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE IT ON BEHALF OF THE CITY

WHEREAS, the City desires to promote and develop a stronger, more effective Executive Management and Confidential Team; and

WHEREAS, the City desires to recognize and reward performance, and ensure that employees who are not fully represented by a bargaining group are treated at least equally to represented employees; and

WHEREAS, the City desires to better align its municipal executive team practices with those of other California cities; and

WHEREAS, the significant financial deal points to be included in the Schedule include:

- 4% cost-of-living adjustment (COLA) effective retroactively to December 28, 2018
- 4% one-time non-pensionable cash bonus
- A COLA based on the U.S. Bureau of Labor Statistics Consumer Price Index for the San Francisco-Oakland-Hayward Region for Urban Wage Earners and Clerical Workers for 2018 (calculated at 3.9%) effective December 27, 2019
- 3% pay differential for Confidential employees.

NOW, THEREFORE, THE CITY COUNCIL HEREBY RESOLVES THAT

- The significant deal points enclosed herein are approved and shall be implemented as soon as practicable; and
- Resolution 2017-114 is hereby rescinded as it applies to unrepresented executive management and confidential employees; and
- The City Manager is authorized and directed to take all actions necessary to finalize and execute on the City’s behalf the City of Suisun City Schedule of Salary and Benefits for Executive Management and Confidential Employees.

PASSED AND ADOPTED by the City Council of the City of Suisun City at a regular meeting thereof held on the 5th day of March, 2019 by the following vote:

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

WITNESS my hand and the seal of said City this 5th day of March, 2019.

 Linda Hobson, CMC
 City Clerk

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AGENDA TRANSMITTAL

MEETING DATE: March 5, 2017

CITY AGENDA ITEM: Council Adoption of Resolution No. 2019-__: Authorizing the City Manager to Execute an Inspection Services Agreement on Behalf of the City with Ashria Hospitality, LLC, to Perform Senior Inspection Services for the Holiday Inn Express Project, With an Initial Deposit Amount of \$30,000.

FISCAL IMPACT: The costs associated with this contract are fully funded by Ashria Hospitality, LLC through an Inspection Services Agreement. Thus, there is no fiscal impact to the City.

BACKGROUND: On February 25, 2019 Ashria Hospitality, LLC closed escrow on the purchase of land parcels from the Housing Authority and Successor Agency for the construction of a Holiday Inn Express Hotel (Project) at the corner of Lotz Way and Civic Center Blvd. Senior Inspector Services will be required as the project moves forward with construction.

STAFF REPORT: Ashria Hospitality, LLC will provide the City with a deposit of \$30,000 to cover all costs related to Senior Inspector Services for the Holiday Inn Express Hotel. As inspector services are provided the fund will be drawn upon to cover related inspection costs. If inspection costs are less than anticipated money will be refunded. Likewise, if inspection costs exceed \$30,000 additional fees will be required. Inspection Services will be performed by Harvey Higgs, employee of West Coast Code Consultants, Inc., and current building inspector for Suisun City.

RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No. 2019-__: Authorizing the City Manager to Execute an Inspection Services Agreement on behalf of the City with Ashria Hospitality, LLC, to Perform Senior Inspection Services for the Holiday Inn Express Project, With an Initial Deposit Amount of \$30,000.

ATTACHMENTS:

1. Resolution No. 2019-__: Authorizing the City Manager to Execute an Inspection Services Agreement on Behalf of the City with Ashria Hospitality, LLC, to Perform Senior Inspection Services for the Holiday Inn Express Project, With an Initial Deposit Amount of \$30,000.

PREPARED BY:

Tim McNamara, Development Services Director

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
AUTHORIZING THE CITY MANAGER TO EXECUTE AN INSPECTION SERVICES
AGREEMENT ON THE CITY’S BEHALF WITH ASHRIA HOSPITALITY, LLC
FOR INSPECTION SERVICES ASSOCIATED WITH HOLIDAY INN EXPRESS
PROJECT**

WHEREAS, on February 25, 2019 Ashria Hospitality, LLC closed escrow on the purchase of Housing Authority Parcel and Successor Agency **Parcel 0032-061-440**, which will allow the **Holiday Inn Express Project** to now move forward; and

WHEREAS, Ashria Hospitality agreed to pay all costs incurred by West Coast Code Consultants, Inc. (WC3) Senior Inspector Harvey Higgs, or successor, on the City’s behalf with responsibility for Senior Inspector with typical duties that include, (1) as needed building inspection services, (2) meetings, (3) tracking RFI’s and revisions to plans, (3) code interpretations, and (4) other general Senior Inspector-level duties as required (refer to Exhibit A); and

WHEREAS, West Coast Code Consultants, Inc. already has an existing Professional Services Agreement with the City for Inspection Services and Senior Inspector Harvey Higgs already performs building inspection services on the City’s behalf; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Suisun City hereby authorizes the City Manager to execute an Inspection Services Agreement on behalf of the City with Ashria Hospitality, LLC, to perform Senior Inspection Services for the Holiday Inn Express Project, with an initial deposit amount of \$30,000.

PASSED AND ADOPTED at a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 5th day of March 2019, by the following vote:

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

WITNESS my hand and the seal of said City this 5th day of March 2019.

Donna Pock, CMC
Deputy City Clerk

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**CITY OF SUISUN CITY INSPECTION SERVICES AGREEMENT
BETWEEN THE CITY OF SUISUN CITY
AND
ASHRIA HOSPITALITY, LLC**

Agreement for Payment of Costs for City of Suisun City Senior Inspector
Services of Holiday Inn Express Project

TO BE COMPLETED BY ASHRIA HOSPITALITY, LLC:

This Agreement is by and between the **City of Suisun City**, California, hereafter "City," and **Ashria Hospitality, LLC**, hereinafter "Ashria", dated February ____, 2019.

Proposed Project Name and Description: **Holiday Inn Express Hotel Project**

1. PROPERTY INFORMATION:

Property Location: 355 Civic Center Boulevard, City of Suisun City, Suisun City, CA 94585

2. ASHRIA HOSPITALITY, LLC INFORMATION:

Managing Member: _____

Phone No.: _____

Fax No.: _____

Street Address

City: _____ State: _____ Zip: _____

Email: _____

ASHRIA HOSPITALITY, LLC Federal Tax ID or Social Security No: _____

3. CONTACT INFORMATION: (If different from above.)

Contact Name: _____

Contact Phone No.: _____

Street Address:

City: _____ State: _____ Zip: _____

Email: _____

4. BILLING INFORMATION: Statements, requests for deposits or refunds shall be directed to Ashria identified in Section 2 above unless stated otherwise below:

Company Name: _____

Street Address: _____

City: _____

Phone No.: _____

Federal Tax ID No.: _____

PROCESSING AGREEMENT
Agreement for Payment of Senior Inspector Services City of Suisun City for
Holiday Inn Express Hotel Project

This is a legally binding agreement.

- A. Ashria Hospitality, LLC (Ashria) agrees to pay all costs incurred by Harvey Higgs, Senior Inspector and employee of West Coast Code Consultants, Inc (WC3), acting on the City's behalf with responsibilities for Hourly Building Inspection services for the Holiday Inn Express Hotel Project in Suisun City.
- B. An estimate of approximately 270+ hours will be required to perform the building inspections for the Holiday Inn Express at an estimated cost of \$30,000. The cost will include all inspections and necessary paper work.
- C. Ashria agrees to make an initial deposit in the amount of \$30,000 within five (5) business days of the execution of this Agreement, and subsequent deposits within 10 business days of the date of a written request by the City for additional deposits. Requests for additional deposits will be made when the balance of the deposit reaches \$5,000, at which time the balance of \$15,000 shall be restored unless otherwise agreed to by the City. Additional deposits will be delivered to:

City of Suisun City
707 Civic Center Blvd.
Suisun City, CA 94585
Attn: Tim McNamara, Development Services Director

Or

By wire transfer – instructions available from the City of Suisun City

- D. Deposits shall be applied toward the City's costs for Senior Inspector Duties, which typical fees are (1) as needed building inspection services, (2) attending meetings as required for the project, (3) onsite or at City Hall, (3) code interpretations, administrative support and conflict resolution, (4) other general Senior Inspector-level duties as required. City will send monthly statements indicating the charges against the initial deposit and any subsequent deposits. The City may elect to send statements less frequently than monthly, if there is only limited monthly activity on the project. If the inspection costs are less than anticipated money will be refunded.
- E. City statements and invoices shall provide summary information indicating the cost for Senior Inspector Harvey Higgs, including direct and indirect charges. Original invoices from independent contractors (except attorney/client invoices) shall be available upon request by Ashria, at Ashria's additional cost. The City shall include its Federal ID Number and Tax Form with each request.

- F. In the event that the accumulated periodic charges exceed the initial deposit and any subsequent deposits previously received by City, City will invoice Ashria for the amount outstanding and may require an additional deposit. Ashria will pay any and all amounts exceeding the initial and any required additional deposits within thirty (30) days of the date of the invoice and/or request for additional deposit by City.
- G. Ashria shall pay interest on all costs unpaid 30 days after the date of any invoice at the maximum legal rate, and the City is entitled to recover its costs, including attorney's fees, in collecting unpaid accounts.
- H. If Ashria does not deposit such requested deposits or make payments on outstanding invoices within thirty (30) days after the date of the deposit request or invoice, City staff may cease work on the project until the required deposit or payment is made, subject to any other provisions of law. Failure to make any subsequent deposits may result in denial of an application for a development project.
- I. Any refund of amounts deposited shall be made in the name of Ashria to the address noted above in Section 2. The City will not pay interest on deposit.
- J. Ashria agrees to the following exclusions (1) Public Works Department. – work in the right-of-way, (2) Civil/Engineering Dept. related work – dirt work, grades, utilities, landscaping, (3) Fire Dept. Inspections – sprinklers, alarms, underground, access, (4) Development Services Department. Inspections or verifications.
- K. Ashria agrees that it knowingly and voluntarily waives, extends and continues each of the time limits imposed by California Government Code Section 65943 for the determination of a development application's completeness and the time limits imposed by California Government Code Sections 65950, 65950.1, 65951 and 65952 for the approval or disapproval of development permits for as many days as the applicant delays making a subsequent deposit from the date of written notice requesting such additional deposit until the deposit is received by City, not to exceed 90 days.
- L. Ashria shall provide written notice to the City if any of the above information changes. Said notice shall be delivered to:

City of Suisun City
701 Civic Center Blvd.
Suisun City, CA 94585
Attn: Development Services Director
707-421-7347 Phone
707-429-3758 Fax
tmcnamara@suisun.com E-Mail

- M. Ashria agrees to indemnify and hold City harmless for all costs and expenses, including attorney's fees incurred by City or held to be the liability of the City, in connection with City's defense of its actions in any proceeding brought in any State or Federal court challenging the City's actions with respect to the Ashria project. If Ashria is not the property owner, Ashria agrees to pay such costs unless the property owner also signs this Agreement, in which case both Ashria and the property owner shall be jointly liable for such costs.
- N. Only an authorized representative of Ashria shall execute this Agreement. The person executing this Agreement represents that he/she has the express authority to enter into agreements on behalf of the Applicant.
- O. This Agreement is not assignable without written consent by the City of Suisun City. The City of Suisun City will not consent to assignment of this Agreement until Applicant has paid all outstanding costs.

Signatures

ASHIRA HOSPITALITY, LLC,
a California limited liability company

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

By: _____
Camran Nojoomi
Managing Member

By: _____
Richard Ramirez
Interim City Manager

MINUTES

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

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

PUBLIC COMMENT - None

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

CONFLICT OF INTEREST NOTIFICATION - None

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

CLOSED SESSION

Pursuant to California Government Code section 54950 the Suisun City Council, 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

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

5:32 PM – Mayor Wilson recessed the meeting to Closed Session.

CONVENE OPEN SESSION

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

7:25 PM – Mayor Wilson reconvened the meeting and stated the City Council took the following action:

Motioned by Mayor Wilson and seconded by Council Member Segala to hire Gray Folsom as City Manager subject to his agreement being approved at the March 5, 2019 meeting. Motion carried unanimously by the following roll call vote:

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

No action was taken on the other two items.

ADJOURNMENT

There being no further business, Mayor Wilson adjourned the meeting at 7:25 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 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.*

ROLL CALL

Mayor Wilson called the meeting to order at 7:25 PM with the following Council / Board Members present: Adams, Day, Segala, Williams, Wilson.

Pledge of Allegiance was led by Council Member

Invocation was given by Interim City Manager Ramirez.

PUBLIC COMMENT

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

George Guynn expressed concern about Regional Transit procedures.

Stephanie Perry, Pro Tem, and John Dutcher for the Civil Grand Jury brought application to serve on the Grand Jury.

Niles Ryan and Lia Wiggins complained about neighbor's dog barking incessantly.

Robert Dotson of Classic Heritage Park complained about the lack of landscape maintenance and lack of public works response.

Mayor Wilson directed staff to look into the problems at Classic and report back to the City Council.

CONFLICT OF INTEREST NOTIFICATION - None

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

REPORTS: (Informational items only.)

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

Council Member Day reported homeless encampments in Old Town is a very big problem.

Council Member Adams reported participating with the fourteen high school students who came to City Hall to learn about government and other civic jobs; attended the Suisun Rotary Club that gave Youth Leadership awards; reported would be attending the Suisun Team Clean this coming Saturday at Walters and Bella Vista; reported the Capital Corridor Joint Powers Authority toured the Suisun City Train Depot to look at possible improvements.

Council Member Williams reported she was guest speaker at Armijo High School in honor of Black History Month and having a lot of calls on homeless encampments in the Old Town area.

Council Member Segala reported attending the STA Pedestrian summit and the STA Bicycle Advisory Committee which discussed a bicycle trail from Suisun City to Rush Ranch.

Mayor Wilson created the following three Ad Hoc Committees and appointed councilmembers to each:

- **Highway 12 and Marina Mixed Use – Mayor Wilson and Council Member Adams;**
- **Main Street West Disposition and Development Agreement – Mayor Wilson and Council Member Segala;**
- **Arts (which will be under recreation) – Mayor Wilson and Council Member Williams.**

Mayor Wilson also announced there would be the following three round table discussions:

- **Homelessness – the impact on businesses and neighborhoods;**
- **Business retention and expansion**
- **Faith base engagements**

2. City Manager/Executive Director/Staff

City Manager Ramirez introduced Scott Pollen as the new Interim Police Chief.

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

3. Approving Appointment to the Parks and Recreation Commission - (one appointment for unscheduled vacancy, term ending January 2021).

Mayor Wilson appointed Tristan Dubois to the Parks and Recreation Commission. Motioned by Council Member Adams and seconded by Council Member Segala to confirm the above appointment. Motion carried unanimously by the following vote: AYES: Council Members: Adams, Day, Segala, Williams, Wilson

City Clerk Hobson administered the Oath of Office for Mr. Dubois.

4. Approving Appointment to Travis Regional Armed Forces Committee.

Mayor Wilson appointed herself to the Travis Regional Armed Forces Committee. Motioned by Council Member Mayor Wilson and seconded by Council Member Segala to confirm the above appointment. Motion carried unanimously by the following vote: AYES: Council Members: Adams, Day, Segala, Williams, Wilson

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. 2019-08: 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. 2019-09: Establishing a Public Safety, Environment and Climate and a Landscaping Lighting District Citizen's Advisory Committees – (Ramirez).
7. Council Adoption of Resolution No. 2019-10: 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. 2019-11: Amending Compensation for Interim Police Chief – (Dingman).
9. Council Adoption of Resolution No. 2019-12: 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 2019-01: 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).

Mayor Wilson pulled Items 5 and 6 from Consent Calendar.

Motioned by Council Member Segala and seconded by Council Member Adams to approve Consent Calendar Items 7-13. Motion carried unanimously by the following roll call vote:

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

Item 6

Mayor Wilson stated Exhibit A of Resolution 2019-09 Section E(c) should be changed to:

Lighting & Landscaping: 15 member board... (First line)

The Chair and 15 member.... (Fourth line)

Motioned by Mayor Wilson and seconded by Council Member Segala to adopt Resolution No. 2019-09. Motion carried unanimously by the following roll call vote:

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

Item 5

Michael Zeiss, speaking on behalf of the Solano County Growth Committee, asked the City Council to postpone this item to March 5, to prevent developers from going around Solano County's Land Use Plan.

George Guynn expressed concern about the large development in Green Valley and suggested the City Council to vote against it.

Greg Baatrup of FSSD encouraged the Council to vote on the Item tonight.

Motioned by Council Member Segala and seconded by Council Member Williams to adopt Resolution No. 2019-08. Motion carried unanimously by the following roll call vote:

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

NOES: Council Member Day

Mayor Wilson moved Item 15 to 14.

PUBLIC HEARINGS**Joint City Council / Suisun City Council Acting as Successor Agency**

14. PUBLIC HEARING

City Council Consider Options to the Adoption of Resolution No. 2019-13: 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).

Mayor Wilson opened the public hearing.

Mike Rice, Main Street West requested a two-year extension.

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

Council Member Day moved to deny the extension. Motion died for lack of second.

Council Member Segal moved to give a 120-day extension. Motion died for lack of second.

Motioned by Council Member Day and seconded by Council Member Williams to adopt Resolution No. 2019-13. Inserting in Section 2 “April 19, 2019 final” extension. Motion carried unanimously by the following roll call vote:

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

GENERAL BUSINESS**City Council**

15. Council Adoption of Resolution No. 2019-14: Accepting the Comprehensive Annual Financial Report and Report on Federal Awards in Accordance with OMB Circular A-133 for Fiscal Year 2017-18 – (Luna).

Elizabeth Luna gave a summary of the CAFR.

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. 2019-16: 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.

Verna Scheuter discussed the congressional bills about taxes.

Steve Olry expressed concern about regulations and encouraged maximum deposit and make agreement performance based.

Juan Garcia-Flores recommended more than one and strong security.

Motioned by Council Member Segala and seconded by Council Member Williams to Continue the public hearing to March 5, 2019.

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

ADJOURNMENT

There being no further business, Mayor Wilson adjourned the meeting at 11:03 PM.

Linda Hobson, CMC
City Clerk

AGENDA TRANSMITTAL

MEETING DATE: March 5, 2019

CITY AGENDA ITEM: Cannabis Request for Application: Based on tonight’s discussion and provided the City Council does not modify the direction of any of the key steps or actions intended in the current resolutions:

- 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.

On February 19, 2019, the City Council received a report on this item and provided initial comments to staff. This report and various attachments have been updated to respond to Council comments and to adjust the schedule change due to the continuation of the item.

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

PREPARED BY:
REVIEWED BY:
APPROVED BY:

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

(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 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").

COUNCIL DISCUSSION – FEBRUARY 19, 2019

The City Council opened the public hearing on this item and received staff's presentation on February 19, 2019. Due to the late hour when this item was heard, the Council received the presentation, provided initial comments, and continued the hearing to March 5, 2019. During the February 19 meeting, staff heard the following comments and requests:

City Council Comments and Requests:

- Provide a map of the zone in which dispensaries could be established (Commercial Services and Fabrication (CSF) Zone) that includes roads, parcel numbers and school setbacks.
 - A map of CSF Zone properties with 600 foot setbacks from schools is provided for Council's review as Attachment 3 of this report.
- Provide an update on the status of legislation that would reduce State excise tax on cannabis (AB-3157).
 - In addition to legalizing recreational use of cannabis, Proposition 64 established a 15% state excise tax on the purchase of cannabis and cannabis products. Following approval of AB-3157, the state excise tax would be reduced from 15% to 11%. On June 1, 2021, the state excise tax would revert back to 15%.
 - AB-3157 also waives the cultivation tax from following adoption of the legislation through June 1, 2021
 - The intent of this legislation is to place permitted and legal cannabis production and sales on a more even footing with black market. This bill is currently in committee and minor amendments have been incorporated.
- Provide an update on regulations related to cannabis deliveries.
 - On January 16, 2019 updates to California's cannabis regulations received final approvals from the state Office of Administrative Law. The new rules allow deliveries to any location within the state, regardless of local regulations.

- Review past Council direction regarding how the City cannabis tax rate would be amended; consider having the City Council set reduced tax rates.
 - Interest in the City Council setting modified cannabis tax rates, rather than applicants proposing modified tax rates, was expressed at the meeting of February 19, 2019.
 - The draft RFA directs applicants to propose adjustments to tax rates that would be considered in the RFA process.
 - If the City Council wishes to determine the modified tax rates rather than consider applicant proposals, then direction should be provided to staff and the RFA would be revised accordingly and presented to Council for consideration at a later meeting.
- Clarify amount each applicant would be charged in the RFA selection process. Would all applicants be charged the same amount?
 - An initial deposit of \$3,000 is required to participate in the RFA selection process. Many of the activities required under the RFA selection process would support all applicants. If a single applicant generates substantially more work efforts, due to incomplete applications, excessive requests for assistance or similar demands, such an applicant could be charged for additional hours as required. It is anticipated that, barring such unusual demands, the costs for the RFA selection process will be shared equally among the RFA applicants.
- Amend the RFA to note that dispensaries can only be allowed in the CSF zone.
 - The RFA has been amended as follows, see page 1, section 3.A:
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 **must be located in the Commercial Services and Fabrication (CSF) zone and** may not be located within 600 feet of a K-12 school, commercial daycare center, or youth center.
- Interest in allowing more than one dispensary.
 - Interest in allowing more than one dispensary was noted during Council comments. The provisions to allow one dispensary are established in Section 18.49 of the Suisun City Zoning Code. The limitation of one dispensary may be amended at the direction of the City Council. The process for such amendment includes Planning Commission review and recommendation with final action by the City Council.

Public:

- Why wouldn't operators under-report their sales to avoid paying sales tax?
 - A member of the public inquired as to why a dispensary operator would report all income, particularly given the cannabis industry is largely a cash-based business.

- There is an elaborate set of reporting requirements that apply to growers, distributors and retailers of cannabis. The dispensary will have video surveillance of all operations, including delivery areas and sales areas. Any illegal activities could be detected both through financial audits and through review of video surveillance. If a dispensary wished to sell cannabis without reporting sales, they would likely need to purchase black market/illegal cannabis. Doing so would place the business at risk of losing its local permit and state license to operate and would expose operators to significant law enforcement risks.

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: Based on tonight’s discussion and provided the City Council does not modify the direction of any of the key steps or actions intended in the current resolutions:

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

3. CSF Zone Map with 600 Foot School Setbacks

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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 5th day of March, 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 March, 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 March, 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 25, 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, May 6, 2019** through **5:00 p.m. on Wednesday, June 5, 2019**. Applications must be delivered to City Hall no later than **5:00 p.m. Wednesday, June 5, 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, May 6, 2019 through 5:00 p.m. Wednesday, June 5, 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 25, 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 must be located in the Commercial Services and Fabrication (CSF) zone and 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, May 6, 2019 through 5:00 p.m. Wednesday, June 5, 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 then continued the hearing to March 5, 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 5th day of March, 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 March, 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 March, 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		

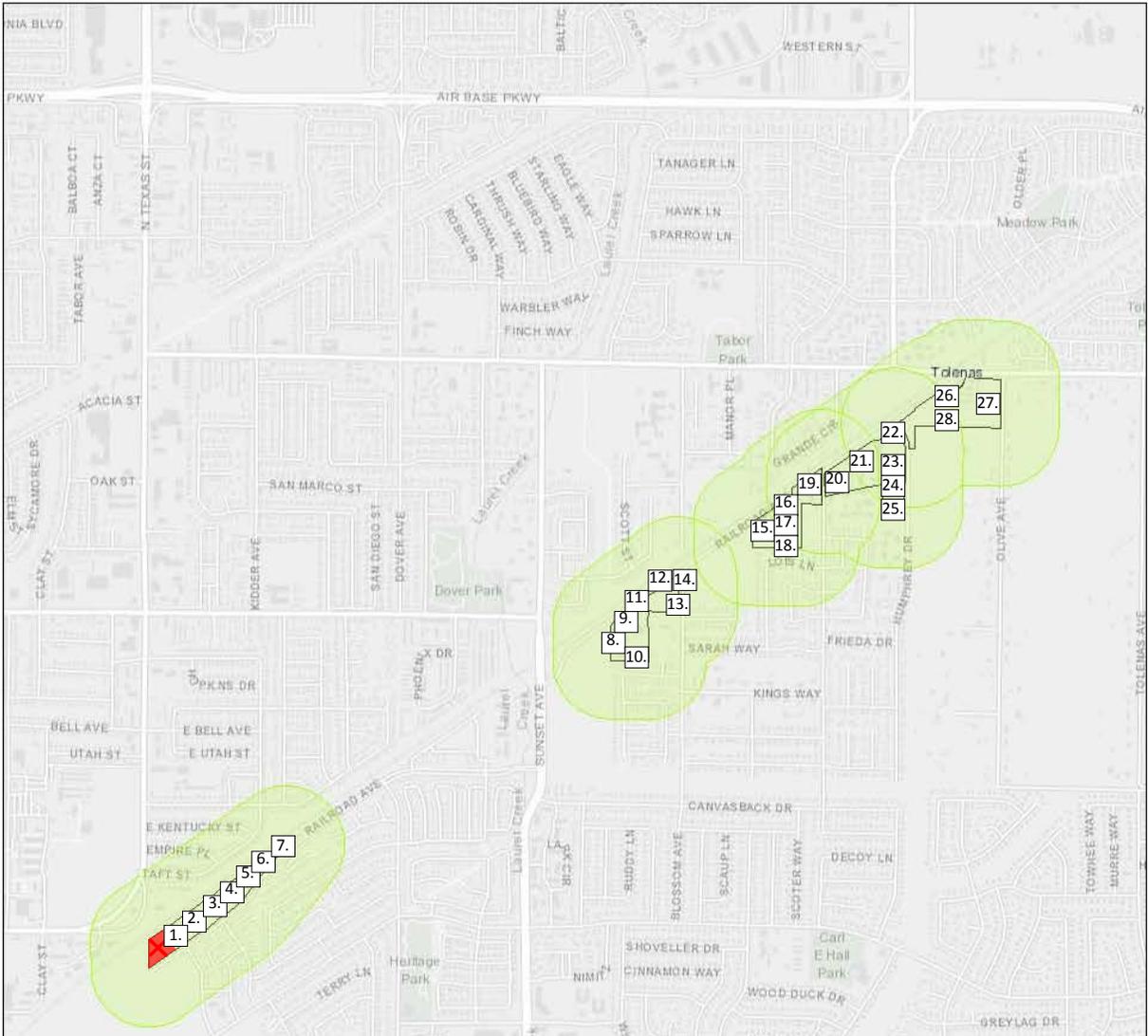


MASTER FEE SCHEDULE

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

Dispensary Buffer Map - 600FT



#	APN	Parcel Address	#	APN	Parcel Address
1	APN: 0032-420-220 APN: 0032-420-210	98 RAILROAD AVENUE	14	APN: 0037-170-100	1340 BLOSSOM AVENUE
2	APN: 0032-420-200	102 RAILROAD AVENUE	15	APN: 0037-080-160	515 RAILROAD AVENUE
3	APN: 0032-420-190	104 RAILROAD AVENUE	16	APN: 0037-080-020	519 RAILROAD AVENUE
4	APN: 0032-420-180	106 RAILROAD AVENUE	17	APN: 0037-080-040	NO ADDRESS ON FILE
5	APN: 0032-420-170	108 RAILROAD AVENUE	18	APN: 0037-080-050	NO ADDRESS ON FILE
6	APN: 0032-420-250	110 RAILROAD AVENUE	19	APN: 0037-080-060	521 RAILROAD AVENUE
7	APN: 0032-420-140	NO ADDRESS ON FILE	20	APN: 0037-090-060	605 RAILROAD AVENUE
8	APN: 0037-170-190	401 RAILROAD AVENUE	21	APN: 0037-090-070	631 RAILROAD AVENUE
9	APN: 0037-170-040	419 RAILROAD AVENUE	22	APN: 0038-231-010	NO ADDRESS ON FILE
10	APN: 0037-170-180	429 RAILROAD AVENUE	23	APN: 0038-231-060	1530 HUMPHREY DRIVE
11	APN: 0037-170-070	439 RAILROAD AVENUE	24	APN: 0038-231-070	NO ADDRESS ON FILE
12	APN: 0037-170-080	445 RAILROAD AVENUE	25	APN: 0038-241-050	1502 HUMPHREY DRIVE
13	APN: 0037-170-110	1348 BLOSSOM AVENUE	26	APN: 0038-222-100	725 RAILROAD AVENUE
			27	APN: 0038-222-040	4535 OLIVE AVENUE
			28	APN: 0038-222-110	NO ADDRESS ON FILE

Cannabis Dispensary RFA and Fees

City Council

March 5, 2019

Purpose of Discussion

Review of Cannabis Dispensary Request for Applications

- ▶ Attachment 1, Exhibits A, B and C

Review of Cannabis Dispensary Fees

- ▶ Attachment 2, Exhibits A and B

Cannabis Dispensary RFA Process

- ▶ Council approves for of RFA
- ▶ City releases Notice of RFA
- ▶ 30 day application period
- ▶ Staff conducts initial review of applications and presents findings to the City Council
- ▶ Council selects a Recommended Operator
- ▶ Staff works with Recommended Operator to prepare for final approval
- ▶ Staff presents Recommended Operator to City Council for final approval

Cannabis Dispensary RFA Application

- ▶ The RFA Application includes the following sections:
 - ▶ Application Form
 - ▶ Proposed Location
 - ▶ Site Control
 - ▶ Business Plan
 - ▶ Compliance with City Regulation
 - ▶ Floor Plan
 - ▶ Qualifications of Applicants
 - ▶ Special Qualifications
 - ▶ Neighborhood Compatibility
 - ▶ Safety and Security Plan
 - ▶ Community Benefits
 - ▶ Air Quality/Odor Control Plan
 - ▶ Labor & Employment
 - ▶ Alternative Tax Proposal
 - ▶ Criminal History Check

City Cannabis Tax

- ▶ Alternative Tax Proposal
- ▶ Suisun City residents approved a Marijuana Business Tax in November 2018
- ▶ The measure set the maximum rates at 15% of gross sales and \$25 per S.F. of commercial cannabis floor area
- ▶ Expect applicants to propose an alternative (reduced) tax rate in the RFA process

Cannabis Dispensary RFA Process

- ▶ Application Scoring Criteria
 - ▶ Alternative Tax Proposal (35 points)
 - ▶ Neighborhood Compatibility (20 points)
 - ▶ Business Plan (25 points)
 - ▶ Safety and Security Plan (30 points)
 - ▶ Community Benefits (20 points)
 - ▶ Site Control (15 points)
 - ▶ Compliance with City Regulations (15 points)
 - ▶ Qualifications of Owners (20 points)
 - ▶ Labor & Employment (20 points)

Cannabis Dispensary RFA Process

- ▶ Supplemental Security Measures
Measures established for cannabis dispensaries in addition to security measures require under SCC Chapter 18.49:

- ▶ General Security Requirements
- ▶ Interior Lighting Requirements
- ▶ Doors and Access Requirements
- ▶ Exterior Lighting Requirements
- ▶ Video Surveillance
- ▶ Landscaping
- ▶ General Lighting Requirements
- ▶ Fencing

Cannabis Dispensary Fees

- ▶ RFA Processing Fees
 - ▶ Initial deposit for Selection Process - \$3,000
 - ▶ Second deposit for Recommended Operator - \$5,160
 - ▶ Fees for the RFA process are deposits - applicants to pay
City actual costs for processing
- ▶ Cannabis Dispensary Business Permit Annual Fee
 - ▶ Annual fee to offset costs of administering the dispensary
 - \$4,320
 - ▶ Processing tax payments, financial audits, business inspections

City Council Comments - Feb. 19, 2019

- ▶ During the February 19 hearing staff received the following comments and requests.
 - ▶ Provide a map of CSF zones and 600 foot school setbacks
 - ▶ Provide an update on state legislation -tax reductions and delivery regulations
 - ▶ Process for setting reduced City cannabis tax rates
 - ▶ Clarify cost to RFA applicants
 - ▶ Amend RFA to reference CSF zone for dispensaries
 - ▶ Interest in allowing more than one dispensary
 - ▶ Concern that dispensary will under report sales

Anticipated Schedule for RFA Process

- ▶ February 19, 2019: Initial Council discussion
- ▶ March 5, 2019: Council approval of form of RFA and adoption of RFA Review Fee and Business Permit Annual Fee
 - ▶ Fees become effective 60 days after adoption
- ▶ April 1, 2019: Notice of RFA released and RFA materials made available to the public
- ▶ April 25, 2019: RFA informational workshop
- ▶ May 6 - June 5, 2019: RFA applications accepted
- ▶ July 2, 2019: Staff presents applications to City Council for selection of Recommended Operator
- ▶ July 30, 2019: City Council approves Dispensary Operator
- ▶ All dates are subject to adjustment based on time required for the City Council to review and take action on proposed items.

City Council Discussion and Action

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AGENDA TRANSMITTAL

MEETING DATE: March 5, 2019

CITY AGENDA ITEM: Fire Marshal/Inspection Services for Suisun City and Compliance with Senate Bill (SB) 1205.

Staff recommends that Council authorize the City Manager to seek Requests for Proposals from public and private agencies for services to comply with Health and Safety Code (HS) Code 13146 and SB 1205. Once the costs are known for either contracting for fire inspection services or creating the Office of Fire Marshall to comply with state mandates, staff will return to the City Council with findings and recommendations.

FISCAL IMPACT: Only order of magnitude costs are known at this time and are partially reviewed in the body of this staff report. Until all financial impacts are known, it would be premature to offer an estimate beyond that described later in this report.

BACKGROUND: In 1986, the City of Suisun City Fire Department transferred fire and life safety inspections to the Building Division. At the time, the Building Division was already doing some traditional Fire Marshal duties, specifically: fire code building plan check. Because the Building Department had certified fire inspection staff, and the volume of required state mandated fire inspections was small, the Building Division took over fire inspections; another traditional Fire Marshal responsibility.

All things related to Fire Marshal/Inspection functions changed with SB 1205 (Attachment 1). SB 1205 set into motion major reporting and inspection changes to deal with the 2016 “Ghost Ship” fire tragedy in Oakland, CA. Due to several factors, 36 people lost their lives, in part because of a less than vigorous fire inspection protocol. Compounding the problem was a Bay Area News Group Report which found most of the Bay Area Fire Departments failed to meet the minimum inspections mandated by the State of California. On September 27, 2018 the Governor of California signed into law Senate Bill 1205. SB 1205 requires the Fire Chief to annually report compliance to City Council that the mandated inspections are completed.

SB 1205 goes into full force and effect July 1, 2019. The bill requires fire departments to report annually their compliance with safety building inspection requirements to administering agents, such as the City Council.

This matter is coming before the City Council at the March 5th City Council for general discussion.

PREPARED BY:

Justin Vincent, Fire Chief

REVIEWED/APPROVED BY:

Richard Ramirez, Interim City Manager

STAFF REPORT: Suisun City has approximately 250 businesses and occupancies subject to California’s Health and Safety Code Section 13146 that require annual fire inspections, e.g., hotels, restaurants, apartments, fire alarms, etc. (Attachment 2). Considering the volume of inspections, we are in the process of drilling down how many hours will be required to fully comply with California State mandates. Compounding the compliance requirements of SB 1205 is the anticipation of an increase in population, along with 911 call volume, with limited fire department personnel.

Given available resources and SB 1205 being effective July 1, 2019, like many other cities, Suisun City will not be able comply with SB 1205 unless it modifies its practices. **To that end, we are evaluating two means to meet current and new State mandates:**

Option 1: Hire a full-time, FLSA Exempt, management position, Fire Marshal, to bring Suisun City into compliance with state mandates, limit legal liability, and create a safer community through community risk reduction (Attachment 3). The Fire Marshal will establish and maintain an effective and efficient fire prevention and community risk reduction program in conformity with SB 1205. Should the position be created, it would encompass fire and life safety inspections, permitting, weed abatement, fire code enforcement, fire investigations, community preparedness, CERT and other duties and programs as assigned. A second benefit of this option is the Fire Marshal will also have secondary fire suppression responsibilities. The Fire Marshal’s presence would increase available fire personnel responding to fires in Suisun City during business hours; a period that fire suppression and medical aid coverage is challenged.

Note: Suisun City averages approximately 14 fire suppression and 1500 medical aid calls per year.

Option 2: The City could contract with an outside fire agency or private company to perform inspections within the City of Suisun City related to HS Code 13146 and SB 1205. The contracted agency or company would inspect all businesses annually but would not provide for community risk reduction, emergency preparedness, CERT, or provide fire suppression assistance; albeit some of these functions may be carried out by the new Public Safety Committee. Weed abatement may be undertaken by the contracting agency under Option 2.

What might these cost look like for either option?

Option 1: If the City Council were to go in the direction of retaining in-house Fire Marshall services, there would be both onetime costs (estimated at \$132,000) and reoccurring costs (estimated at \$160,000) . Onetime costs will consist of the following: the purchase of vehicle, software and equipment needed to preform inspections, and office equipment. An office remodel will need to take place to “house” the new position. Finally, fire investigation equipment such as heat imaging will need to purchase. The reoccurring costs are salary/benefits, operating costs (uniforms), and yearly subscription to prevention software. Some of the expenses could be recouped through a revision in fire inspection fees, subject to a sensitivity analysis. In other words, how much of the cost for service could be covered by the new fee based on a number of factors such as economies of scale, General Fund subsidy, etc. Currently, the City charges \$24.90 per year for inspection services.

As an order of magnitude, at **full cost-recovery** (having the fee cover the cost for the Office of Fire Marshall) the current fee would need to be significantly increased on the 250 businesses subject to state inspections. The current flat fee would go from 24.90 to \$768.00. Under this hypothetical scenario, startup cost would be recouped over two years and the fee would be reduced to under \$675.00, solely to cover staffing the Office of Fire Marshal. Attached as Exhibit A is an example of what our Sister City Fairfield charges to provide Fire Marshal inspections (See Exhibit A).

Option 2: Seeking Fire Marshall Inspection Services solely to comply with HS 13146 and SB 1205, via contract would significantly reduce the City's out of pocket startup cost. Likewise, the contracting may be more cost effective on the short term, given the relatively manageable number of business subject to State mandated inspections. A "contracted" cost for services is unknown currently. A determination will be subject to a Request for Proposal (Exhibit B). Like Option 1, expenses could be recouped through a revision in the City's fire inspection fee. The fee to cover only compliance with State mandates may be lower than the order of magnitude fee in Option 1. Nevertheless, like Option 1, the fee under Option 2 will still be subject to a sensitivity analysis as to how much of the cost for service could be covered by the new fee.

Option 2 to has a limited scope. The City would not realize the other common services provided by the Office of Fire Marshall, nor would business hours' fire suppression capacity be augmented.

During the Mid-Year deliberations, the City Council will have an opportunity to discuss appropriating start-up funds to partially cover the cost to retain an inspection service or a qualified annuitant to undertake inspections as provided for in the Health and Safety Code and SB 1205.

STAFF RECOMMENDATION: Staff recommends that Council authorize the City Manager to seek Requests for Proposals from public and private agencies for services to comply with Health and Safety Code (HS) Code 13146 and SB 1205. Once the costs are known for either contracting for fire inspection services or creating the Office of Fire Marshall to comply with state mandates, staff will return to the City Council with findings and recommendations.

ATTACHMENTS:

1. Senate Bill 1205
2. Health and Safety Code Section 13146
3. Draft Flier on SCFD Fire Marshal Position
4. Start Up and Operating Costs: In-house Fire Marshal Services

EXHIBITS

- A. Fairfield Fire Prevention Inspection Fees
- B. Draft Request for Proposal (RFP)

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Senate Bill No. 1205

CHAPTER 854

An act to add Section 13146.4 to the Health and Safety Code, relating to fire protection.

[Approved by Governor- September 27, 2018. Filed with Secretary of State: September 27, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1205, Hill. Fire protection services: inspections: compliance reporting.

Existing law requires the chief of any city or county fire department or district providing fire protection services and his or her authorized representatives to inspect every building used as a public or private school within his or her jurisdiction, for the purpose of enforcing specified building standards, not less than once each year, as provided. Existing law requires every city or county fire department or district providing fire protection services that is required to enforce specified building standards to annually inspect certain structures, including hotels, motels, lodging houses, and apartment houses, for compliance with building standards, as provided.

This bill would require every city or county fire department, city and county fire department, or district required to perform the above-described inspections to report annually to its administering authority, as defined, on the department's or district's compliance with the above-described inspection requirements, as provided. The bill would require the administering authority to acknowledge receipt of the report in a resolution or a similar formal document. To the extent this bill would expand the responsibility of a local agency, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Bill Text:

The people of the State of California do enact as follows:

SECTION 1. Section 13146.4 is added to the Health and Safety Code, to read:

13146.4. (a) Every city or county fire department, city and county fire department, or district required to perform an annual inspection pursuant to Sections 13146.2 and 13146.3 shall report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3.

(b) The report made pursuant to subdivision (a) shall occur when the administering authority discusses its annual budget, or at another time determined by the administering authority.

(c) The administering authority shall acknowledge receipt of the report made pursuant to subdivision (a) in a resolution or a similar formal document.

(d) For purposes of this section, "administering authority" means a city council, county board of supervisors, or district board, as the case may be.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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California Health and Safety Code Section 13146

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CA Health & Safety Code § 13146 (2017)

The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

(a) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code, to either of the following:

(1) The chief of the fire authority of the city, county, or city and county, or his or her authorized representative.

(2) The chief building official of the city, county, or city and county, or his or her authorized representative.

(b) The chief of any city, county, or city and county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in subdivision (a) or (d).

(c) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(d) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

(e) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California and on all California State University campuses and properties administered or occupied by the California State University. For each university campus or property the State Fire Marshal may delegate that responsibility to the person of his or her choice who shall be known as the Designated Campus Fire Marshal.

(f) Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

(Amended by Stats. 2014, Ch. 34, Sec. 36. (SB 860) Effective June 20, 2014.)

[Previous](#) [13143.9](#) [13144](#) [13144.1](#) [13144.2](#) [13144.3](#) [13144.4](#) [13144.5](#) [13145](#) [13146](#) [13146.1](#) [13146.2](#) [13146.3](#) [13](#)

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Suisun City Fire Prevention Division

Out of the Ghost Ship Fire tragedy, Senate Bill 1205 was born.

SB 1205 holds Fire Chiefs accountable for their jurisdictions fire inspections requiring an annual report to be presented and adopted by resolution to their City Councils.

The Health and Safety codes cited in SB 1205, state that jails or places of detention, buildings used as public or private schools, hotels, motels, lodging houses, apartment houses, and buildings with an occupancy above 50 people require inspections.

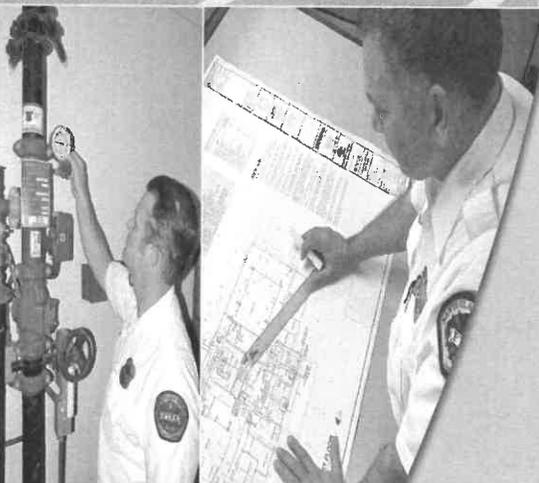
Suisun City Fire Department has not completed the required annual inspections since 1986.

HNS Sections 13146.1, 13146.2, 13146.3, and 17921

Suisun City has approximately 250* businesses.

Amount	Type
18	Apartments
1	Nightclub
10	Contractor
4	Financial
31	Professional
104	Retail
83	Service
1	Wholesale

*As of July 2018



Fire Marshall and Prevention Division Responsibilities

Role of the Fire Marshall

Under the general direction of the Fire Chief, the Fire Marshal would oversee the Fire Prevention Division including the development, implementation, and administration of the City's first Community Risk Reduction Program.

This would be the first Fire Prevention Division for the City of Suisun City. The Fire Marshal would be tasked with building the Division from scratch.

The Fire Marshal would be responsible for a variety of highly technical and specialized fire, life safety, and prevention functions and would provide the technical expertise and leadership necessary for successful execution of the City's Community Risk Reduction Program.

- Confers with and advises architects, engineers, attorneys, developers, and the public regarding the Fire Code and related ordinances and resolutions concerning fire prevention and weed abatement.
- Compiles information and prepares regular and special reports on inspections; identifies any actions taken with respect to fire prevention.
- Conducts inspections of residential, industrial and commercial structures.
- Conducts state, county and city licensing inspections as needed.

- Prepares compliance or correction notices for code violations; conducts follow-up inspections to ensure corrections have been made.
- Issues citations when necessary.
- Makes court appearances and participates in other legal proceedings as needed for fire investigations and code enforcement activities.
- Conducts research, analyzes data, and develops/ enhances programs, regulations, and codes pertaining to the prevention of fire and protection of lives and property.
- Participates in the land use entitlement and environmental review processes for development within or around the City as needed.
- Conducts cause and origin investigations including those involving suspected arson and coordinates cause/origin investigations performed by other staff.
- Conducts interviews of witnesses and suspects; maintains investigation logs, files, and reports.
- Coordinates the City Emergency Operations Center (EOC)/Department Operations Center.
- Develops and maintains the City Emergency Operations Plan.
- Coordinates the City CERT Program.
- Directs, trains, supervises and evaluates the work of assigned staff.
- Makes recommendations as to hiring, promotion, discipline or termination.



On Dec. 2nd, 2016 thirty-six people lost their lives in the Ghost Ship Fire. There were no sprinklers, smoke detectors, or clear emergency exits. After the fire, the City of Oakland discovered the building had not been inspected for 30 years. There had been complaints about debris on the street, but the inspectors were not able to make contact with the owner and gain access the property.

Start up costs

Item	projected cost
Fire Marshal Vehicle	\$ 75,000
Fire Inspection software	\$ 35,000
Office space	\$ 4,500
Computer and equipment	\$ 2,200
Desk	\$ 1,000
Ipad	\$ 850
Inspection forms	\$ 350
Complete NFPA and ICC code (alternating years)	\$ 2,500
Fire Investigation Equipment	\$ 4,000
Turnouts and PPE	\$ 7,000.00
Total	\$ 132,400

Reoccurring Fire Marshal Salary and Benfits

165,000.00 +/-

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FAIRFIELD FIRE DEPARTMENT
Fire Prevention Division



City of Fairfield
RESOLUTION
2017 - 207
Date of Adoption
10/03/2017

Building Plan Review: The fee for plan checking and inspection services performed by the Fire Prevention Division in connection with all work requiring a building permit, excluding one (1) and two (2) unit dwellings and minor residential remodels, shall be one-fourth (1/4) of the building permit fee.

All fees shall be adjusted annually effective July 1, starting July 2018, by the percent change in the Consumer Price Index. "Consumer Price Index" means the average of the percent change in Consumer Price Index for Urban Clerical and Wage Earners, as reported by the Bureau of Labor Statistics or successor agency, from the December of the preceding calendar over the preceding December, for the San Francisco Bay Area, the Western Urban region, and the U.S. Cities indices.

011-55-003-7060

PLAN REVIEW & CONSTRUCTION INSPECTIONS		
Number	Includes initial plan review, one (1) resubmittal, and normal field inspections <i>Excessive resubmittals/inspections shall be billed at the established hourly rate (1 Hour Minimum)</i>	Fee
Fire Sprinkler Systems		
1	Fire Hydrant(s) Flow Test (per site)	\$691
2	Fire Sprinkler System - NFPA 13	
2.1	Up to 7,000 sq ft (First 25 Heads)	\$1,570
2.2	> 7,000 sq ft (Each Additional or Portion of 25 Heads)	\$126
2.3	Fire Pump (per pump)	\$1,382
3	Modification to Sprinkler System - NFPA 13	
3.1	0 - 7,000 sq ft	\$565
3.2	> 7,000 sq ft per each additional 7,000 sq ft	\$126
4	Residential Sprinkler System	
4.1	Subdivision Model Homes - 13D (per unit)	\$691
4.2	Subdivision Production Homes - 13D (per unit)	\$226
4.3	Non-Subdivision Home Base Fee	\$879
4.4	Residential Sprinkler System - 13R (per complex)	\$2,261
4.5	Inspection Fee - 13R (per unit)	\$188
5	Fire Alarm Systems	
5.1	New Fire Alarm Systems < 25 devices	\$1,005
5.2	New Fire Alarm Systems > 25 - 75 devices	\$1,507
5.3	New Fire Alarm System > 75 devices	\$2,010
5.4	TI Fire Alarm System < 25 devices	\$879
5.5	TI Fire Alarm System > 25 devices	\$1,382
5.6	Dedicated Function Fire Alarm System (sprinkler monitoring, elevator recall, etc.)	\$502
6	Underground	
6.1	1 - 4 Hydrant/Riser	\$1,131
6.2	5 - 10 Hydrant/Riser	\$1,759
6.3	11 or More Hydrant/Riser	\$2,198

011-55-003-7060

011-55-003-7062

PLAN REVIEW & CONSTRUCTION INSPECTIONS			
Number	Includes initial plan review, one (1) resubmittal, and normal field inspections <i>Excessive resubmittals/reinspections shall be billed at the established hourly rate (1 Hour Minimum)</i>		Fee
7	Special Systems		
7.1	Refrigeration System < 500 lb.		\$440
7.2	Refrigeration System ≥ 500 lb.		\$565
7.3	Spray Booth		\$377
7.4	Emergency Responder Radio Coverage		\$377
7.5	Smoke Evacuation		\$691
7.6	Solar Photovoltaic Systems (Commercial)		\$691
7.7	Solar Photovoltaic Systems (Residential)		\$440
7.8	Solar Photovoltaic Systems (Ground)		\$754
7.9	Clean Agent Extinguishing System or Equal (clean agent/industrial dry chemical systems)		\$1,005
8	Hood & Duct System (per system)		
8.1	1 - 11 Flow Points		\$691
8.2	12 - 22 Flow Points		\$942
8.3	Each Additional 11 Flow Points		\$188
9	Tanks/HazMat		
9.1	HazMat Tank Installation/Removal (Underground)		\$879
9.2	HazMat Tank Installation/Removal (Aboveground)		\$628
9.3	Propane Tank Installation/Removal (Aboveground)		\$502
9.4	Propane Tank Installation/Removal (Underground)		\$628
ANNUAL FIRE AND LIFE SAFETY INSPECTIONS			
Number	Includes initial inspection plus one (1) reinspection <i>Excessive reinspections shall be billed at the established hourly rate (1 Hour Minimum)</i>		Fee
Occupancy Types			
10	A Occupancy - Assembly		
10.1	0 - 5,000 sq ft		\$126
10.2	5,001 - 10,000 sq ft		\$126
10.3	10,001 - 20,000 sq ft		\$251
10.4	20,001 - 40,000 sq ft		\$314
10.5	40,001 - 80,000 sq ft		\$377
10.6	80,001 - 120,000 sq ft		\$440
10.7	120,001 - 150,000 sq ft		\$565
10.8	150,000 sq ft or more		\$691
11	B/M/U Occupancy - Business/Mercantile/Utility (ie Garage/Carport)		
11.1	0 - 5,000 sq ft		\$126
11.2	5,001 - 10,000 sq ft		\$126
11.3	10,001 - 20,000 sq ft		\$251
11.4	20,001 - 40,000 sq ft		\$314
11.5	40,001 - 80,000 sq ft		\$377
11.6	80,001 - 120,000 sq ft		\$440
11.7	120,001 - 150,000 sq ft		\$565
11.8	150,000 sq ft or more		\$691

011-55-003-7062

ANNUAL FIRE AND LIFE SAFETY INSPECTIONS		
Number	Includes initial inspection plus one (1) reinspection <i>Excessive reinspections shall be billed at the established hourly rate (1 Hour Minimum)</i>	Fee
12	Schools	
12.1	1 - 99 Students	\$440
12.2	100 - 199 Students	\$502
12.3	200 or More Students	\$691
13	Commercial Day Care E3/Adult Day Car I4	
13.1	7 to 49 Persons	\$502
13.2	50 - 149 Persons	\$565
13.3	150 Persons or More	\$628
14	F & H Occupancies - Industrial/Manufacturing	
14.1	0 - 5,000 sq ft	\$251
14.2	5,001 - 10,000 sq ft	\$314
14.3	10,001 - 20,000 sq ft	\$377
14.4	20,001 - 40,000 sq ft	\$440
14.5	40,001 - 80,000 sq ft	\$502
14.6	80,001 - 120,000 sq ft	\$565
14.7	120,001 - 150,000 sq ft	\$691
14.8	150,000 sq ft or more	\$817
15	I - Hospitals & Detention Facilities	\$1,193
16	R1/R2 Occupancy - Residential	
16.1	1 - 4 Units	\$314
16.2	5 - 25 Units	\$377
16.3	26 - 100 Units	\$440
16.4	101 - 300 Units	\$502
16.5	301 and More Units	\$565
17	Residential Day Care	
17.1	Large Family Day Care R3 Annual: 7 - 14 persons	\$314
17.2	Family Day Care License Pre-Inspection	\$377
18	Residential Care Facility	
18.1	State License Pre-Inspection Request	\$502
18.2	1 - 6 Units	\$440
18.3	7 - 25 Units	\$565
18.4	26 - 100 Units	\$691
18.5	101 - 300 Units	\$817
18.6	301 and More Units	\$1,068
19	Skilled Nursing Facility	
19.1	7 - 25 Units	\$440
19.2	26 - 100 Units	\$502
19.3	101 - 300 Units	\$565
19.4	301 and More Units	\$691

011-55-003-7062

011-55-003-6205

ANNUAL FIRE AND LIFE SAFETY INSPECTIONS
Includes initial inspection plus one (1) reinspection
Excessive reinspections shall be billed at the established hourly rate (1 Hour Minimum)

Number		Fee
20	S Occupancies - Warehouse/Storage Facility/Repair Garages	
20.1	0 - 5,000 sq ft	\$251
20.2	5,001 - 10,000 sq ft	\$314
20.3	10,001 - 20,000 sq ft	\$377
20.4	20,001 - 40,000 sq ft	\$440
20.5	40,001 - 80,000 sq ft	\$502
20.6	80,001 - 120,000 sq ft	\$565
20.7	120,001 - 150,000 sq ft	\$691
20.8	150,000 sq ft or more	\$754
21	Mid-Rise Inspection (4 - 6 stories)	\$691

FIRE CODE PERMITS
Includes review and inspection for each permit type

Number		Fee
22	Places of Assembly	
22.1	50 - 99 Persons	\$502
22.2	100 - 299 Persons	\$565
22.3	300 or More Persons	\$691
23	Aerosol Products (per 500 lbs)	\$565
24	Amusement Buildings	\$628
25	Carnivals, Fairs, and Special Events	\$879
26	Combustible Dust Producing Operations	\$628
27	Combustible Fibers	\$440
28	Compressed Gases	\$440
29	Covered Malls	\$1,382
30	Cryogenic Fluids	\$565
31	Cutting and Welding	\$377
32	Dry Cleaning Plants	\$565
33	Exhibit and Trade Shows	\$628
34	Explosives or Blasting Agents	\$879
35	Flammable and Combustible Liquids	\$440
36	Fumigation and Insecticidal Fogging	\$314
37	Hazardous Materials	\$565
38	High Piled Storage	
38.1	1 - 10,001 sq ft	\$440
38.2	10,001 - 20,000 sq ft	\$565
38.3	20,001 - 50,000 sq ft	\$754
38.4	> 50,000 sq ft area -	\$879
38.5	Each Additional 10,000 sq ft	\$63
39	HPM Facilities	\$942
40	Hot Work Operations/Cutting & Welding	\$314
41	Industrial Ovens	\$565
42	LP Gas Storage/Exchange	\$377

011-55-003-6205
011-55-003-7063

Number **FIRE CODE PERMITS** **Fee**
Includes review and inspection for each permit type

43	Liquid/Compressed Gases - Hazardous		\$502
44	Liquid/Compressed Gases - Medical		\$314
45	Lumber Yards & Woodworking Plants		\$628
46	Miscellaneous Combustible Storage		\$377
47	Open Flames & Candles		\$251
48	Organic Coatings		\$628
49	Private Hydrants		\$377
50	Proxylin Plastics		\$628
51	Pyrotechnic Special Effects		\$628
52	Refrigeration Equipment		\$628
53	Repair Garage or Motor Fuel Dispensing		\$314
54	Spraying or Dipping		\$377
55	Storage of Scrap Tires		\$628
56	Waste Handling		\$628
57	Additional Permits as Authorized by Fire Code - Hourly Rate (1 Hour Minimum)		\$251
58	Temporary Membrane Structures/Tents		
58.1		400 - 3,000 sq ft	\$314
58.2		3,001 - 10,000 sq ft	\$377
58.3		10,000 or more sq ft	\$502
59	Wood Products		\$502
60	Open Burning (as approved)		\$314
61	Holiday Tree Lots		\$378
62	Fireworks		\$817

Number **MISCELLANEOUS FEES, REVIEWS, AND INSPECTIONS** **Fee**

63	Alternative Method Request/Deferred Submittal Request		\$440
64	Cell Tower (outside roof, pole, etc)		\$251
65	Design Review/Consultation Meeting - Hourly Rate (1/2 Hour Minimum)		\$126
66	Evacuation Plan Review/Fire Drill Monitoring		\$251
67	File Search (providing research, etc)		\$188
68	New Business Inspection		\$314
69	Haunted House		\$502
70	Perimeter Fencing/Gates Plan Review		\$565
71	Hydrants Review		\$377
72	Single Family Dwelling Review		\$314
73	Public Schools Site Review		\$314
74	County Projects Review		\$314
75	Over-the-Counter Plan Review - Hourly Rate (1 Hour Minimum - Small Projects When Approved)		\$251
76	Overtime Inspection/Review - After Normal Office Hours (2 Hour Minimum)		\$502

011-55-003-7063

Number		MISCELLANEOUS FEES, REVIEWS, AND INSPECTIONS	Fee
77	Plan Rerechecks - Hourly Rate (1 Hour Minimum) <i>Includes as built's and excessive plan resubmittals/field inspections</i>		\$251
78	Expedited Plan Review <i>In addition to normal fee</i>		\$565
79	Special Requests or Uncategorized - Hourly Rate (1 Hour Minimum)		\$251
80	Investigation of Construction without a Permit (2 Hour Minimum)		\$502
81	Weed Abatement - Hourly Rate (1 Hour Minimum)		\$251
Number		ADMINISTRATIVE FEES	Fee
82	Per Page Fee (per California Public Records Act)		\$0.10
83	File Review - Hourly Rate (to be prorated to the nearest quarter hour)		\$251
84	Fire Prevention Personnel - Hourly Rate (to be prorated to the nearest quarter hour)		\$251
Number		ADMINISTRATIVE CITATION PROGRAM	Fee
85	1st Citation		\$110
86	2nd Citation		\$220
87	3rd Citation		\$550
88	Administration - Hourly Rate (Non-Compliance Administrative Action)		\$251



FAIRFIELD FIRE DEPARTMENT
Fire Prevention Division



City of Fairfield
RESOLUTION
2017 - 227
Date of Adoption
10/03/2017

Building Plan Review: The fee for plan checking and inspection services performed by the Fire Prevention Division in connection with all work requiring a building permit, excluding one (1) and two (2) unit dwellings and minor residential remodels, shall be one-fourth (1/4) of the building permit fee.

All fees shall be adjusted annually effective July 1, starting July 2018, by the percent change in the Consumer Price Index. "Consumer Price Index" means the average of the percent change in Consumer Price Index for Urban Clerical and Wage Earners, as reported by the Bureau of Labor Statistics or successor agency, from the December of the preceding calendar over the preceding December, for the San Francisco Bay Area, the Western Urban region, and the U.S. Cities indices.

011-55-003-7060

PLAN REVIEW & CONSTRUCTION INSPECTIONS		
Number	Includes initial plan review, one (1) resubmittal, and normal field inspections <i>Excessive resubmittals/inspections shall be billed at the established hourly rate (1 Hour Minimum)</i>	Fee
Fire Sprinkler Systems		
1	Fire Hydrant(s) Flow Test (per site)	\$691
2	Fire Sprinkler System - NFPA 13	
2.1	Up to 7,000 sq ft (First 25 Heads)	\$1,570
2.2	> 7,000 sq ft (Each Additional or Portion of 25 Heads)	\$126
2.3	Fire Pump (per pump)	\$1,382
3	Modification to Sprinkler System - NFPA 13	
3.1	0 - 7,000 sq ft	\$565
3.2	> 7,000 sq ft per each additional 7,000 sq ft	\$126
4	Residential Sprinkler System	
4.1	Subdivision Model Homes - 13D (per unit)	\$691
4.2	Subdivision Production Homes - 13D (per unit)	\$226
4.3	Non-Subdivision Home Base Fee	\$879
4.4	Residential Sprinkler System - 13R (per complex)	\$2,261
4.5	Inspection Fee - 13R (per unit)	\$188
5	Fire Alarm Systems	
5.1	New Fire Alarm Systems < 25 devices	\$1,005
5.2	New Fire Alarm Systems > 25 - 75 devices	\$1,507
5.3	New Fire Alarm System > 75 devices	\$2,010
5.4	TI Fire Alarm System < 25 devices	\$879
5.5	TI Fire Alarm System > 25 devices	\$1,382
5.6	Dedicated Function Fire Alarm System (sprinkler monitoring, elevator recall, etc.)	\$502
6	Underground	
6.1	1 - 4 Hydrant/Riser	\$1,131
6.2	5 - 10 Hydrant/Riser	\$1,759
6.3	11 or More Hydrant/Riser	\$2,198

011-55-003-7060

011-55-003-7062

PLAN REVIEW & CONSTRUCTION INSPECTIONS

Number Includes initial plan review, one (1) resubmittal, and normal field inspections Fee
Excessive resubmittals/reinspections shall be billed at the established hourly rate (1 Hour Minimum)

7	Special Systems		
7.1		Refrigeration System < 500 lb.	\$440
7.2		Refrigeration System ≥ 500 lb.	\$565
7.3		Spray Booth	\$377
7.4		Emergency Responder Radio Coverage	\$377
7.5		Smoke Evacuation	\$691
7.6		Solar Photovoltaic Systems (Commercial)	\$691
7.7		Solar Photovoltaic Systems (Residential)	\$440
7.8		Solar Photovoltaic Systems (Ground)	\$754
7.9		Clean Agent Extinguishing System or Equal (clean agent/industrial dry chemical systems)	\$1,005
8	Hood & Duct System (per system)		
8.1		1 - 11 Flow Points	\$691
8.2		12 - 22 Flow Points	\$942
8.3		Each Additional 11 Flow Points	\$188
9	Tanks/HazMat		
9.1		HazMat Tank Installation/Removal (Underground)	\$879
9.2		HazMat Tank Installation/Removal (Aboveground)	\$628
9.3		Propane Tank Installation/Removal (Aboveground)	\$502
9.4		Propane Tank Installation/Removal (Underground)	\$628

ANNUAL FIRE AND LIFE SAFETY INSPECTIONS

Number Includes initial inspection plus one (1) reinspection Fee
Excessive reinspections shall be billed at the established hourly rate (1 Hour Minimum)

Occupancy Types			
10	A Occupancy - Assembly		
10.1		0 - 5,000 sq ft	\$126
10.2		5,001 - 10,000 sq ft	\$126
10.3		10,001 - 20,000 sq ft	\$251
10.4		20,001 - 40,000 sq ft	\$314
10.5		40,001 - 80,000 sq ft	\$377
10.6		80,001 - 120,000 sq ft	\$440
10.7		120,001 - 150,000 sq ft	\$565
10.8		150,000 sq ft or more	\$691
11	B/M/U Occupancy - Business/Mercantile/Utility (ie Garage/Carport)		
11.1		0 - 5,000 sq ft	\$126
11.2		5,001 - 10,000 sq ft	\$126
11.3		10,001 - 20,000 sq ft	\$251
11.4		20,001 - 40,000 sq ft	\$314
11.5		40,001 - 80,000 sq ft	\$377
11.6		80,001 - 120,000 sq ft	\$440
11.7		120,001 - 150,000 sq ft	\$565
11.8		150,000 sq ft or more	\$691

011-55-003-7062

ANNUAL FIRE AND LIFE SAFETY INSPECTIONS		Fee
Includes initial inspection plus one (1) reinspection <i>Excessive reinspections shall be billed at the established hourly rate (1 Hour Minimum)</i>		
Number		
12	Schools	
12.1	1 - 99 Students	\$440
12.2	100 - 199 Students	\$502
12.3	200 or More Students	\$691
13	Commercial Day Care E3/Adult Day Car I4	
13.1	7 to 49 Persons	\$502
13.2	50 - 149 Persons	\$565
13.3	150 Persons or More	\$628
14	F & H Occupancies - Industrial/Manufacturing	
14.1	0 - 5,000 sq ft	\$251
14.2	5,001 - 10,000 sq ft	\$314
14.3	10,001 - 20,000 sq ft	\$377
14.4	20,001 - 40,000 sq ft	\$440
14.5	40,001 - 80,000 sq ft	\$502
14.6	80,001 - 120,000 sq ft	\$565
14.7	120,001 - 150,000 sq ft	\$691
14.8	150,000 sq ft or more	\$817
15	I - Hospitals & Detention Facilities	\$1,193
16	R1/R2 Occupancy - Residential	
16.1	1 - 4 Units	\$314
16.2	5 - 25 Units	\$377
16.3	26 - 100 Units	\$440
16.4	101 - 300 Units	\$502
16.5	301 and More Units	\$565
17	Residential Day Care	
17.1	Large Family Day Care R3 Annual: 7 - 14 persons	\$314
17.2	Family Day Care License Pre-Inspection	\$377
18	Residential Care Facility	
18.1	State License Pre-Inspection Request	\$502
18.2	1 - 6 Units	\$440
18.3	7 - 25 Units	\$565
18.4	26 - 100 Units	\$691
18.5	101 - 300 Units	\$817
18.6	301 and More Units	\$1,068
19	Skilled Nursing Facility	
19.1	7 - 25 Units	\$440
19.2	26 - 100 Units	\$502
19.3	101 - 300 Units	\$565
19.4	301 and More Units	\$691

011-55-003-7062

011-55-003-6205

ANNUAL FIRE AND LIFE SAFETY INSPECTIONS
Includes initial inspection plus one (1) reinspection
Excessive reinspections shall be billed at the established hourly rate (1 Hour Minimum)

Number		Fee
20	S Occupancies - Warehouse/Storage Facility/Repair Garages	
20.1	0 - 5,000 sq ft	\$251
20.2	5,001 - 10,000 sq ft	\$314
20.3	10,001 - 20,000 sq ft	\$377
20.4	20,001 - 40,000 sq ft	\$440
20.5	40,001 - 80,000 sq ft	\$502
20.6	80,001 - 120,000 sq ft	\$565
20.7	120,001 - 150,000 sq ft	\$691
20.8	150,000 sq ft or more	\$754
21	Mid-Rise Inspection (4 - 6 stories)	\$691

FIRE CODE PERMITS
Includes review and inspection for each permit type

Number		Fee
22	Places of Assembly	
22.1	50 - 99 Persons	\$502
22.2	100 - 299 Persons	\$565
22.3	300 or More Persons	\$691
23	Aerosol Products (per 500 lbs)	\$565
24	Amusement Buildings	\$628
25	Carnivals, Fairs, and Special Events	\$879
26	Combustible Dust Producing Operations	\$628
27	Combustible Fibers	\$440
28	Compressed Gases	\$440
29	Covered Malls	\$1,382
30	Cryogenic Fluids	\$565
31	Cutting and Welding	\$377
32	Dry Cleaning Plants	\$565
33	Exhibit and Trade Shows	\$628
34	Explosives or Blasting Agents	\$879
35	Flammable and Combustible Liquids	\$440
36	Fumigation and Insecticidal Fogging	\$314
37	Hazardous Materials	\$565
38	High Piled Storage	
38.1	1 - 10,001 sq ft	\$440
38.2	10,001 - 20,000 sq ft	\$565
38.3	20,001 - 50,000 sq ft	\$754
38.4	> 50,000 sq ft area -	\$879
38.5	Each Additional 10,000 sq ft	\$63
39	HPM Facilities	\$942
40	Hot Work Operations/Cutting & Welding	\$314
41	Industrial Ovens	\$565
42	LP Gas Storage/Exchange	\$377

1200 Kentucky Street
Fairfield, California 94534

011-55-003-6205
 011-55-003-7063

FIRE CODE PERMITS		
Number	Includes review and inspection for each permit type	
		Fee
43	Liquid/Compressed Gases - Hazardous	\$502
44	Liquid/Compressed Gases - Medical	\$314
45	Lumber Yards & Woodworking Plants	\$628
46	Miscellaneous Combustible Storage	\$377
47	Open Flames & Candles	\$251
48	Organic Coatings	\$628
49	Private Hydrants	\$377
50	Proxilin Plastics	\$628
51	Pyrotechnic Special Effects	\$628
52	Refrigeration Equipment	\$628
53	Repair Garage or Motor Fuel Dispensing	\$314
54	Spraying or Dipping	\$377
55	Storage of Scrap Tires	\$628
56	Waste Handling	\$628
57	Additional Permits as Authorized by Fire Code - Hourly Rate (1 Hour Minimum)	\$251
58	Temporary Membrane Structures/Tents	
58.1	400 - 3,000 sq ft	\$314
58.2	3,001 - 10,000 sq ft	\$377
58.3	10,000 or more sq ft	\$502
59	Wood Products	\$502
60	Open Burning (as approved)	\$314
61	Holiday Tree Lots	\$378
62	Fireworks	\$817
MISCELLANEOUS FEES, REVIEWS, AND INSPECTIONS		
Number		
		Fee
63	Alternative Method Request/Deferred Submittal Request	\$440
64	Cell Tower (outside roof, pole, etc)	\$251
65	Design Review/Consultation Meeting - Hourly Rate (1/2 Hour Minimum)	\$126
66	Evacuation Plan Review/Fire Drill Monitoring	\$251
67	File Search (providing research, etc)	\$188
68	New Business Inspection	\$314
69	Haunted House	\$502
70	Perimeter Fencing/Gates Plan Review	\$565
71	Hydrants Review	\$377
72	Single Family Dwelling Review	\$314
73	Public Schools Site Review	\$314
74	County Projects Review	\$314
75	Over-the-Counter Plan Review - Hourly Rate (1 Hour Minimum - Small Projects When Approved)	\$251
76	Overtime Inspection/Review - After Normal Office Hours (2 Hour Minimum)	\$502

011-55-003-7063

Number		MISCELLANEOUS FEES, REVIEWS, AND INSPECTIONS	Fee
77	Plan Rechecks - Hourly Rate (1 Hour Minimum) <i>Includes as built and excessive plan resubmittals/field inspections</i>		\$251
78	Expedited Plan Review <i>In addition to normal fee</i>		\$565
79	Special Requests or Uncategorized - Hourly Rate (1 Hour Minimum)		\$251
80	Investigation of Construction without a Permit (2 Hour Minimum)		\$502
81	Weed Abatement - Hourly Rate (1 Hour Minimum)		\$251
Number		ADMINISTRATIVE FEES	Fee
82	Per Page Fee (per California Public Records Act)		\$0.10
83	File Review - Hourly Rate (to be prorated to the nearest quarter hour)		\$251
84	Fire Prevention Personnel - Hourly Rate (to be prorated to the nearest quarter hour)		\$251
Number		ADMINISTRATIVE CITATION PROGRAM	Fee
85	1st Citation		\$110
86	2nd Citation		\$220
87	3rd Citation		\$550
88	Administration - Hourly Rate (Non-Compliance Administrative Action)		\$251

Draft Request for Proposal

Inspections and or Fire Marshal Services for compliance with State Mandated Inspections and Reports under Health and Safety Code and Senate Bill 1205

Preface

The City is seeking proposals from qualified contractors or public agencies to bring Suisun City into full compliance with recently passed legislation and inspections mandated by the Health and Safety Code.

The successful proposer will have experienced and certified personnel to undertake the subject inspections and file timely reports as provided for SB 1205.

Background

In 1986, the City of Suisun City Fire Department transferred fire and life safety inspections to the Building Division. At the time, the Building Division was already doing some traditional Fire Marshal duties, specifically: fire code building plan check. Because the Building Division had certified fire inspection staff, and the volume of required state mandated fire inspections was small, the Building Division took over fire inspections; another traditional Fire Marshal responsibility.

Due to a number of factors, the Building Division is no longer providing inspection services to comply with California's Health and Safety related to mandated fire inspections. Likewise, the City needs to have the annual fire inspections codified into a report in compliance to SB 1205.

Inspection Volume

Suisun City has approximately 250 businesses and occupancies subject to California's Health and Safety Code Section 13146 requiring annual fire inspections, e.g., hotels, restaurants, apartments, fire alarms, schools, etc.

Contract Option I

The service the City is seeking under this option is solely for inspection services and report preparations as provided for in SB 1205. Option I will provide one annual inspection, prepare the SB 1205 report, and conduct one follow up inspection to ascertain compliance with the initial inspections that discovered violations.

Enforcement for failing to correct and comply with noted violations will be the responsibility of Suisun City.

Court appearances or mediation would be billed on an established hourly basis of the selected proposer

Option II

Option II will provide the same level of services under Option I but will also require the selected proposer to draft for the City Council review and consideration an Annual Weed Abatement Program. The program will be in compliance to Ordinance 706 (See Attachment A)

Option III will include all of the services in Option II but will provide weed abatement inspection services as detailed in Ordinance 706 See Attachment A. There are fewer than 300 vacant parcels in Suisun City.

Option IV

Under Option IV the City is seeking to establish a Contract Office of Fire Marshal.

Amount	Type
18	Apartments
1	Nightclub
10	Contractor
4	Financial
31	Professional
104	Retail
83	Service
1	Wholesale

The Fire Marshal will establish and maintain an effective and efficient fire prevention and community risk reduction program in addition to State mandated fire inspections. The contract would encompass fire and life safety inspections, permitting, weed abatement, fire code enforcement, fire investigations, community preparedness, establishment and support to Citizen Emergency Response Teams.

**As of July 2018*

Role of the Contract Fire Marshal

Under the general direction of the Fire Chief, the contract Fire Marshal would oversee the Fire Prevention Division including the development, implementation, and administration of the City's first Community Risk Reduction Program. This would be the dedicated Fire Prevention mission for Suisun City. The contract Fire Marshal would be tasked with building the Division from scratch.

The Fire Marshal would be responsible for a variety of highly technical and specialized fire, life safety, and prevention functions and would provide the technical expertise and leadership necessary for successful execution of the City's Community Risk Reduction Program.

- Confers with and advises architects, engineers, attorneys, developers, and the public regarding the Fire Code and related ordinances and resolutions concerning fire prevention and weed abatement.
- Compiles information and prepares regular and special reports on inspections; identifies any actions taken with respect to fire prevention.
- Conducts inspections of residential, industrial and commercial structures.
- Conducts state, county and city licensing inspections as needed.
- Prepares compliance or correction notices for code violations; conducts follow-up inspections to ensure corrections have been made.
- Makes court appearances and participates in other legal proceedings as needed for fire investigations and code enforcement activities.
- Conducts research, analyzes data, and develops/enhances programs, regulations, and codes pertaining to the prevention of fire and protection of lives and property.
- Participates in the land use entitlement and environmental review processes for development within or around the City as needed (but not Building Plan Check).
- Conducts cause and origin investigations including those involving suspected arson and coordinates cause/origin investigations performed by other staff.
- Conducts interviews of witnesses and suspects; maintains investigation logs, files, and reports.
- Coordinates the City Emergency Operations Center (EOC)/Department Operations Center.

- Develops and maintains the City Emergency Operations Plan.
- Coordinates the City CERT Program.
- Directs, trains, supervises and evaluates the work of assigned staff.

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Pricing Sheet

The Proposer is not required to submit for every Option. But every proposal must include at least Option I. Any proposal that is submitted must at a minimum include:

Overview of the firm or agency

Personnel designated to undertake the functions of the Option being proposed.

The Personnel qualifications and certifications

Start date

References

Pricing for the Option being proposed

Other related information that could assist Suisun City in making a decision related to your firm/agency

Pricing Summary

Option I \$ _____

Witness Hourly Rate \$ _____

Option II \$ _____

Option III \$ _____

Option IV \$ _____

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ORDINANCE NO. 706

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY,
CALIFORNIA, AMENDING TITLE 8 (HEALTH & SAFETY) OF THE SUISUN
CITY CODE BY REPEALING CHAPTER 8.20 WEEDS AND RUBBISH AND
REVISING CHAPTER 8.12 PUBLIC NUISANCES**

WHEREAS, pursuant to the police power granted to the City of Suisun City ("City") under the California Constitution, the City may adopt rules and regulations to serve and protect the health, safety and welfare of the public; and

WHEREAS, the current estimates indicate that about 400 properties within the City at any time have existing public nuisances; and

WHEREAS, the lack of security and maintenance of such properties result in detrimental effects on the community including creating unsightly appearances of and blighted residential neighborhoods, contributes to lower property values, discourages potential buyers from purchasing homes in, adjacent to, or in the neighborhood with distressed residences, endangers children unprotected from unsecured pools and other attractive nuisances and endangers neighborhoods affected by the resulting squatting, vandalism, burglaries and other crimes; and

WHEREAS, the City Council finds that the City has a substantial interest in protecting its citizens and protecting the aesthetic attractiveness of the City and that the revision of Chapter 8.12 Public Nuisance is necessary to protect its residents from detrimental effects posing risks to the public peace, safety and welfare; and

WHEREAS, the City Council finds that the elements of Chapter 8.20 Weeds and Rubbish of the Suisun City Municipal Code should be incorporated into Chapter 8.12 Public Nuisances to insure a consistent approach to correction of these concerns; and

WHEREAS, pursuant to the City's police powers, authorized in Article XI, Section 7 of the California Constitution, as well as under the Suisun City Code and other provisions of California law, including, but not limited to California Government Code Section 38771, the City has the power through its City Council to declare action and activities that constitute a public nuisance; and

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

SECTION 1. Amendment of Code: Title 8 (Health & Safety) of the Suisun City Code is hereby amended by repealing Chapter 8.20 Weeds and Rubbish, and revising Chapter 8.12, entitled "Public Nuisances" to read in its entirety as follows:

CHAPTER 8.12 PUBLIC NUISANCES

8.12.010 Purpose of Chapter.

A. It is the intent of the City of Suisun City Council in adopting this chapter to provide a comprehensive method for the identification and abatement of certain public nuisances within the city.

B. Provisions of this chapter are to be supplementary and complimentary to all of the provisions of the city code, state law and any law cognizable at common law or in equity, and

1 nothing herein shall be read, interpreted or construed in any manner so as to limit any existing
right or power of the city to abate any and all nuisances. (Ord. 588(part), 1991.)

2 **8.12.020 Application.**

3 The provisions of this chapter shall apply generally to all property throughout the city, except
4 for abandoned property as defined in Chapter 8.13, "Abandoned and Distressed Residential
5 Properties Registration," wherein any of the conditions, hereinafter specified, are found to
6 exist; provided that any condition which would constitute a violation of this chapter, but
7 which is duly authorized under any city, state or federal law, shall not be deemed to violate
8 this chapter. (Ord. 588(part), 1991.)

7 **8.12.030 Authority-Department Head Defined.**

8 A. The head of any city department or the health officer of the county, hereinafter
9 referred to as "department head," is authorized and directed to use the provisions of this
chapter for the purpose of abating those nuisances which exist as the result of violation of
those ordinances for which the department has primary enforcement responsibility.

10 B. As used in this chapter, the term "department head" shall include the authorized
11 representative of such department head, including but not limited to the code enforcement
specialist. (Ord. 588(part), 1991.)

12 **8.12.040 Right of Entry-Department Head To Inspect Premises.**

13 A. Whenever necessary to make an inspection of any premises to enforce the provisions
14 of this chapter, the department head may enter on such premises at all reasonable times to
inspect the same or to perform any duty imposed upon the department head by this chapter, in
15 such manner as allowed by law.

16 B. Whenever practicable, the department head shall contact the occupant of such
17 premises and inform him of the reasons for such entry onto such property, and if the occupant
is other than the owner, he shall, if practicable, contact the owner.

18 C. If entry onto any premises is interfered with by the owner or occupant of such
19 premises, or by any third party, the department head shall have recourse to every remedy
provided by law to secure his peaceable entry on such premises to perform the duties required
20 by this code, including the obtaining of an inspection warrant pursuant to California Code of
Civil Procedure Sections 1822.50-1822.60. (Ord. 588(part), 1991.)

21 **8.12.050 Responsibility for Property Maintenance.**

22 A. Every owner of real property within the city is required to maintain such property in a
23 manner so as not to violate the provisions of this chapter and such owner remains liable for
violation thereof regardless of any contract or agreement with any third party regarding such
property.

24 B. Every occupant, lessee or holder of any interest in property other than as owner
25 thereof is required to maintain such property in the same manner as is required of the owner
26 thereof, and the duty imposed by this section on the owner thereof shall in no instance relieve
those persons herein referred to from the similar duty. (Ord. 588(part), 1991.)

27 **8.12.060 Appointment of Hearing Board for Appeals.**

1 In order to hear appeals on a notice of violation given under this chapter, the city manager
2 shall appoint one or more hearing examiners who shall serve at the pleasure of the city
3 manager as the hearing board. (Ord. 588(part), 1991.)

3 **8.12.070** Generally-Definitions.

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

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

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

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

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

18 "Property" means premises. (Ord. 588(part), 1991.)

19 **8.12.080** Generally-Acts Declared to be Nuisances.

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

24 A. Lumber, junk, garbage, trash, debris, salvage materials visible from public or private
25 property or otherwise in violation of this chapter. Junk consists of any cast-off, damaged,
26 discarded, junked, obsolete, salvaged, scrapped, unusable, worn-out or wrecked object, thing
27 or material composed in whole or in part of asphalt, brick, carbon, cement, plastic or other
28 synthetic substance, fiber, glass, metal, paper, plaster, plaster of Paris, rubber, terra cotta,
wool, cotton, cloth, canvas, organic matter or other substance, except while excavation,
construction or demolition is in progress at the site under a current city-issued building
permit;

B. Abandoned, discarded or unused furniture, appliances, sinks, toilets, cabinets or other
fixtures or equipment stored in a place visible from public or private property;

C. Construction equipment or machinery parked or stored on noncommercial property
and readily visible to the general public, except while excavation, construction or demolition
is in progress at the site under a current city-issued building permit;

D. Presence of abandoned, dismantled, wrecked or inoperable motor vehicles,
motorcycles, recreational vehicles, trailers, campers, boats, conveyances or parts thereof
(hereinafter "vehicles"), except:

- 1 1. When such vehicles are completely enclosed within a building in a lawful manner
2 where they are not visible from the street or other public or private property, or
- 3 2. When stored or parked in a lawful manner on private property behind a fully screened
4 fence in connection with the business of a licensed dismantler, licensed vehicle
5 dealer, a junk dealer, or when such storage or parking is necessary to the operation
6 of a lawfully conducted business or commercial enterprise;
- 7 E. Parking of a vehicle, trailer, camper or storage of other personal property on private
8 property on other than a surface of asphalt, concrete or other similar all-weather material;
- 9 F. Obstruction or encroachment of any public property, including but not limited to any
10 public street, highway, right-of-way, park or building
- 11 G. An attractive nuisance to children, including but not limited to unprotected equipment,
12 machinery, swimming pools whether full of liquid or drained, pools with water where the
13 bottom or bottom drain can not be seen, ponds or excavations.;
- 14 H. A building or structure which, because of obsolescence, dilapidated condition,
15 deterioration, damage, electrical wiring, gas connections or other cause, is in a condition as to
16 constitute a fire hazard;
- 17 I. A building exterior, wall, fence, driveway, sidewalk or walkway which is so defective,
18 unsightly or deteriorated that it causes depreciation of the value of surrounding properties, is
19 otherwise materially detrimental to nearby properties, or poses a hazard;
- 20 J. A building or structure having dry rot, warping or termite infestation or an exterior
21 surface which has become so deteriorated as to permit decay, excessive checking, cracking,
22 peeling, chalking, dry rot, warping or termite or vermin infestation as to render the building or
23 structure unsightly and in a state of disrepair;
- 24 K. A building or structure which is structurally unsafe, partially destroyed, in an
25 unreasonable state of partial construction, a fire hazard or otherwise dangerous or not in
26 compliance with current building codes. An "unreasonable state of partial construction"
27 exists if the building has been under construction for more than one year and the appearance
28 and other conditions substantially detract from the appearance of the immediate neighborhood
or reduces the property values in the immediate neighborhood;
- L. Building or structure that is marked or defaced with spray paint, dye or like substance
in a manner commonly described as graffiti, visible from a public street, for an unreasonable
period time;
- M. Buildings which are abandoned, boarded up, partially destroyed, or left in a state of
partial construction for an unreasonable period of time and such buildings which are
unpainted or where the paint on the building exterior is worn off;
- N. Dead, decayed, diseased or hazardous trees, weeds or tall grass more than eight inches
tall, except ornamental grasses used as landscape or overgrown vegetation which is a fire
hazard or is likely to harbor rats, vermin or other pests, constitutes an unsightly appearance, is
detrimental to neighboring properties or property values, or protrudes over or across a city
street or sidewalk so as to substantially obstruct the clear passage of vehicles or pedestrians.;
- O. Maintenance of any premises in any manner which is unsightly or unsanitary because
of the presence of animal excrement;

1 P. Vacant open land not maintained with weed control or firebreaks. In lieu of ordering
2 complete abatement, the department head may order the preparation of firebreaks around
3 parcels of property where combustible weeds or brush are present. The department head shall
4 determine the width for the firebreak and the accessibility to the property for fire protection
5 equipment.

6 Q. Burning Garbage, Non-Seasoned Wood, or Certain Materials.

7 No person shall cause or allow any of the following materials to be burned in a wood burning
8 device: garbage, treated wood, non-seasoned wood, used or contaminated wood pallets,
9 plastic products, rubber products, waste petroleum products, paints and paint solvents, coal,
10 animal carcasses, glossy or colored paper, salt water driftwood, particle board, and any
11 material not intended by a manufacturer for use as a fuel in a wood burning devise. Visible
12 smoke emissions are allowed from the startup of a new fire for a period of twenty (20)
13 consecutive minutes in any consecutive four (4) hour period.

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

20 R. Any condition recognized in law or in equity as constituting a public nuisance.
21 (Ord. 588(part), 1991.)

22 **8.12.90 Commencement of Abatement Proceeding.**

23 Whenever the department head has inspected or caused to be inspected any premises and has
24 found and determined that such premises are in violation of this chapter, the department head
25 shall commence proceedings to cause abatement of the nuisance as provided herein.
26 Residential and light commercial parcels shall have fifteen (15) days to comply with a
27 violation notice and abatement order Vacant lots and large field properties within city limits
28 shall have thirty (30) days to comply with a violation notice and abatement order. One
abatement order per property parcel in violation for each calendar year shall be posted and/or
mailed. If a property owner or occupant fails to correct any violation within the time allotted,
the fire official shall take all necessary steps to obtain an abatement order and such other
orders necessary to enter upon the property and abate the property at owners' expense. (Ord.
588(part), 1991.)

8.12.100 Violation Notice.

A. Except as otherwise provided herein, the department head shall issue a violation notice
to the owner and occupant of the premises. The notice shall contain:

1. The street address and such other description as is required to identify the premises;
2. A statement that the department head has found the premises to be a public nuisance,
as specified in this chapter, with a specific citation to the applicable section hereof,
and to other sections of the city code where applicable;
3. An order to abate the nuisance and a date for the abatement to be completed. The date
for compliance shall be no less than fifteen (15) calendar days from the date of

1 issuance for residential and light commercial parcels, and thirty (30) calendar days for
2 vacant and large field properties;

- 3 4. A statement requesting the owner, within a specified number of calendar days
4 determined by and at the discretion of the department head, to meet with or
5 communicate with the department head to provide proof of abatement.

6 B. The violation notice shall be posted on the property and delivered by U.S. mail to the
7 property owner listed on the county's tax roll. The failure of any owner to receive the
8 violation notice shall not affect in any manner the validity of any proceeding thereafter taken.
9 A follow-up inspection may be conducted by the department head to determine compliance
10 with the violation notice. (Ord. 588(part), 1991.)

11 **8.12.110 Appeal of the Abatement Order.**

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

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

27 **8.12.120 Contract Award.**

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

8.12.130 Abatement.

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

8.12.140 Violation Penalties, Cost Assessments, and Fines.

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

8.12.150 Fines.

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

1. All posting and mailing abatement notices shall incur a fifty (\$50.00) dollar fee. If owners or occupants comply with the abatement order within the allotted days, the fifty (\$50.00) dollar fee shall be waived. Every violation determined to be an infraction is punishable by (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding two hundred dollars (\$200) for a second violation of the provisions of this ordinance within one year; (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of this ordinance within one year. Notwithstanding any other provision of law, a violation of the City's building and safety codes determined to be an infraction is punishable by (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding five hundred dollars (\$500) for a second violation of this ordinance within one year; (3) a fine not exceeding one thousand dollars (\$1,000) for each additional violation of this ordinance within one year of the first violation. All fees set forth in this section are initial amounts and are presented here for reference only. Actual fees shall be those set forth in the City's Master Fee Schedule, which may be adjusted from time to time by Resolution of the City Council.
2. In addition to the penalties, any additional violation within the one (1) year period may be charged as a misdemeanor punishable as provided in Chapter 1.08 of this code.

8.12.160 Fire Suppression Costs.

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

8.12.170 Assessment of Costs-Entering on Tax Roll.

A certified copy of the report detailing the costs of abatement shall be filed with the county auditor and such parcels reported shall be described by their descriptions in the county assessor's map books for the current year, and it shall thereupon be the duty of the county auditor to enter each assessment as so reported on the county tax roll opposite the parcel of land. (Ord. 588(part), 1991)

8.12.180 Assessment of Costs-Collection.

The amount of the assessment shall be collected with, at the same time and in the same manner as ordinary municipal taxes, by the county tax collector, and if delinquent shall be subject to the same penalties and procedure of foreclosure and sale provided for ordinary municipal taxes. All laws relating to the levy, collection and enforcement of county taxes shall apply to such special assessment taxes. (Ord. 588(part), 1991)

8.12.190 Private Removal Unimpaired.

Nothing contained in this chapter shall be construed to prevent a property owner from removing a public nuisance before the date of abatement, or to pay to the city, the amount due on any assessment prior to the said assessment being delivered to the county auditor. (Ord. 588(part), 1991)

8.12.200 Recovery Of Attorney Fees For Nuisance Abatement Actions Or Proceedings.

1 In any action, administrative proceeding, or special proceeding initiated by the city to abate a
2 nuisance, the prevailing party may recover attorneys' fees. Recovery of attorneys' fees by the
3 prevailing party is limited to those individual actions or proceedings in which the city elects,
4 at the initiation of that individual action or proceeding, to seek recovery of its own attorneys'
5 fees. The award of attorneys' fees to the prevailing party shall in no circumstances exceed the
6 amount of reasonable attorneys' fees incurred by the city in the action or proceeding. (Ord.
7 674 (part), 2004)

8 **8.12.210 Recovery of Treble Damages.**

9 Upon entry of a second or subsequent civil or criminal judgment within a two-year period
10 finding that a property owner is responsible for a condition which may be abated as a
11 nuisance, the court may order the property owner to pay treble (three times) the cost of
12 abatement. This section shall not apply to conditions abated pursuant to section 17980 of the
13 California Health and Safety Code. (Ord. 674 (part), 2004.)

14 **SECTION 2. Severability.** Should any provision, section, paragraph, sentence or word
15 of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid
16 or beyond the authority of the City of Suisun City by a court of competent jurisdiction,
17 such decisions shall not affect the validity or effectiveness of remaining portions of this
18 Ordinance.

19 **SECTION 3.** In accordance with California Government Code § 36937, this Ordinance
20 shall take effect and be in force on the thirty-first (31st) day after adoption.

21 **SECTION 4.** The Mayor shall sign and the City Clerk shall certify to the passage and
22 adoption of this Ordinance. The City Clerk shall post this Ordinance within the time and
23 manner prescribed by law.

24 
Pete Sanchez, Mayor

25 **CERTIFICATION**

26 I, Linda Hobson, City Clerk of the City of Suisun City and ex-officio Clerk of the City
27 Council of said City, do hereby certify that the above and foregoing ordinance was introduced
28 at a regular meeting of the said City Council held on Tuesday, March 3, 2009, and regularly
passed and adopted at a regular meeting of said City Council held on Tuesday, March 17,
2009, by the following vote:

29 **AYES:** Councilmembers: Day, Derting, Hudson, Segala, Sanchez
30 **NOES:** Councilmembers: None
31 **ABSENT:** Councilmembers: None
32 **ABSTAIN:** Councilmembers: None

33 **WITNESS** my hand and the seal of said City this 17th day of March 2009.

34 
35 Linda Hobson, CMC
36 City Clerk

AGENDA TRANSMITTAL

MEETING DATE: March 5, 2019

CITY AGENDA ITEM: Council Adoption of Resolution No. 2019-___: Appointing Greg Folsom as City Manager of Suisun City with an effective start date of April 2, 2019.

FISCAL IMPACT: No impact given the position (finding) is already in the Fiscal Year 2019 Budget

BACKGROUND: The City Council, following the retirement of Suzanne Bragdon, retained Ralph Andersen and Associates, an executive search firm, to conduct a recruitment for Suisun City to fill the vacant City Manager position. Ralph Andersen and Associates conducted a national search for possible candidates to fill the vacant position.

STAFF REPORT: Following an exhaustive search, interviews and background checks, the City Council conducted a final interview with their preferred candidate, Mr. Greg Folsom on Saturday, February 9, 2019 in the City Council Chamber. On February 19, 2019, a regular City Council meeting date, at the completion of Closed Session, the Mayor announced the unanimous decision to appoint Mr. Greg Folsom as Suisun City's next City Manager. Mr. Folsom will be offered a salary of \$205,000.00 and benefits consistent with those applied to the Unrepresented Executive Management and Confidential Compensation Resolution (See attached Employment Agreement)

As an outgrowth of the City of Bell, CA. ethics violation, and pursuant to California State law, the City Attorney will orally review the subject compensation.

RECOMMENDATION: Approve Resolution ___ Appointing Greg Folsom as City Manager of Suisun City with an effective start date of April 2, 2019.

ATTACHMENTS:

1. Council Resolution No. 2019-___: Appointing Greg Folsom as City Manager of Suisun City with an effective start date of April 2, 2019.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Scott T. Corey, Senior Management Analyst
 Joe Dingman, Administrative Services Director
 Richard Ramirez, Interim City Manager

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RESOLUTION NO. 2019-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
APPOINTING GREG FOLSOM AS CITY MANAGER OF SUISUN CITY WITH AN
EFFECTIVE START DATE OF APRIL 2, 2019**

WHEREAS, the City Council, following the retirement of Suzanne Bragdon, retained Ralph Andersen and Associates to conduct a recruitment for Suisun City to find a replacement for Ms. Bragdon; and

WHEREAS, Ralph Andersen conducted a national search for talent that the City Council could interview in considering appointing a new City Manager; and

WHEREAS, at the completion of an exhaustive search, interviews and background checks, the City Council conducted a final interview with their preferred candidate, Mr. Greg Folsom on Saturday, February 9, 2019 in the City Council Chambers; and

WHEREAS, the City Council, following the interview and again on February 19, 2019 deliberated in Closed Session on the appointment of Mr. Greg Folsom, and

WHEREAS, upon the adjournment of the City Council Closed Session on February 19, 2019, and on a 5-0 vote, announced the selection of Mr. Greg Folsom as Suisun City's next City Manager;

NOW THEREFORE BE IT RESOLVED, the City Council of Suisun City hereby appoints Mr. Greg Folsom as City Manager of Suisun City under terms and conditions of his Employment Agreement which is attached hereto and made part of this Resolution.

PASSED AND ADOPTED at a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 5th day of March 2019, by the following vote:

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

WITNESS my hand and the seal of said City this 5th day of March 2019.

Donna Pock, CMC
Deputy City Clerk

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CITY OF SUISUN CITY
CITY MANAGER
EMPLOYMENT AGREEMENT

This CITY MANAGER EMPLOYMENT AGREEMENT (“Agreement”) is entered into and made effective the 5th day of March 2019, by and between the CITY OF SUISUN CITY, a general law city and municipal corporation (“City”) and Gregory Folsom, an individual (“Employee”).

RECITALS

WHEREAS, it is the desire of the City Council of the City of Suisun City (hereinafter the "City Council") to employ an individual to serve in the position of City Manager, which position is prescribed by State law, the City’s Municipal Code and in the job description attached hereto as Exhibit A; and

WHEREAS, California Government Code Section 34852 provides that an ordinance establishing a city manager form of government shall define the powers and duties of the city manager; and

WHEREAS, the duties of the city manager of the City are set forth in Suisun City Municipal Code (“SCMC”) Sections 2.08.080 and 2.08.230; and

WHEREAS, pursuant to SCMC Section 2.08.020, “[t]he city manager shall be appointed by the city council solely on the basis of his executive and administrative qualifications and ability. He shall hold office at and during the pleasure of the city council” and

WHEREAS, the City requires the services of a city manager; and

WHEREAS, based on Employee’s executive and administrative qualifications and ability, the City Council desires to employ Employee to serve as the city manager for the City; and

WHEREAS, Employee has the required level of education, experience, skills and expertise to serve as the city manager of the City; and

WHEREAS, Employee desires to perform and assume responsibility for the provision of city manager services to the City and its related agencies; and

WHEREAS, the parties wish to establish the terms and conditions of Employee’s provision of city manager professional services to the City and its related agencies through this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the City and Employee hereby agree as follows:

AGREEMENT

1.0 EMPLOYMENT & DUTIES

1.1 Duties. City hereby employs Employee as city manager for the City to perform the functions and duties of the city manager, as specified in the City's Municipal Code and in the Government Code of the State of California, and to perform such other legally permissible and proper duties and functions as the City Council shall, from time-to-time, direct or assign. Employee shall devote his best efforts and full-time attention to performance of these duties.

1.2 Work Schedule. It is recognized that Employee is expected to engage in the hours of work that are necessary to fulfill the obligations of the position, must be available at all times, and must devote a great deal of time outside the normal office hours to the business of the City. Employee acknowledges that proper performance of the duties of city manager will require Employee to generally observe normal business hours, as set by the City and may be duly revised from time-to-time (currently 8:00 a.m. to 6:00 p.m., Monday, Wednesday and Thursday; 8:00 a.m. to 7:00 p.m. on Tuesday), and will also often require the performance of necessary services outside of normal business hours. Notwithstanding the foregoing, the City will permit Employee such reasonable "time off" as is customary for exempt employees of the City, so long as the time off does not interfere with normal business. Employee's compensation (whether salary or benefits or other allowances) is not based on hours worked, and Employee shall not be entitled to any compensation for overtime.

1.3 Other Activities. Employee shall focus his professional time, ability, and attention to City business during the term of this Agreement. Employee shall not engage, without the express prior written consent of the City Council, in any other business duties or pursuits whatsoever, or directly or indirectly render any services of a business, commercial, or professional nature to any other person or organization, whether for compensation or otherwise, that is or may be competitive with the City, that might cause a conflict-of-interest with the City, or that otherwise might interfere with the business or operation of the City or the satisfactory performance of the functions and duties of city manager. The foregoing shall not preclude occasional teaching, writing, or consulting performed during Employee's time off.

1.4 Employment Status. Upon appointment to the city manager position, Employee shall serve at the will and pleasure of the City Council and understands that he shall be an "at-will" employee without recourse to bumping or other demotion rights and shall be subject to summary dismissal without any right of notice or hearing except as expressly provided in this Agreement, including any so-called due process pre-disciplinary "Skelly" hearing. The City may terminate Employee at any time in accordance with Section 3.4 below.

1.5 City Documents. All data, studies, reports and other documents prepared by Employee while performing his duties during the term of this Agreement shall be furnished to and become the property of the City, without restriction or limitation on their use. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other materials either created by or provided to Employee in connection with the performance of this Agreement shall be held confidential by Employee to the extent permitted by applicable law, except as may be required by any governmental agency or court of competent jurisdiction. Such materials shall not be used by Employee, without the prior written consent of the City Council, for any purposes other than the performance of his duties. Additionally, no such materials may be disclosed to any person or

entity not connected with the performance of services under this Agreement, except as required by (a) law, (b) any governmental agency, (c) subpoena, or (d) an order issued by a court of competent jurisdiction.

1.6 Exclusion from Competitive Service. Employee understands, acknowledges and agrees that he is exempt from the City's personnel system pursuant to Suisun City Municipal Code Section 2.40.040 and the City's Personnel Rules (Administrative Directive – AD 7) pursuant to Personnel Rule Section 1.4.9.

1.7 FLSA Exempt Status. Employee agrees that his position is that of an exempt employee for the purposes of the Fair Labor Standards Act.

2.0 COMPENSATION AND REIMBURSEMENT

2.1 Compensation. For the services rendered pursuant to this Agreement, Employee's base annual compensation shall be Two Hundred and Five Thousand Dollars and No Cents (\$205,000.00) annually ("Salary"), which shall be paid on a pro-rated basis bi-weekly at the same time as other employees of the City are paid. Such Salary shall be adjusted for payroll taxes, workers' compensation, and other payroll-related liability costs.

2.2 Annual Salary Review. The City Council and Employee agree to conduct an annual salary review concurrently with the annual performance evaluation set forth in Section 5.2. Following the annual performance review, the City may increase the Employee's salary. Any action to approve an increase must be approved by a majority vote of the Council at a public meeting. The City Council and/or the Employee reserve the right to defer or refuse any or all part of any base salary adjustment if either party determines that the fiscal state of the City warrants such action.

2.3 CPI Increase. Effective July 1st of every year, the base Salary shall be adjusted in accordance with any increase in the All Urban Consumer Price Index for the San Francisco-Oakland-Hayward Area ("CPI"), but will not be decreased in the event there is any year-to-year or cumulative decrease in the CPI during the Term of this Agreement. Any increase in the base Salary as a result of an increase to the CPI will be rounded up to the nearest dollar. Any changes in Employee's base Salary shall be based on the April year-to-year change.

2.4 Highest Paid Employee. Notwithstanding Employee's annual base Salary as set forth herein, the annual salary of Employee shall never be less than the annual base Salary (excluding overtime, other pay, or any incentive compensation) of the City's next highest paid employee.

3.0 TERM

3.1 Commencement & Effective Date. Employee shall commence his services hereunder at 12:01 a.m. Pacific daylight savings time on April 2, 2019 or such earlier date upon which the City Council and Employee may mutually agree, in either event such date will also be deemed the effective date of this Agreement ("Effective Date").

3.2 Term. The term of this Agreement will be for three (3) years following the Effective Date (“Term”) (i.e. until 11:59 p.m. on April 1, 2022 and, thereafter, the term of this Agreement may be extended for such an additional term(s) as Employee and City Council mutually deem appropriate, as evidenced by a written amendment signed by both parties.

3.3 Termination by Employee. Employee may terminate this Agreement at any time, provided Employee provides the City Council with at least thirty (30) days’ advance written notice. In the event Employee terminates this Agreement, Employee expressly agrees that he shall not be entitled to any severance pay.

3.4 Termination by City. Upon the decision of a majority of the City Council, the City Council may terminate this Agreement at any time with or without cause, by providing written notice of the reason(s). The City Council’s right to terminate Employee pursuant to this Section 3.4 shall not be subject to or in any way limited by the City’s Personnel Rules or past City practices related to the employment, discipline or termination of the City’s employees. Employee expressly waives any rights provided for the city manager under the City’s Personnel Rules, Municipal Code, or under other state or federal law to any other form of pre-termination or post-termination hearing, appeal, or other administrative process pertaining to termination. Nothing herein, however, shall be construed to create a property interest, where one does not exist by rule of law, in the position of city manager. Upon appointment to the city manager position, Employee remains an at-will employee serving at the pleasure of the City Council.

(a) Termination by City for Cause. The City may terminate this Agreement for cause at any time by providing Employee with five (5) business days’ written notice of the termination for cause and the facts and grounds constituting such cause. The term “cause” shall be defined to include any misconduct materially related to performance of official duties, including but not be limited to any of the following: 1) Breach of this Agreement, 2) Willful or persistent material breach of duties, 3) Résumé fraud or other acts of material dishonesty, 4) Unauthorized absence or leave, 5) Conviction of a misdemeanor involving moral turpitude (i.e., offenses contrary to justice, honesty, or morality) or conviction of a felony under California law, 6) Violation of the City’s anti-harassment policies and/or a finding that legally prohibited personal acts of harassment against a City official or employee or legally prohibited personal acts of discrimination against a City official or employee has occurred, 7) Violation of the City’s Municipal Code, Ordinances, Rules, and Regulations, including but not limited to the City’s Personnel Rules, 8) Use or possession of illegal drugs, 9) Any illegal or unethical act involving personal gain, 10) A pattern of repeated, willful and intentional failure to carry out materially significant and legally constituted direction or policy decisions of the City Council, 11) “abuse of office or position” as defined in Government Code §53243.4 (i.e., waste, fraud, and violation of the law under color of authority and crimes against public justice, including crimes involving bribery and corruption). For any of the foregoing, the City may, in its discretion, place Employee on paid or unpaid administrative leave until resolution. If the City terminates for cause this Agreement and the services of Employee hereunder, the City shall have no obligation to pay severance.

(b) Termination by City Council Without Cause. By providing Employee at least thirty (30) days’ prior written notice thereof, the City Council may terminate Employee without cause but rather based upon management reasons such as implementing the City’s goals or policies, including but not limited to: (i) change of administration, or (ii) incompatibility of

management styles. In the event Employee is terminated without cause, Employee expressly agrees that he shall not be entitled to any severance pay as the result of the termination of this Agreement except as provided in Section 4.1 below.

(c) Elections. In no event may Employee be terminated within ninety (90) days without cause before or after any municipal election for the selection or recall of one or more of the members of the City Council.

4.0 SEVERANCE

4.1 Severance Pay. In the event Employee is terminated without cause and does not challenge such termination, then City shall pay to Employee severance in an amount equal to his monthly base salary (as defined in Section 2 above, calculated on a per diem basis) then in effect multiplied by six (6), less applicable deductions and excluding deferred compensation or the value of any other benefits. Employee is also entitled to accrued vacation leave. For each full year of service as City Manager for City, the amount of severance pay will be increased by one full month, capped at a maximum of eight (8) months.

Notwithstanding the foregoing, Government Code Section 53260 provides that all contracts of employment with a city must include a provision limiting the maximum cash settlement for the termination of the contract to the monthly salary (excluding benefits) multiplied by the number of months left on the unexpired term, but not more than 18 months if the unexpired term exceeds 18 months. Accordingly, should such proposed severance payment exceed the amount authorized to be paid under Government Code Section 53260, then the amount paid to Employee shall be reduced in the amount necessary to comply with such statute. (For example, if termination occurs with two (2) months left in the term, severance would be equal to the monthly base salary multiplied by two (2) rather than the amounts provided herein.)

4.2 No Severance Pay if Termination for Cause or Initiated by Employee. As provided in Section 3.4(a), should Employee be terminated for cause, the City shall have no obligation to pay the severance provided for in Section 4.1 above. As provided in Section 3.3, should Employee initiate termination of this Agreement, the City shall have no obligation to pay the severance provided for in Section 4.1 above.

4.3 Sole Rights. The severance rights provided in this Section 4.0 shall constitute the sole and only entitlement of Employee with respect to severance pay in the event of the termination, other than for cause. Employee expressly waives any and all other rights with respect to severance pay except as provided herein. Any and all severance rights are conditioned upon and in consideration for execution by Employee of a standard form Agreement of Separation, Severance, and General Release, to be mutually negotiated by the parties.

5.0 PERFORMANCE EVALUATIONS

5.1 Purpose. The performance review and evaluation process set forth herein is intended to provide review and feedback to Employee so as to facilitate a more effective management of the City. Employee and City Council agree to at a minimum, fill out an evaluation for (self-evaluation for Employee) as provided for in Exhibit B. Nothing herein shall be deemed

to alter or change the employment status of Employee (as set forth in Section 1.3 above), nor shall this Section 5.0 be construed as requiring “cause” to terminate this Agreement, or the services of Employee hereunder. Further, the City Council and Employee may mutually agree to use a 3rd party facilitator, such as a League of California Cities Senior Advisor, to undertake the facilitation.

5.2 Annual Evaluation. The City Council shall review and evaluate the performance of Employee annually within thirty (30) days after each anniversary of the Effective Date. In addition, Employee shall submit for the City Council’s consideration, no later than December 31 of each year of the term of this Agreement, Employee’s proposed annual performance goals and objectives and incorporate the City Council’s suggestions. Such review and evaluation shall be conducted concurrently with an annual salary review, and in accordance with the purpose noted in Section 5.1 above.

5.3 Written Summary. The City Council may, at its sole discretion, elect to provide a written summary of each performance evaluation to Employee within two (2) weeks following the conclusion of the review and evaluation process, and may, at his its discretion, schedule at least one (1) closed personnel session with Employee to deliver and discuss the evaluation.

6.0 BENEFITS

6.1 Benefits. City shall provide Employee those benefits, including (but not limited to) retirement/PERS Classic (non-PEPRA), vacation leave, holiday leave, insurance, executive leave, deferred compensation, sick leave, etc., provided to other executive management employees of City, except as noted below. The level of benefits to which Employee is entitled on the Effective Date of the Agreement shall remain in effect until changed by the City Council.

(a) Automobile Allowance. Employee shall be paid an automobile allowance of \$400 per month for use of personal vehicle. Additional mileage reimbursement per City policy when travel exceeds 50 miles per round trip. Employee is not precluded from using City vehicle for City business during, before, and after the normal workday if needed.

(b) Technology/Cell Phone Allowance. Employee shall be provided a City purchased and maintained cell phone, tablet, lap-top, personal computer, printer, remote access from home computer and all other related technology needed to successfully undertake the job of the City Manager.

(c) Vacation Leave. Vacation leave for the term of this contract shall be accrued at an annualized rate of 120 hours per year. Employee may accumulate up to 400 hours maximum Vacation Leave. Employee shall be entitled to an opening vacation balance of 80 hours. Employee shall be entitled to cash out up to 80 hours of vacation leave per fiscal year.

(d) Sick Leave. Sick leave shall be accrued at the same rate as other executive management staff per City policy. Employee shall be entitled to an opening sick leave balance of 96 hours.

(e) Executive Leave. Executive leave shall be provided at the rate of 120 hours per year. Executive leave shall be credited per City policies.

(f) Temporary Housing and Relocation Assistance. City shall provide temporary housing and relocation assistance up to a reimbursable amount of \$10,000 provided Employee resides in Suisun City within six months of Employees appointment date.

(g) Deferred Compensation. City agrees to contribute annually on behalf of Employee additional compensation in an amount equal to three and one-half percent (3.5%) of the Employee's annual base salary to a deferred compensation plan in equal installments at the same time other employees are paid, commencing with first pay period of employment. City agrees to transfer ownership to succeeding employers upon separation of employment.

7.0 PROFESSIONAL DEVELOPMENT

7.1 Membership. The City encourages Employee's continued professional development and shall provide payment of appropriate related costs for such activities, including membership in relevant professional organizations, as approved by the City Council, including, but not limited to, International City/County Management Association (ICMA), California City Management Foundation (CCMF), California Association for Local Economic Development (CALED), and others as appropriate

7.2 Out-of-Town Meetings & Seminars. The City agrees to pay for/reimburse Employee the actual cost for registration, travel, lodging, meals, and other expenses incurred by Employee while attending overnight, out-of-town meetings or seminars related to his employment with the City, in accordance with the City's policies for expense reimbursement. City agrees to pay for/reimburse Employee for registration, travel, lodging, meals and other expenses to League of CA Cities annual conference and annual League of CA Cities City Manager Department meeting. Moreover, to be eligible Employee must have budgeted funds available for same; provided, however, that the City Council may, in their sole discretion, approve such unbudgeted expenditures if they deem it in the best interests of the City.

7.3 Local Meetings & Seminars. The City agrees to reimburse Employee the actual cost of registration, meals, and other expenses necessarily incurred while in attendance at local meetings or seminars related to his employment with City in accordance with the City's policies for expense reimbursement.

7.4 Incidental Expenses. The City agrees to reimburse Employee the actual cost of those incidental expenses necessarily incurred by Employee while engaged in the business of the City upon the presentation of an appropriate receipt therefor, in accordance with the City's policies for expense reimbursement.

8.0 BONDS AND INDEMNIFICATION

8.1 Indemnification. To the extent mandated by the California Government Code, the City shall defend, hold harmless, and indemnify Employee against any tort, professional liability, claim or demand, or other legal action arising out of an alleged act or omission occurring

in the performance of Employee's services under this Agreement. This section shall not apply to any intentional tort or crime committed by Employee, to any action outside the course and scope of the services provided by Employee under this Agreement, or any other intentional or malicious conduct or gross negligence of Employee.

8.2 Bonds. City shall bear the full cost of any fidelity or other bonds, which may be required in the performance of Employee's services under this Agreement.

9.0 GENERAL PROVISIONS

9.1 Entire Agreement. This Agreement represents the entire agreement between the parties and supersedes any and all other agreements, either oral or in writing, between the parties with respect to Employee's employment by the City and contains all of the covenants and agreements between the parties with respect to such employment. Each party to this Agreement acknowledges that no representations, inducements, promises or agreements, orally or otherwise, have been made by either party, or anyone acting on behalf of either party, which are not embodied herein, and that no other agreement, statement or promises not contained in this Agreement shall be valid or binding upon either party.

9.2 Amendment. This Agreement may be amended at any time by the mutual consent of the parties by an instrument in writing, which amendment shall require City Council approval.

9.3 Notices. Any notice required or permitted by this Agreement shall be in writing and shall be personally served or shall be sufficiently given when served upon the other party as sent by United States Postal Service, postage prepaid and addressed as follows:

To City:

Mayor
City of Suisun City
701 Civic Center Blvd.
Suisun City, California 94585

To Employee:

Gregory Folsom
[On file with Human Resources Dept.]

Notices shall be deemed given as of the date of personal service or upon the date of deposit in the course of transmission with the United States Postal Service.

9.4 Conflicts Prohibited. During the term of this Agreement, Employee shall not engage in any business or transaction or maintain a financial interest which conflicts, or reasonably might be expected to conflict, with the proper discharge of Employee's duties under this Agreement. Employee shall comply with all requirements of law, including but not limited to, Sections 87100 et seq., Section 1090 and Section 1125 of the Government Code, and all other similar statutory and administrative rules.

9.5 Effect of Waiver. The failure of either party to insist on strict compliance with any of the terms, covenants, or conditions of this Agreement by the other party shall not be deemed a waiver of that term, covenant, or condition, nor shall any waiver or relinquishment of any right or power at any one time or times be deemed a waiver or relinquishment of that right or power for all or any other times.

9.6 Partial Invalidity. If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

9.7 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California, which are in full force and effect as of the date of execution and delivery by each party hereto.

9.8 AB 1344. Assembly Bill 1344, which was subsequently enacted as Government Code §§ 53243 - 53243.4, sought to provide greater transparency in local government and institute certain limitations on compensation paid to local government executives. These statutes also require that contracts between local agencies and its employees include provisions requiring an employee who is convicted of a crime involving an abuse of his office or position to provide reimbursement to the local agency. These statutes are incorporated herein by reference. Accordingly, the Parties agree that it is their mutual intent to fully comply with these Government Code sections and all other applicable law as it exists as of the date of execution of this Agreement and as such laws may be amended from time to time thereafter. Specifically, the following Government Code sections are called out and hereby incorporated by this Agreement:

§53243. Reimbursement of paid leave salary required upon conviction of crime involving office or position.

§53243.1. Reimbursement of legal criminal defense upon conviction of crime involving office or position.

§53243.2. Reimbursement of cash settlement upon conviction of crime involving office or position.

§53243.3. Reimbursement of noncontractual payments upon conviction or crime involving office or position.

§53243.4. "Abuse of office or position" defined.

Employee represents that Employee has reviewed, is familiar with, and agrees to comply fully with each of these provisions if any of these provisions are applicable to Employee, including that Employee agrees that any cash settlement or severance related to a termination that Employee may receive from the City shall be fully reimbursed to the local agency if Employee is convicted of a crime involving an abuse of Employee's office or position.

9.9 Independent Legal Advice. The City and Employee represent and warrant to each other that each has received legal advice from independent and separate legal counsel with

respect to the legal effect of this Agreement, and the City and Employee further represent and warrant that each has carefully reviewed this entire Agreement and that each and every term thereof is understood and that the terms of this Agreement are contractual and not a mere recital. This Agreement shall not be construed against the party or its representatives who drafted it or who drafted any portion thereof.

IN WITNESS WHEREOF, the City of Suisun City has caused this Agreement to be signed and executed on its behalf by its Mayor, and duly attested by its officers thereunto duly authorized, and Employee has read and executed this Agreement. and agrees to be bound by the same.

CITY OF SUISUN CITY

Lori Wilson, Mayor

ATTEST:

Linda Hobson, City Clerk

APPROVED AS TO FORM:

Anthony R. Taylor, City Attorney

EMPLOYEE

Gregory Folsom

respect to the legal effect of this Agreement, and the City and Employee further represent and warrant that each has carefully reviewed this entire Agreement and that each and every term thereof is understood and that the terms of this Agreement are contractual and not a mere recital. This Agreement shall not be construed against the party or its representatives who drafted it or who drafted any portion thereof.

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CITY OF SUISUN CITY



Lori Wilson, Mayor

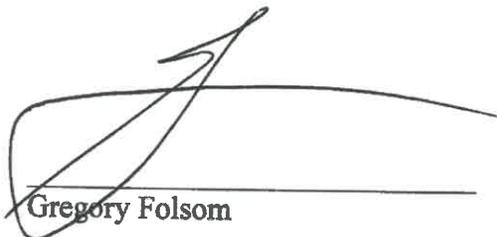
ATTEST:

Linda Hobson, City Clerk

APPROVED AS TO FORM:

Anthony R. Taylor, City Attorney

EMPLOYEE



Gregory Folsom

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AGENDA TRANSMITTAL

MEETING DATE: March 5, 2019

CITY AGENDA ITEM: FY 2018-19 Mid-Year Fiscal Review:

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

FISCAL IMPACT: This is an informational report regarding the financial condition of the City's General Fund and, as such, has no fiscal impact. The corresponding Amendments to the Annual Appropriations resolutions will appropriate available money for FY 2018-19 in the amount of \$663,500.

BACKGROUND: Each year, in late February or early March, staff presents a Mid-Year Fiscal Review to the City Council to provide a trend analysis for General Fund revenues and expenses that compares assumptions made when the budget was adopted with actual figures from the first six months of the fiscal year. The update also includes recommended appropriations changes to address unforeseen budget developments, such as a new staffing need has developed or a project timeline has shifted. The Mid-Year update also provides a snapshot of current fiscal year trends to serve as a foundation to prepare the subsequent fiscal year budget, in this case FY 2019-20.

The City entered Fiscal Year 2018-19 with significant projects and anticipated personnel changes in the works. Conservative estimates of increased property tax revenues and expectations of higher Sales Tax and Measure S revenue, allowed the City to adopt a balanced FY 2018-19 budget with funding dedicated to dredge the marina, upgrade Citywide software and computer systems, replace essential Fire Department equipment, and improve City infrastructure.

STAFF REPORT: At Mid-Year, detailed revenue and expenditure figures are being refined but broad trends based upon actual experience over the first six months of the fiscal year can be identified.

Staff primarily analyzed three elements in assessing the General Fund's performance:

1. The amount carried over from the prior fiscal year, also called the Beginning Balance,
2. Projected revenues, and
3. Projected expenses.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Scott Corey, Senior Management Analyst
 143 Joe Dingman, Administrative Services Director
 Richard Ramirez, Interim City Manager

The revised Beginning Balance for FY 2018-19 was \$189,200 more than expected. Revenues are projected to perform approximately 4% higher than projected. Operating Expenses are trending approximately 5% lower than expected. Based on current projections, the General Fund ending balance would exceed the City Council's adopted 20% reserve level by approximately \$1.2 million.

As we look at the component details:

- The Ending Balance from FY 2017-18 was \$189,200 more than the assumption used for the FY 2018-19 Beginning Balance. Thus, the estimated beginning balance for FY 2018-19 has been revised to \$3,941,900, which represents a 5% increase over the adopted budget amount of \$3,752,700.
- Total General Fund resources are projected to be \$19,294,000, or approximately \$782,500 more than budgeted due to sales tax, Measure S, service charge, fine & forfeiture receipts exceeding expectations combined with the higher Beginning Balance.
- FY 2018-19 Operating Expenses are trending about \$673,600 less than expected, primarily due to year-to-date savings in personnel services and services and supplies accounts that may be impacted by dynamic changes in the second half of the fiscal year.

Based on current projections, the General Fund ending balance would exceed the City Council's adopted 20% reserve level by approximately \$1.2 million.

As a result, Staff expects to deliver a balanced and healthy General Fund to end FY 2018-19.

City Manager Recommended Mid-Year Budget Adjustments

The following proposed adjustments surfaced during the first six months of operation this year due to unexpected events and budgetary corrections. Resources are available to accomplish the following budget modifications:

- Fire Inspections Pursuant to State Mandates – Add capacity to increase the proficiency of our Annual Fire Inspection program that degraded through Building Division staff departures. Approximate FY 2018-19 cost: \$50,000.
- Enterprise Resource Planning Project Support – Add a Management Analyst I-level position to the Administrative Services Department to provide additional staff support for the implementation phase of the Enterprise Resource Management Project and support various fiscal services. In May 2018, Staff provided a project update to the Council that included a forecasted need for two part-time employees to backfill current City employees during project implementation. Approximate FY 2018-19 cost: \$50,000.
- Administration Office Staff Reorganization – Add an Administrative Assistant to provide additional support to the Secretary to the City Manager / Deputy City Clerk as the Human Resources Technician is refocused to support staff development needs. Approximate FY 2018-19 cost: \$40,000.
- Community Development Support – Appropriate additional funds to support two Community Development designed to improve neighborhoods and business corridors, and bolster property values:
 - \$15,000 for Neighborhood Reinvestment Program, and
 - \$15,000 for Façade Improvement Grant for Suisun Businesses Program.

- Police Officer Trainee & Academy – Recruitment of Police Officers has been increasingly difficult given the broad shift of public attitudes regarding the profession and changes larger departments have made to bolster their recruitment needs. Staff would like to add an additional recruitment tool that would enable the City to hire Police Officer Trainees paid a non-benefitted wage to attend and graduate police academy. While this program is mostly funded by salary savings from vacant Police Officer positions, a small amount in the current year is requested to launch this new approach and be able to monitor its effectiveness. Approximate FY 2018-19 cost: \$20,000.

The Amended Appropriations Resolution before the Council this evening assumes funding for the Recommended Adjustments. The resolution can be amended to reflect Council decisions on specific items.

Requested Adjustments Not Recommended

The following adjustments requested by Departments are not recommended at this time for two primary reasons: Additional staff work is required to determine these expenses exceed Departmental appropriations or a more detailed understanding of the overall project is required. These requests are expected to be included in developing the FY 2019-20 budget.

- Police Protective Equipment – Recent audit of the Police Department’s ballistic helmets and shields determined they are outdated and in need of replacement. Approximate one-time cost \$15,000.
- Property and Evidence Audit – An informal internal assessment of the Police Department Property and Evident Division by the former Police Commander revealed the need for operational adjustments. With the recent changes at the Chief and Command levels, an outside audit of this function is indicated. Approximate one-time cost \$7,500
- Accident Scene Equipment Update – Review of equipment used to investigate vehicle collisions concluded that a software update and staff training is required. Approximate one-time cost \$10,000.
- Police Field Radios – Replace existing radios with equipment compatible with new radio system. Approximate one-time cost \$12,000.
- RIMS System Component – Add two components to the new RIMS Dispatch System to add functionality to support Fire Department paging and report writing. Approximate one-time cost \$10,000.

FISCAL YEAR 2019-20

The Mid-Year Update also traditionally serves to launch the process to develop the subsequent budget, in this case for Fiscal Year 2019-20.

Staff is aware of several significant areas to highlight headed into FY 2019-20:

- Economic Conditions – Economists have predicted a general economic slowdown, some initial signs of which may be appearing in areas such as interest in home buying and in sales tax projections. The significance of this risk remains unknown, but the City’s reliance on economy-based revenues, such as property tax, sales taxes and fees for services, raises this as a potential concern.
- State Housing Policy – Construction of affordable housing has been identified by Governor Gavin Newsom as a policy priority. The State is in the process of developing both incentives and penalties designed to encourage local communities to achieve their affordable housing

goals. The timing and mixture of the incentives and penalties, and their effect on Suisun City will be a keen issue to monitor into next summer.

- Marina Dredging – Staff believes sufficient funds are allocated for the Marina Dredging Project, particularly given advantageous bids received and initial results of wildlife surveys. When the dredging episode concludes in Fiscal Year 2019-20, it is possible some General Fund resources could be returned. At a minimum, the transfer required to support this project in the current fiscal year is not expected to recur in the next fiscal year.
- Prioritize Employee Development – The Council has expressed interest in addressing employee compensation as it relates to the City’s local market, and will experience a \$1 increase in the minimum wage starting in January 2020. Compensation, deferred staff training and volunteer firefighting equipment are important staff development issues that require attention.
- Enterprise Resource Planning and Public Safety Communications – Significant commitments to upgrading business and communications systems were made in FY 2017-18 and FY 2018-19. Some additional resources may be required in FY 2019-20 to conclude these upgrades.
- Fire Apparatus Replacement – The City has invested in recent years in the replacement of several major pieces of Fire Apparatus, particularly a ladder truck, engines and command vehicles. In FY 2019-20, staff will increase funding set aside to replace these apparatuses and vehicles when they reach end of life.

Staff is in the very early stages of developing the business plan for FY 2019-20. Departmental requests are due to the budget team shortly, with meetings with the City Manager and Administrative Services Director in Mid-April. The budget team will meet with the Fiscal Review Committee in the end of April/beginning of May. All leading to a review of the budget concept with the full Council in the latter part of May and a public hearing on the budget for adoption in the middle of June.

RECOMMENDATION: It is recommended that the Council:

1. Receive the staff’s presentation.
2. Adoption of Budget Amendment Resolutions:
 - a. Council Adoption of Resolution No. 2019-___: Adopting the 3rd Amendment to the Annual Appropriation Resolution No. 2018-68 to Appropriate Mid-Year Budget Adjustments for Additional Costs in Various Accounts Organization Wide.
 - b. Agency Adoption of Resolution No. SA 2019-___: Adopting the 1st Amendment to Resolution No. SA 2018-01 to Appropriate Mid-Year Budget Adjustments Related to Employee Memorandum of Understanding Implementation.
 - c. Authority Adoption of Resolution No. HA 2019-___: Adopting the 1st Amendment to Resolution No. HA 2018-02 to Appropriate Mid-Year Budget Adjustments Related to Employee Memorandum of Understanding Implementation.

ATTACHMENTS:

1. Presentation slides.

2. Council Resolution No. 2019-___: Adopting the 3rd Amendment to the Annual Appropriation Resolution No. 2018-68 to Appropriate Mid-Year Budget Adjustments for Additional Costs in Various Accounts Organization Wide.
3. Agency Resolution No. SA 2019-___: Adopting the 1st Amendment to Resolution No. SA 2018-01 to Appropriate Mid-Year Budget Adjustments Related to Employee Memorandum of Understanding Implementation.
4. Authority Resolution No. HA 2019-___: Adopting the 1st Amendment to Resolution No. HA 2018-02 to Appropriate Mid-Year Budget Adjustments Related to Employee Memorandum of Understanding Implementation.

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FY 2018-19 Mid-Year Fiscal Review

DATE: MARCH 5, 2019



Overview

- ☐ Balanced General Fund Based on Expectations
- ☐ Major Projects (FY18-19)
- ☐ Leadership Team Transition
- ☐ Positioned Well for 2019-20



Major Projects FY18-19

- Dispatch Center / Public Safety Communications
- Marina Dredging
- Enterprise Resource Planning Project
- ENGIE Energy Services Project
- Type 3 Fire Engine





FY 18-19 General Fund Overview

Budget Item	FY19 Amended	FY19 Estimated	Amended Vs. Estimated	Percent Change
Beginning Balance	\$ 3,752,700	\$ 3,941,900	\$ 189,200	5%
Revenues	14,758,800	15,352,100	593,300	4%
Operating Expenditures	13,425,600	12,752,000	(673,600)	- 5%
Non-Operating Expenditures	<u>2,907,500</u>	<u>2,916,000</u>	<u>7,500</u>	<u><1%</u>
Ending Balance	2,382,700	3,627,000	1,244,300	34%
Reserve	17.8%	28.4%		10.6%



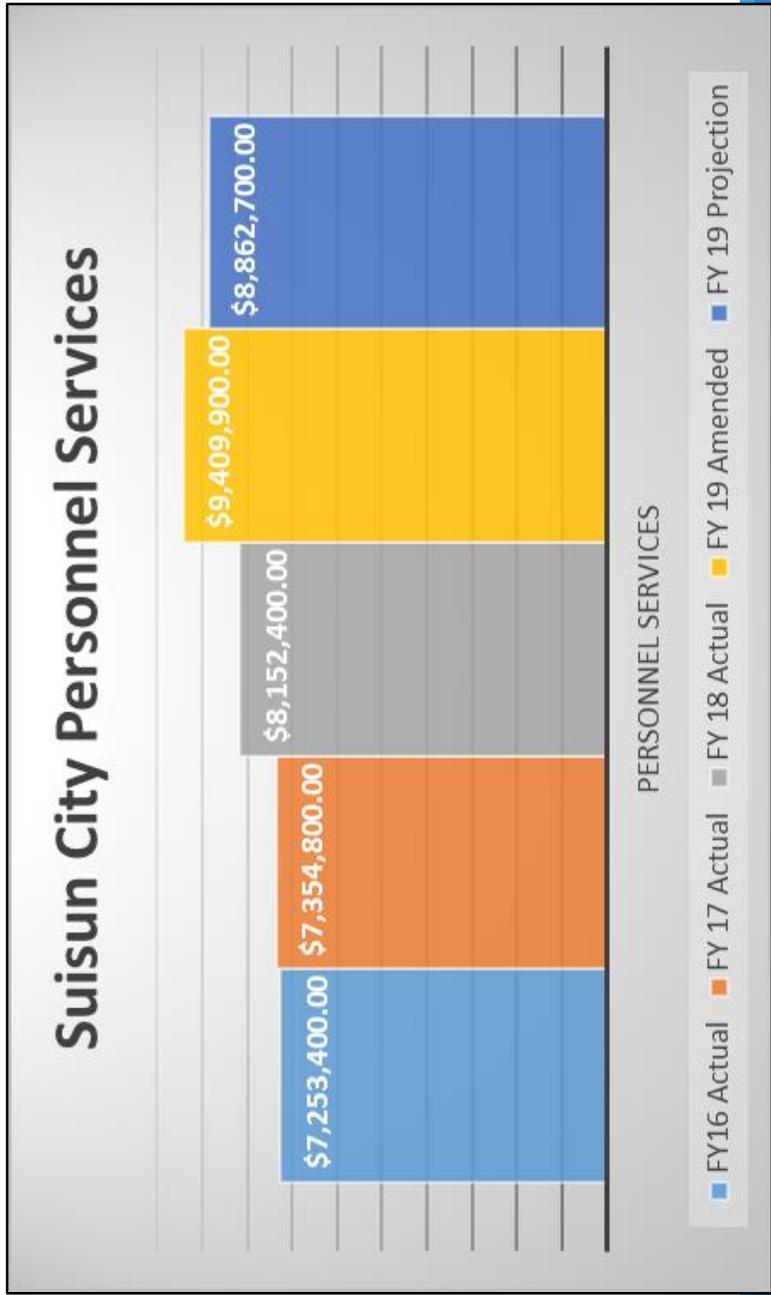
FY 18-19 Major Revenues

- Revenues - **\$593,300** More than Anticipated
- Property Tax Revenues - **-\$11,000** Decrease
- Sales Tax - **\$58,900** Increase
- Transactions & Use Tax (Measure S) - **\$193,000** Increase
- Transient Occupancy Tax & Other Taxes - **-\$64,100** Decrease
- Licenses & Permits – **-\$45,700** Decrease
- Fines & Forfeitures - **\$67,300** Increase
- Use of Money - **\$60,500** Increase
- Intergovernmental - **\$237,600** Increase
- Charges for Service - **\$73,100** Increase



FY 18-19 Major Expenses

- ☐ FY 18-19 Expenses that changed more than expected
- ☐ Personnel Services - **\$547,200** Decrease





FY 18-19 Major Expenses

☐ Services & Supplies - **\$124,600** Decrease





FY 18-19 Mid-Year Adjustments

Recommended Modifications

General Fund

- Enterprise Resource Planning Support - \$50,000
- Fire Inspections Pursuant to State Mandates - \$50,000
- Reorganization of Front Office Support - \$40,000
- Police Officer Trainee & Academy - \$20,000
- Neighborhood & Façade Grants - \$30,000
- Total: \$190,000**



FY 19-20 Fiscal Forecast

- Economic Softening
 - Housing Market (Suisun City down **-5.49%** in 2018 Q4)
 - 1.2% Sales Tax Growth (3.2% in FY19)
- State Housing Policies
- Local Development Projects, i.e. Parcel 14
- Prioritizing Staff Development



Staff Recommendation

- City Council adopt 14th Amendment to the AAR to Appropriate Mid-Year Budget Adjustments.

Questions?



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RESOLUTION NO. 2019-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
ADOPTING THE 3rd AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION
NO. 2018-68 TO APPROPRIATE MID-YEAR BUDGET ADJUSTMENTS FOR ADDITIONAL
COSTS IN VARIOUS ACCOUNTS ORGANIZATION WIDE**

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

THAT Section 010 of Part III of the Annual Appropriation Resolution No. 2018-68 be and is hereby amended as follows:

	<u>Increase/ (Decrease)</u>
TO: CITY MANAGER City Council, City Clerk, City Treasurer, City Manager	\$ 118,200
TO: ADMINISTRATIVE SERVICES DEPARTMENT Administrative Services Administration, Accounting, Utility Billing & Collection	\$ 47,400
TO: POLICE DEPARTMENT Police Administration, Police Support Services, Code Enforcement, Police Operations	\$ 163,200
TO: FIRE DEPARTMENT Fire Operations, Emergency Preparedness	\$ 77,000
TO: BUILDING & PUBLIC WORKS DEPARTMENT Building & Public Works Administration, Building Inspection, Engineering, Landscape Maintenance, Building Maintenance	\$ 23,000
TO: DEVELOPMENT SERVICES DEPARTMENT Economic Development, Planning	\$ 40,500
TO: RECREATION & COMMUNITY SERVICES DEPARTMENT Recreation, Community Center, Senior Center	\$ 21,700
TOTAL Section 010	<u>\$ 491,000</u>

THAT Section 105 of Part III of the Annual Appropriation Resolution No. 2018-68 be and is hereby amended as follows:

	<u>Increase/ (Decrease)</u>
TO: BUILDING & PUBLIC WORKS DEPARTMENT Street Maintenance	\$ 5,400
TOTAL Section 105	<u>\$ 5,400</u>

THAT Section 130 of Part III of the Annual Appropriation Resolution No. 2018-68 be and is hereby amended as follows:

		Increase/ (Decrease)
TO:	BUILDING & PUBLIC WORKS DEPARTMENT	\$ <u>200</u>
	Waste Reduction & Recycling	
	TOTAL Section 130	\$ <u><u>200</u></u>

THAT Section 152 of Part III of the Annual Appropriation Resolution No. 2018-68 be and is hereby amended as follows:

TO:	POLICE DEPARTMENT	\$ <u>1,900</u>
	Police Operations	
	TOTAL Section 152	\$ <u><u>1,900</u></u>

THAT Section 158 of Part III of the Annual Appropriation Resolution No. 2018-68 be and is hereby amended as follows:

TO:	RECREATION & COMMUNITY SERVICES DEPARTMENT	\$ <u>1,400</u>
	Recreation	
	TOTAL Section 158	\$ <u><u>1,400</u></u>

THAT Section 171 of Part III of the Annual Appropriation Resolution No. 2018-68 be and is hereby amended as follows:

TO:	RECREATION & COMMUNITY SERVICES DEPARTMENT	\$ <u>400</u>
	Recreation	
	TOTAL Section 171	\$ <u><u>400</u></u>

THAT Section 185 of Part III of the Annual Appropriation Resolution No. 2018-68 be and is hereby amended as follows:

TO:	BUILDING & PUBLIC WORKS DEPARTMENT	\$ <u>6,000</u>
	Sewer Maintenance	
	TOTAL Section 185	\$ <u><u>6,000</u></u>

THAT Section 190 of Part III of the Annual Appropriation Resolution No. 2018-68 be and is hereby amended as follows:

TO:	BUILDING & PUBLIC WORKS DEPARTMENT	\$ <u>16,000</u>
	Storm Drain & Flood Control Maintenance	
	TOTAL Section 190	\$ <u><u>16,000</u></u>

THAT Section 705 of Part III of the Annual Appropriation Resolution No. 2018-68 be and is hereby amended as follows:

TO:	BUILDING & PUBLIC WORKS DEPARTMENT	\$ <u>1,500</u>
	Public Works Maintenance	
	TOTAL Section 705	\$ <u><u>1,500</u></u>

THAT Section 710 of Part III of the Annual Appropriation Resolution No. 2018-68 be and is hereby amended as follows:

TO:	BUILDING & PUBLIC WORKS DEPARTMENT	\$ 13,500
	Information Technology, Capital Replacement Reserve	
	TOTAL Section 710	<u>\$ 13,500</u>

THAT Section 713 of Part III of the Annual Appropriation Resolution No. 2018-68 be and is hereby amended as follows:

TO:	BUILDING & PUBLIC WORKS DEPARTMENT	\$ 46,400
	Public Works Maintenance	
	TOTAL Section 713	<u>\$ 46,400</u>

THAT Section 715 of Part III of the Annual Appropriation Resolution No. 2018-68 be and is hereby amended as follows:

TO:	ADMINISTRATIVE SERVICES DEPARTMENT	\$ 4,700
	Liability Self-Insurance	
	TOTAL Section 715	<u>\$ 4,700</u>

THAT Section 750 of Part III of the Annual Appropriation Resolution No. 2018-68 be and is hereby amended as follows:

TO:	ADMINISTRATIVE SERVICES DEPARTMENT	\$ 6,400
	Workers' Compensation Self-Insurance	
	TOTAL Section 750	<u>\$ 6,400</u>

THAT Section 909 of Part III of the Annual Appropriation Resolution No. 2018-68 be and is hereby amended as follows:

TO:	RECREATION & COMMUNITY SERVICES DEPARTMENT	\$ 4,000
	Marina Operations	
	TOTAL Section 909	<u>\$ 4,000</u>

THAT Section 919 of Part III of the Annual Appropriation Resolution No. 2018-68 be and is hereby amended as follows:

TO:	RECREATION & COMMUNITY SERVICES DEPARTMENT	\$ 3,300
	Marina Fuel	
	TOTAL Section 909	<u>\$ 3,300</u>

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

<u>General Fund</u>	<u>Sources</u>	<u>Uses</u>
Revenues:		
A/C No. 010-70101-0000 Unappropriate Beginning Balance	\$ 189,200	\$ -
A/C No. 010-93410-1910 Operating Contingency	\$ 230,000	\$ -
A/C No. 010-98200-1990 Emergency Reserve	\$ 71,800	

Appropriations:

A/C No. 010-90110-1020	Regular Salary	\$	1,000
A/C No. 010-90350-1020	Other Employee Benefits	\$	800
A/C No. 010-90110-1030	Regular Salary	\$	100
A/C No. 010-90110-1710	Regular Salary	\$	24,800
A/C No. 010-90350-1710	Other Employee Benefits	\$	1,500
A/C No. 010-90999-1710	Payroll Contingency	\$	90,000
A/C No. 010-90110-1750	Regular Salary	\$	1,500
A/C No. 010-90350-1750	Other Employee Benefits	\$	1,500
A/C No. 010-90110-1810	Regular Salary	\$	900
A/C No. 010-90350-1810	Other Employee Benefits	\$	900
A/C No. 010-90110-1815	Regular Salary	\$	200
A/C No. 010-90350-1815	Other Employee Benefits	\$	200
A/C No. 010-90110-1820	Regular Salary	\$	5,100
A/C No. 010-90350-1820	Other Employee Benefits	\$	5,100
A/C No. 010-90110-1830	Regular Salary	\$	21,300
A/C No. 010-90350-1830	Other Employee Benefits	\$	10,700
A/C No. 010-90110-2310	Regular Salary	\$	7,600
A/C No. 010-90350-2310	Other Employee Benefits	\$	2,200
A/C No. 010-93410-2310	Operating Contingency	\$	20,000
A/C No. 010-90110-2320	Regular Salary	\$	19,900
A/C No. 010-90350-2320	Other Employee Benefits	\$	18,000
A/C No. 010-90110-2326	Regular Salary	\$	4,000
A/C No. 010-90350-2326	Other Employee Benefits	\$	5,000
A/C No. 010-90110-2350	Regular Salary	\$	75,700
A/C No. 010-90350-2350	Other Employee Benefits	\$	10,800
A/C No. 010-90110-2610	Regular Salary	\$	13,300
A/C No. 010-90350-2610	Other Employee Benefits	\$	13,700
A/C No. 010-91431-2610	Contract Services Other	\$	50,000
A/C No. 010-90110-3410	Regular Salary	\$	5,700
A/C No. 010-90350-3410	Other Employee Benefits	\$	5,200
A/C No. 010-90110-3505	Regular Salary	\$	26,600
A/C No. 010-90350-3505	Other Employee Benefits	\$	3,000
A/C No. 010-90110-3310	Regular Salary	\$	2,100
A/C No. 010-90350-3310	Other Employee Benefits	\$	2,000
A/C No. 010-90110-3350	Regular Salary	\$	2,000
A/C No. 010-90350-3350	Other Employee Benefits	\$	2,200
A/C No. 010-90110-6005	Regular Salary	\$	2,400
A/C No. 010-90350-6005	Other Employee Benefits	\$	2,500
A/C No. 010-90110-6007	Regular Salary	\$	2,500
A/C No. 010-90350-6007	Other Employee Benefits	\$	2,200
A/C No. 010-90110-6010	Regular Salary	\$	2,300
A/C No. 010-90350-6010	Other Employee Benefits	\$	2,800
A/C No. 010-90110-8610	Regular Salary	\$	3,100
A/C No. 010-90350-8610	Other Employee Benefits	\$	3,600
A/C No. 010-90110-8680	Regular Salary	\$	800
A/C No. 010-90350-8680	Other Employee Benefits	\$	800
A/C No. 010-90110-8750	Regular Salary	\$	4,200
A/C No. 010-90350-8750	Other Employee Benefits	\$	5,000
A/C No. 010-90110-8760	Regular Salary	\$	3,200
A/C No. 010-90350-8760	Other Employee Benefits	\$	1,000
	Total 010 Fund	\$	<u>491,000</u>
		\$	<u>491,000</u>

<u>Gas Tax Fund</u>		<u>Sources</u>	<u>Uses</u>
Revenues:			
A/C No. 105-70101	Fund Balance	\$ 5,400	\$ -
Appropriations:			
A/C No. 105-90110-8760	Regular Salary	\$ -	\$ 2,800
A/C No. 105-90350-8760	Other Employee Benefits	\$ -	\$ 2,600
	Total 105 Fund	<u>\$ 5,400</u>	<u>\$ 5,400</u>

<u>AB939 Solid Waste Diversion Fund</u>		<u>Sources</u>	<u>Uses</u>
Revenues:			
A/C No. 130-70101	Fund Balance	\$ 200	\$ -
Appropriations:			
A/C No. 130-90110-8760	Regular Salary	\$ -	\$ 100
A/C No. 130-90350-8760	Other Employee Benefits	\$ -	\$ 100
	Total 130 Fund	<u>\$ 200</u>	<u>\$ 200</u>

<u>School Resource Officer Grant Fund</u>		<u>Sources</u>	<u>Uses</u>
Revenues:			
A/C No. 152-70101	Fund Balance	\$ 1,900	\$ -
Appropriations:			
A/C No. 152-90110-8760	Regular Salary	\$ -	\$ 1,900
	Total 152 Fund	<u>\$ 1,900</u>	<u>\$ 1,900</u>

<u>Alcohol Tobacco & Other Drugs Grant Fund</u>		<u>Sources</u>	<u>Uses</u>
Revenues:			
A/C No. 158-70101	Fund Balance	\$ 1,400	\$ -
Appropriations:			
A/C No. 158-90110-8619	Regular Salary		\$ 700
A/C No. 158-90350-8619	Other Employee Benefits	\$ -	\$ 700
	Total 158 Fund	<u>\$ 1,400</u>	<u>\$ 1,400</u>

<u>Prop. 49 After-School Program Grant Fund</u>		<u>Sources</u>	<u>Uses</u>
Revenues:			
A/C No. 171-70101	Fund Balance	\$ 400	\$ -

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Appropriations:			
A/C No. 171-90110-8650	Regular Salary	\$	200
A/C No. 171-90350-8650	Other Employee Benefits	\$	200
		-	-
	Total 171 Fund	<u>\$</u>	<u>400</u>
		<u>\$</u>	<u>400</u>

Sources **Uses**

Sewer Maintenance Fund

Revenues:			
A/C No. 185-70101	Fund Balance	\$	6,100
		\$	-
Appropriations:			
A/C No. 185-90110-6310	Regular Salary	\$	3,300
A/C No. 185-90350-6310	Other Employee Benefits	\$	2,800
		-	-
	Total 185 Fund	<u>\$</u>	<u>6,100</u>
		<u>\$</u>	<u>6,100</u>

Sources **Uses**

Storm Drain & Flood Channel Maintenance Fund

Revenues:			
A/C No. 190-70101	Fund Balance	\$	1,600
		\$	-
Appropriations:			
A/C No. 190-90110-6315	Regular Salary	\$	800
A/C No. 190-90350-6315	Other Employee Benefits	\$	800
		-	-
	Total 190 Fund	<u>\$</u>	<u>1,600</u>
		<u>\$</u>	<u>1,600</u>

Sources **Uses**

Municipal Facilities & Equipment Fund

Revenues:			
A/C No. 320-70101	Fund Balance	\$	30,000
		\$	-
Appropriations:			
A/C No. 320-96900-3525	CIP Contingency	\$	15,000
A/C No. 320-96900-3526	CIP Contingency	\$	15,000
		-	-
	Total 320 Fund	<u>\$</u>	<u>30,000</u>
		<u>\$</u>	<u>30,000</u>

Sources **Uses**

Storm Drain & Flood Channel Maintenance Fund

Revenues:			
A/C No. 705-70101	Fund Balance	\$	1,500
		\$	-
Appropriations:			
A/C No. 705-90110-6380	Regular Salary	\$	900
A/C No. 705-90350-6380	Other Employee Benefits	\$	600
		-	-

Marina Operations Fund

		<u>Sources</u>	<u>Uses</u>
Revenues:			
A/C No. 909-70101	Fund Balance	\$ 4,000	\$ -
Appropriations:			
A/C No. 909-90110-8910	Regular Salary		\$ 3,200
A/C No. 909-90350-8910	Other Employee Benefits	\$ -	\$ 800
	Total 909 Fund	<u>\$ 4,000</u>	<u>\$ 4,000</u>

Marina Fuel Fund

		<u>Sources</u>	<u>Uses</u>
Revenues:			
A/C No. 919-70101	Fund Balance	\$ 3,300	\$ -
Appropriations:			
A/C No. 919-90110-8920	Regular Salary		\$ 400
A/C No. 919-90350-8920	Other Employee Benefits	\$ -	\$ 2,900
	Total 919 Fund	<u>\$ 3,300</u>	<u>\$ 3,300</u>

Asset Management Fund

		<u>Sources</u>	<u>Uses</u>
Revenues:			
A/C No. 908-81010	From General Fund	\$ 50,000	\$ -
Appropriations:			
A/C No. 908-93310-3518	Professional Services	\$ -	\$ 50,000
	Total 908 Fund	<u>\$ 50,000</u>	<u>\$ 50,000</u>

THAT the purpose is to appropriate funds to make mid-year budget adjustments for additional costs in various citywide accounts.

ADOPTED AND PASSED at a regular meeting of the City Council of the City of Suisun City duly held on the 5th day of March, 2019 by the following vote:

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

WITNESS my hand and seal of the said City this 5th day of March 2019.

Linda Hobson, CMC
City Clerk

RESOLUTION NO. SA 2019-__

A RESOLUTION OF THE SUISUN CITY CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY ADOPTING THE 1ST AMENDMENT TO RESOLUTION NO. SA 2018-01 TO APPROPRIATE MID-YEAR BUDGET ADJUSTMENTS RELATED TO EMPLOYEE MEMORANDUM OF UNDERSTANDING IMPLEMENTATION

BE IT RESOLVED BY THE SUISUN CITY SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY:

THAT Section 901 of Part III of the Annual Appropriation Resolution No. SA 2018-01 be and is hereby amended as follows:

	<u>Increase/ (Decrease)</u>
TO: DEVELOPMENT SERVICES DEPARTMENT Successor Agency Administration	\$ 18,300
TOTAL Section 901	<u>\$ 18,300</u>

THAT Section 903 of Part III of the Annual Appropriation Resolution No. SA 2018-01 be and is hereby amended as follows:

	<u>Increase/ (Decrease)</u>
TO: DEVELOPMENT SERVICES DEPARTMENT Successor Housing Agency	\$ 16,700
TOTAL Section 901	<u>\$ 16,700</u>

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

		<u>Sources</u>	<u>Uses</u>
<u>SA Administration Fund</u>			
Revenues:			
A/C No. 901-70101	Fund Balance	\$ 18,300	\$ -
Appropriations:			
A/C No. 901-90110-3511	Regular Salaries		\$ 14,700
A/C No. 901-90350-3511	Other Employee Benefits	<u>\$ -</u>	<u>\$ 3,600</u>
	Total SA Administration Fund	<u>\$ 18,300</u>	<u>\$ 18,300</u>

		<u>Sources</u>	<u>Uses</u>
<u>SA Housing Fund</u>			
Revenues:			
A/C No. 903-70101	Fund Balance	\$ 16,700	\$ -
Appropriations:			
A/C No. 903-90110-3514	Regular Salaries		\$ 12,200
A/C No. 903-90350-3514	Other Employee Benefits	<u>\$ -</u>	<u>\$ 4,500</u>
	Total SA Housing Fund	<u>\$ 16,700</u>	<u>\$ 16,700</u>

THAT the purpose is to appropriate retained earnings for supplemental administrative support.

ADOPTED AND PASSED at a regular meeting of the Suisun City Housing Authority duly held on the 5th day of March, 2019 by the following vote:

AYES:	BOARDMEMBERS
NOES:	BOARDMEMBERS
ABSENT:	BOARDMEMBERS
ABSTAIN:	BOARDMEMBERS

WITNESS my hand and seal of the said Housing Authority this 5th day of March 2019.

Linda Hobson, CMC
City Clerk

RESOLUTION NO. HA 2019-__

A RESOLUTION OF THE SUISUN CITY HOUSING AUTHORITY ADOPTING THE 1ST AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION NO. HA 2018-02 TO APPROPRIATE MID-YEAR BUDGET ADJUSTMENTS RELATED TO EMPLOYEE MEMORANDUM OF UNDERSTANDING IMPLEMENTATION

BE IT RESOLVED BY THE SUISUN CITY HOUSING AUTHORITY:

THAT Section 945 of Part III of the Annual Appropriation Resolution No. HA 2018-02 be and is hereby amended as follows:

	<u>Increase/ (Decrease)</u>
TO: DEVELOPMENT SERVICES DEPARTMENT	\$ 9,500
Housing	
TOTAL Section 945	<u>\$ 9,500</u>

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

	<u>Sources</u>	<u>Uses</u>
<u>Housing Administration Fund</u>		
Revenues:		
A/C No. 945-70101 Fund Balance	\$ 9,500	\$ -
Appropriations:		
A/C No. 945-90110-3490 Regular Salaries		\$ 4,800
A/C No. 945-90350-3450 Other Employee Benefits	<u>\$ -</u>	<u>\$ 4,700</u>
Total HA Administration Fund	<u>\$ 9,500</u>	<u>\$ 9,500</u>

THAT the purpose is to appropriate retained earnings for supplemental administrative support.

ADOPTED AND PASSED at a regular meeting of the Suisun City Housing Authority duly held on the 5th day of March, 2019 by the following vote:

AYES: BOARDMEMBERS
NOES: BOARDMEMBERS
ABSENT: BOARDMEMBERS
ABSTAIN: BOARDMEMBERS

WITNESS my hand and seal of the said Housing Authority this 5th day of March 2019.

Linda Hobson, CMC
City Clerk