



CITY COUNCIL

CITY COUNCIL MEETING

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

First and Third Tuesday  
Every Month

## A G E N D A

### SPECIAL MEETING OF THE SUISUN CITY COUNCIL

AND

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

TUESDAY, MAY 15, 2018

6:00 P.M.

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

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#### **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**

Council / Board Members

#### **PUBLIC COMMENT**

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

#### **CONFLICT OF INTEREST NOTIFICATION**

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

#### **CLOSED SESSION**

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

#### **Joint City Council/Successor Agency**

##### 1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property Under Negotiation: Assessor's Parcel Numbers/Address:

Parcel 7: 0032-142-280

Authority Negotiator: Suzanne Bragdon, City Manager; Joe Dingman, Administrative Services Director; Sean Quinn, Project Manager; Sajuti Rahman, Management Analyst; John Kearns, Acting Development Services Director

Negotiating Parties: Jae Chung DBA SODOI Coffee

Under Negotiations: Terms and payment

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

***PLEASE NOTE:***

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

I, Donna Pock, Deputy City Clerk for the City of Suisun City, declare under penalty of perjury that the above agenda for the meeting of May 15, 2018 was posted and available for review, in compliance with the Brown Act.



CITY COUNCIL

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

CITY COUNCIL MEETING

First and Third Tuesday  
Every Month

## A G E N D A

### REGULAR MEETING OF THE SUISUN CITY COUNCIL

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

TUESDAY, MAY 15, 2018

7:00 P.M.

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

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#### **NOTICE**

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(Next Ord. No. – 749)

(Next City Council Res. No. 2018 – 45)

Next Suisun City Council Acting as Successor Agency Res. No. SA2018 - 01)

(Next Housing Authority Res. No. HA2018 – 01)

#### **ROLL CALL**

Council / Board Members

Pledge of Allegiance

Invocation

#### **PUBLIC COMMENT**

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

#### **CONFLICT OF INTEREST NOTIFICATION**

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

#### **REPORTS: (Informational items only.)**

1. Mayor/Council - Chair/Boardmembers
2. City Manager/Executive Director/Staff
  - a. Housing Element Implementation Update - (Kearns).

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

**PRESENTATIONS/APPOINTMENTS**

*(Presentations, Awards, Proclamations, Appointments).*

3. Approving Appointment to the Parks and Recreation Commission - (one appointment for term expiring January 2021).
4. Presentation of Proclamation to the Philippine Cultural Committee Proclaiming June 2018 as “Philippine Cultural Month.”
5. Presentation of Proclamation to Public Works Department Proclaiming May 20 - 26, 2018 as “Public Works Week” – (Kashiwagi).
6. Introduction and Swearing in of two new Suisun City Public Safety Dispatchers Erika Salazar and Haley Alexander – (Mattos).
7. Introduction of new Suisun City Administrative Services Director Joe Dingman – (Bragdon)
8. Introduction of new Suisun City Interim Fire Chief Tom Myers – (Bragdon).
9. Presentation of Proclamation to Fire Chief Mike O’Brien, Retiring after 24 years of service with the Suisun City Fire Department.

**CONSENT CALENDAR**

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

**City Council**

10. Council Adoption of Resolution No. 2018-\_\_\_: Authorizing the Chief of Police to Execute a Contract to Receive and Administer Funding Through the Boating Safety and Enforcement Financial Aid Program from the California Department of Parks and Recreation, Division of Boating and Waterways – (Mattos).
11. Council Adoption of Resolution No. 2018-\_\_\_: Approving the Selection of ENGIE Services US Inc. and Authorizing the City Manager to Negotiate and Execute a Program Development Agreement to Prepare an Integrated Energy Assessment for the City of Suisun City – (Kashiwagi).
12. Initiate and Provide Intent to the Levy and Collection of Assessments for the City’s Maintenance Assessment Districts – (Kashiwagi).
  - a. Council Adoption of Resolutions No. 2018-\_\_\_: Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation and Filing of the Engineer’s Report Related to the Suisun City Maintenance Assessment Districts for Fiscal Year 2018-19.
  - b. Council Adoption of Resolutions No. 2018-\_\_\_: Declaring its Intention to Levy and Collect Assessments Within the City’s Maintenance Assessment Districts for Fiscal Year 2018-19 and Announcing That the Associated Public Hearing Will Be Held on June 19, 2018.
13. Initiate and Provide Intent to the Levy and Collection of Assessments for the Parking Benefit Assessment District – (Kashiwagi).
  - a. Council Adoption of Resolution No. 2018-\_\_\_: Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation and Filing of the Engineer’s Report Related to the McCoy Creek Parking Benefit Assessment District for Fiscal Year 2018-19; and

- b. Council Adoption of Resolution No. 2018-\_\_\_: Declaring Its Intention to Levy and Collect Assessments Within the McCoy Creek Parking Benefit Assessment District for Fiscal Year 2018-19.
14. Council Adoption of Resolution No. 2018-\_\_\_: Authorizing the City Manager to Amend the Contract Services Agreement (Amendment No. 1) with AECOM for Services Associated with Preparation of the Environmental Impact Report (EIR) for the Mount Calvary Baptist Church Project – (Kearns/Junker).
15. Council Adoption of Resolution No. 2018-\_\_\_: Authorizing the City Manager to Amend the Contract Services Agreement (Amendment No. 3) on the City’s behalf with First Carbon Solutions for Services Associated with Preparation of the Environmental Impact Report (EIR) for the Suisun Commerce and Logistics Center – (Kearns/Junker).
16. Council Adoption of Ordinance No. 748: Amending Title 18 “Zoning” with Minor Additions and Clarifications (Introduction and Reading Waived on April 17, 2018) – (Kearns).
17. Council Adoption of Ordinance No. 749: Amending the Definitions of Smoking, Tobacco Products, & Tobacco Paraphernalia in Section 12.12 of the Suisun City Code (Introduced and Reading Waived on May 1, 2018) – (Lofthus).

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

18. Council/Agency/Authority Accept the Investment Report for the Quarter Ending March 31, 2018 – (Luna).

Joint City Council / Suisun City Council Acting as Successor Agency

19. Council/Agency Approval of the April 2018 Payroll Warrants in the Amount of \$373,620.45. Council/Agency Approval of the April 2018 Payable Warrants in the Amount of \$2,001,256.56 – (Finance).

**PUBLIC HEARINGS**

20. PUBLIC HEARING

Council Introduction and Waive Reading of Ordinance No \_\_\_: An Ordinance of the City Council of the City of Suisun City, California, Adding a New Chapter 18.49 (Cannabis Regulatory Program) to, and Repealing Chapter 5.42 (Marijuana Uses and Activities Prohibited) and Chapter 18.59 (Prohibited Businesses) of, the Suisun City Code to Regulate Commercial Cannabis Operations and Personal Cannabis Cultivation in the City of Suisun City, and Finding an Exemption from the California Environmental Quality Act - (Kearns/Junker).

**GENERAL BUSINESS**

City Council

21. Council Adoption of Resolution No. 2018-\_\_\_: Authorizing the City Manager to enter into a Construction Contract on the City’s Behalf with Graham Contractors, Inc. for the 2018 Street Cape and Slurry Seal Project – (Kashiwagi).

**ADJOURNMENT**

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I, Donna Pock, Deputy City Clerk for the City of Suisun City, declare under penalty of perjury that the above agenda for the meeting of May 15, 2018 was posted and available for review, in compliance with the Brown Act.

Office of the Mayor  
Suisun City, California

# Proclamation



**WHEREAS**, the Filipino-American community comprises 11 percent of the population of Solano County, with many Filipino-Americans residing in the City of Suisun City; and

**WHEREAS**, June 12<sup>th</sup>, 2018 marks the 120th anniversary of Philippine Independence from Spain- a time to commemorate the Philippines’ independence from colonial rule, and for Filipino-Americans, a time to celebrate Filipino heritage-pride and bring Filipino-American communities together; and

**WHEREAS**, as part of the month-long cultural activities, the Philippine Cultural Committee will celebrate its 32nd anniversary of sponsoring the annual “Pista Sa Nayon” event which consistently draws large crowds to celebrate and experience Philippine culture and traditions with a parade, cultural exhibits, Filipino Martial Arts tournament, food, entertainment for all ages; and

**WHEREAS**, Filipino-Americans have attained professional recognition in the fields of medicine, science, law, education, art and literature, music, business, politics, competitive sports and continue to enrich and contribute to the quality of life, growth and progress of Suisun; and

**WHEREAS**, the Philippine Cultural Committee of Vallejo, comprised of over several Filipino-American organizations invites members of the public to a free, outdoor day-long festival popularly called “Pista Sa Nayon”, on Saturday, June 2, 2018 from 10 am to 6 pm at the Vallejo Waterfront Park; and

**NOW, THEREFORE, BE IT RESOLVED**, that I, Pete Sanchez, Mayor of the City of Suisun City, hereby proclaim the month of June 2018, as:

**“PHILIPPINE CULTURAL MONTH”**

in recognition and celebration of the contributions of the Filipino-American community to the City of Suisun City.

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

\_\_\_\_\_  
Pete Sanchez, Mayor  
ATTEST: \_\_\_\_\_  
DATE: \_\_\_\_\_ May 15, 2018 \_\_\_\_\_

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Office of the Mayor  
Suisun City, California

# Proclamation



**WHEREAS**, Public Works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the residents of Suisun City; and

**WHEREAS**, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees from state and local governments and the private sector, who are responsible for rebuilding, improving and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

**WHEREAS**, it is in the public interest for the citizens, civic leaders and children of Suisun City to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and

**WHEREAS**, the American Public Works Association has celebrated the annual National Public Works Week since 1960.

**NOW, THEREFORE**, I Pete Sanchez, Mayor of the City of Suisun City, on behalf of the City Council, do hereby proclaim May 20-26, 2018, as

## “Public Works Week”

in the City of Suisun City, and urge all residents and civic organizations to acquaint themselves with the issues involved in providing our community public works services and to recognize the substantial contributions public works professionals, engineers, managers and employees make every day protecting our health, safety, comfort, and quality of life.

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

\_\_\_\_\_  
Pete Sanchez, Mayor

ATTEST: \_\_\_\_\_

DATE: \_\_\_\_\_ May 15, 2018 \_\_\_\_\_

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*Office of the Mayor*  
**Suisun City, California**

# Proclamation



**WHEREAS**, Mike O'Brien is entering retirement after serving the residents of Suisun City for 24 years as a proud member and Chief of the Suisun City Fire Department; and

**WHEREAS**, Mike started his career with the Department in 1994 as Division Chief, Operations, promoted in 1998 to Interim Fire Chief and on March 17, 1999, appointed Fire Chief of the Suisun City Fire Department, the largest Volunteer Urban Fire Department in California; and

**WHEREAS**, under his leadership we have improved our city's ISO Rating, in the most recent rating period, to a Class 3 Department, comparable to the surrounding career departments - a first for Suisun City; and

**WHEREAS**, he procured steel from the fallen World Trade Towers, caused a memorial to be built in front of Station 47 and has ensured that the memories of 9/11 are remembered each year; and

**WHEREAS**, he was a founding member of the County Incident Management Support Team, a long time, active member of the County Fire Investigation Unit, served as the President of the California Conference of Arson Investigators, was active with the State Firefighters Muster Association that brought Statewide Musters to Main Street several times, and continues to be devote a large amount of time to the Pink Fire Truck fight against breast cancer; and

**WHEREAS**, Mike has been an integral part of the Suisun City family through barbecuing his famous tri trip for city end-of-summer barbecues, directing department head chefs in support of our annual awards dinner and shooting the 4<sup>th</sup> of July Fireworks; he is there to serve and support anytime somebody needs a helping hand.

**NOW, THEREFORE**, I, Pete Sanchez, Mayor of the City of Suisun City, do hereby congratulate Mike upon his retirement from Public Service as of May 7, 2018, we want to thank Mike for his dedication and service to the citizens of the City of Suisun City and extend the best wishes of the entire organization to Mike, for continued success and happiness in his retirement and future endeavors.

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

\_\_\_\_\_  
Pete Sanchez, Mayor

ATTEST: \_\_\_\_\_

DATE: May 15, 2018

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## AGENDA TRANSMITTAL

**MEETING DATE:** May 15, 2018

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**CITY AGENDA ITEM:** Resolution No. 2018-\_\_\_- Authorizing the Chief of Police to Execute a Contract to Receive and Administer Funding Through the Boating Safety and Enforcement Financial Aid Program from the California Department of Parks and Recreation, Division of Boating and Waterways.

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**FISCAL IMPACT:** Contingent upon final approval of the grant, Suisun City will be awarded grant funds in the amount of \$43,753. Suisun City's match is through the contribution of boat tax revenue, estimated to be \$3,816.

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

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**STAFF REPORT:** The Police Department's Marine Patrol Unit is entirely grant funded and is staffed part-time by a reserve police sergeant, a police sergeant and up to six officers. The assigned full-time employees who work this assignment do so on an overtime basis. In order to prevent an adverse impact to staffing, all patrol staffing needs are met with priority over staffing this unit.

The primary responsibilities of the unit are enforcing boating laws, assisting disabled boaters, responding to emergencies on the water, investigating boating collisions and conducting search and rescue operations. The unit also participates in regional enforcement efforts sponsored by the United States Coast Guard, in conjunction with surrounding counties, as well as major regional events, such as Fleet Week. The unit also supports local special events, such as the Fourth of July celebration and the Christmas Boat parade.

The Police Department was grandfathered into participation in this program and is one of only two directly funded programs operated by a police department. In other cases, funding is distributed to the counties who are left to choose whether or not to pass through funding to cities. In addition to financially supporting the delivery of services to our boating community, participation also provides career development and specialization opportunities for our police officers.

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**RECOMMENDATION:** Council Adoption of Resolution No. 2018-\_\_\_- Authorizing the Chief of Police to Execute a Contract to Receive and Administer Funding Through the Boating Safety and Enforcement Financial Aid Program from the California Department of Parks and Recreation, Division of Boating and Waterways.

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<b>PREPARED BY:</b>	Andrew White, Police Commander
<b>REVIEWED BY:</b>	Tim Mattos, Police Chief
<b>APPROVED BY:</b>	Suzanne Bragdon, City Manager

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**ATTACHMENTS:**

1. Resolution No. 2018- \_\_: Authorizing the Chief of Police to Execute a Contract to Receive and Administer Funding Through the Boating Safety and Enforcement Financial Aid Program from the California Department of Parks and Recreation, Division of Boating and Waterways.

**RESOLUTION NO. 2018 - \_\_\_\_\_**

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

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

**WHEREAS**, the Boating Safety and Enforcement Financial Aid Program will provide funding in the amount of \$43,753 for the purpose of performing boating safety and enforcement activities as described in Title 14, California Code of Regulations Section 6593.3; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby authorizes the Police Chief to execute a contract to receive and administer funding through the Boating Safety and Enforcement Financial Aid Program from the California Department of Parks and Recreation, Division of Boating and Waterways.

**PASSED AND ADOPTED** by the City Council of the City of Suisun City at a regular meeting thereof held on the 15th day of May, 2018 by the following vote:

<b>AYES:</b>	Councilmembers:	_____
<b>NOES:</b>	Councilmembers:	_____
<b>ABSENT:</b>	Councilmembers:	_____
<b>ABSTAIN:</b>	Councilmembers:	_____

**WITNESS** my hand and the seal of said City this 15th day of May, 2018.

\_\_\_\_\_  
Linda Hobson, CMC  
City Clerk

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## AGENDA TRANSMITTAL

**MEETING DATE:** May 15, 2018

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**CITY AGENDA ITEM:** Council Adoption of Resolution No. 2018-\_\_: Approving the Selection of ENGIE Services US Inc. and Authorizing the City Manager to Negotiate and Execute a Program Development Agreement to Prepare an Integrated Energy Assessment for the City of Suisun City.

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**FISCAL IMPACT:** There is no impact to the General Fund. The Integrated Energy Assessment which includes an investment grade energy audit will be prepared by ENGIE Services US Inc. at no cost to the City.

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**BACKGROUND:** On March 15, 2018, the City of Suisun City issued a Request for Qualifications (RFQ) for Energy Services Companies to develop a turnkey energy conservation program that would provide sustained energy reductions and cost savings for City facilities including street lights. More specifically, the City solicited companies with qualifications and demonstrated experience to successfully enter into a performance contract to perform an investment grade energy audit of City facilities, project design, construction management of public projects, financing of public projects, staff training on operations and maintenance of the built facilities, and energy savings monitoring and documentation. Responses to the Request for qualifications were due 3:00 PM, April 5, 2018.

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**STAFF REPORT:** The City of Suisun City received three (3) Statement of Qualifications (SOQ) in response to the Energy Efficiency Performance Project RFQ. Companies submitting SOQ's were SmartWatt Energy Inc., ENGIE Services US Inc., and Climatec Energy Services. A review panel which included the Interim Public Works Superintendent, Senior Planner, and Interim Director of Public Works reviewed and ranked the 3 SOQ's. The top 2 ranked companies were determined to be Climatec Energy Services and ENGIE Services. Both companies were invited to an interview in Suisun City which was held on April 24, 2018.

At the conclusion of the interviews, the review panel ranked and scored the 2 companies based upon the following criteria:

- Project Team Qualifications
- Technical Experience with Similar Work
- Understanding of City Goals
- Understanding of Required Work Scope
- Recent Experience with Other Cities

Based upon the Statement of Qualifications and interview, ENGIE Services US Inc. was determined to be the top ranked company. It is recommended that staff begin discussions with ENGIE Services to negotiate a Program Development Agreement (PDA) to identify viable and sustainable energy conservation measures.

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**PREPARED BY:** Michael Kashiwagi, Building & Public Works Director  
**APPROVED BY:** Suzanne Bragdon, City Manager

ENGIE Services will perform an integrated energy assessment including an Investment Grade Energy Audit of City facilities to identify potential energy conservation measures. This work will be performed by ENGIE Services at no cost to the City. From this assessment, ENGIE Services will develop recommendations and identify energy efficiency improvements that can be implemented at City facilities. The assessment will include an engineering and financial analysis along with a financing plan for recommended improvements.

If work performed under the PDA concludes that the cost to implement energy efficiency improvements can be entirely paid through energy cost savings, the City would utilize the provisions of Government Code Section 4217 to enter into a single source contract with ENGIE Services to implement improvements determined and approved by the City to be viable on both a short and long-term basis.

Under this scenario, the City would negotiate an Energy Services Contract in accordance with Government Code Section 4217.12 with ENGIE Services US Inc. With approval and authorization of the Suisun City Council, ENGIE Services will prepare design plans and specifications, identify financing options, bid the project and hire contractors to construct energy improvements for the City. All project design, construction, construction administration, and profit are built into the total project costs to the City and paid for through energy cost savings.

ENGIE Services provides a performance guarantee that energy efficiency improvements will generate energy cost savings equal to or greater than project costs. They will measure and verify the actual energy savings and if the actual energy savings are not realized as estimated, ENGIE must reimburse the shortfall amount to the City.

The goals of this project include:

1. Reducing energy consumption and utility costs associate with energy consumption
2. Replacing or upgrading old and inefficient systems to help reduce energy consumption and energy costs
3. Identifying investments that generate electricity to offset energy consumption costs, such as solar generation installations
4. Enhancing personnel knowledge and training with regards to energy efficiency and maintenance of energy efficient systems
5. Reduction of greenhouse gas emissions

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**RECOMMENDATION:** Council Adoption of Resolution No. 2018-\_\_: Approving the Selection of ENGIE Services US Inc. and Authorizing the City Manager to Negotiate and Execute a Program Development Agreement to Prepare an Integrated Energy Assessment for the City of Suisun City.

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**ATTACHMENTS:**

1. Resolution Approving the Selection of ENGIE Services US Inc. and Authorizing the City Manager to Negotiate and Execute a Program Development Agreement to Prepare an Integrated Energy Assessment for the City of Suisun City.
2. Request for Qualifications: Energy Efficiency Performance Project.
3. ENGIE Services Statement of Qualifications.

**RESOLUTION NO. 2018 - \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
APPROVING THE SELECTION OF ENGIE SERVICES US INC. AND AUTHORIZING  
THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROGRAM  
DEVELOPMENT AGREEMENT TO PREPARE AN INTEGRATED ENERGY  
ASSESSMENT FOR THE CITY OF SUISUN CITY.**

**WHEREAS**, on March 15, 2018, the City of Suisun City issued a Request for Qualifications (RFQ) for Energy Services Companies to develop a turnkey energy conservation program that would provide sustained energy reductions and costs savings for City facilities including street lights; and

**WHEREAS**, the City received three (3) Statement of Qualifications (SOQ) in response to the Energy Efficiency Performance Project RFQ from SmartWatt Energy Inc., ENGIE Services US Inc. and Climatec Energy Services; and

**WHEREAS**, on April 24, 2018, interviews were conducted with the top 2 ranked companies including Climatec Energy Services and ENGIE Services; and

**WHEREAS**, based on a ranking of project team qualifications, technical experience with similar work, understanding of City goals and required work scope and recent experience with other cities, ENGIE Services US Inc. was determined to be the top ranked company.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Suisun City hereby approves the selection of ENGIE Services US Inc. and authorizes the City Manager to negotiate and execute a Program Development Agreement to prepare an integrated energy assessment for the City of Suisun City at no cost to the City; and

**NOW, BE IT FURTHER RESOLVED**, that if work performed under the PDA concludes that the cost to implement energy efficiency improvement can be entirely paid through energy cost savings, staff will utilize the provisions of Government Code Section 4217 to enter into a single source contract with ENGIE services to implement improvements determined and approved by the City Council to be viable on both a short and long-term basis

**PASSED AND ADOPTED** by a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 15<sup>th</sup> day of May 2018, by the following vote:

<b>AYES:</b>	COUNCILMEMBERS	_____
<b>NOES:</b>	COUNCILMEMBERS	_____
<b>ABSTAIN:</b>	COUNCILMEMBERS	_____
<b>ABSENT:</b>	COUNCILMEMBERS	_____

**WITNESS** my hand and the seal of the City of Suisun City this 15<sup>th</sup> day of May 2018.

\_\_\_\_\_  
Linda Hobson, CMC  
City Clerk

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# **REQUEST FOR QUALIFICATIONS**

## **ENERGY EFFICIENCY PERFORMANCE PROJECT**

City of Suisun City  
Building and Public Works Department  
701 Civic Center Blvd.  
Suisun City, CA 94585

**RESPONSES DUE 3:00 PM, April 5, 2018**



## 1 **OVERVIEW**

The City of Suisun City (California) is seeking qualifications from Energy Services Companies (ESCOs) that are financially and technically qualified to provide a turnkey energy conservation/generation program that will provide sustained energy and cost savings for City facilities. This Request for Qualifications identifies the general components of the services needed, the type of contractual relationship that will be developed, and procedures for Consultant selection.

Responding Companies shall have relevant experience and the ability to provide performance contracting that includes expertise in energy auditing, project design, construction management of public projects, public bidding, financing of public projects, staff training on operations/maintenance, and energy savings monitoring. The City is interested in projects where the aggregate, verified annual savings over the useful life of the new energy conservation measures equals or exceeds the total cost of constructing and implementing such measures. The intent of this solicitation is to select and contract with an ESCO to:

- Develop and implement new energy efficiency conservation measures or other measures (collectively "ECMs") in which the aggregate, verified annual savings over the useful life of the ECMs equals or exceeds the total capital outlay and other expenses associated with developing and implementing such ECMs;
- Conduct an energy audit of City-owned facilities, including City owned streetlights, and execute an energy performance contract that will identify and implement energy reduction efforts;
- Convert all City streetlights to energy-saving LED's as at least one of the ECMs. The City currently has approximately 1,840 streetlights, 40 have already been converted to LED;
- Implement energy saving measures to reduce energy consumption and related costs in city facilities.

The City desires to execute this program on a guaranteed performance contract basis for those projects which have a positive return on investment or reduced energy consumption. The City's goal is to use future energy savings and energy generating opportunities to pay for energy saving projects.

Statement of Qualifications will be received until 3:00PM, April 5, 2018, at the City Manager's Office, City of Suisun City, 701 Civic Center Blvd., Suisun City, CA 94585, Attn: Michael Kashiwagi, Interim Director of Public Works.

The City of Suisun City reserves the right to: (1) reject any and all responses, (2) postpone award of the contract for a period not to exceed 120 days from the date submittals are due, (3) waive any informalities in the responses, and (4) take whatever actions determined to be in the best interests of the City.

## 2 **COMPONENTS OF THE PROJECT**

The Consultant's work will involve the following general components:

- Conduct a preliminary analysis and identify facilities to be audited;
- Conduct a full, investment-grade audit on selected facilities and recommend ECMs to be implemented;

- Carry out ECMs approved by the City that will result in savings sufficient to cover the costs of implementing the ECMs, including the cost of the Streetlight ECM;
- Identify and implement a funding strategy that includes various potential methods of financing the improvements, including public financing options.

All ECMs implemented shall be in full compliance with all applicable federal, state, and local laws and regulations.

This Request for Qualifications (RFQ) is descriptive of the City's goals to provide general direction to potential responders. If a company proposes alternatives to the RFQ's methods and goals, the alternatives should be clearly described and the rationale for the change should be explained.

### **3 GENERAL SCOPE OF WORK**

It is the City's intent to negotiate and enter into an agreement with the selected Company for the implementation of the three (3) general phases of work described in this section of the RFQ. The implementation of each phase of work would be subject to the issuance of work orders setting forth the specific, agreed upon terms and conditions needed to implement that phase of work.

The description of work in this section of the RFQ is intended to be general and preliminary. The actual number of phases of work and the specific details of each phase is subject to discussions regarding approach, refined work scope, project sequencing, information contained in the Statement of Qualifications as well as negotiations between the City and the selected Company.

The selected proposer will first complete an investment grade technical energy audit that will include an analysis of each proposed project with projected energy and cost savings, and an itemized project cost. ***This work will be performed at no cost to the City.***

The selected company will then present a proposal that includes recommended projects, financing mechanism and terms, projected cash flow analysis, and proposed terms for the performance contract. The results of the audit and proposal will form the basis for a negotiated Energy Performance Contract.

### **4 PROJECT GOALS**

1. Reduce energy consumption (gas and electric) and the utility costs pertaining to energy consumption.
2. Replace or upgrade old and inefficient systems to the extent that such replacements/upgrades help reduce energy consumption and related costs.
3. Recommend investments that generate electricity to offset expenditures pertaining to energy consumption, such as solar generation installations.
4. Enhance personnel training regarding energy efficiency and maintenance of energy efficient systems.
5. Reduce greenhouse gas emissions.

### **5 PROJECT PHASES**

**PHASE ONE – Audit and Project Development:** This phase consists of two parts: (1) conducting an audit of electric and gas usage to determine what the City is paying now in terms

of gas, and electricity per square foot for each of the City-owned buildings/facilities, and to evaluate costs and savings of a variety of measures for these facilities; and (2) developing a project development plan, to include financial analysis of and financing plan for recommended solutions/investments.

**PHASE TWO – Construction and Implementation:** Upon satisfactory results of the audit in Phase One, an Energy Performance Contract (for electric and gas) will be developed to implement the negotiated and recommended projects. This “Construction and Implementation Phase” will consist of conducting and developing: 1) the mechanical, electrical, and architectural engineering designs for the implementation of energy-saving and energy generating equipment and construction; 2) procurement and installation of new equipment and/or refurbishing of existing equipment; 3) construction management (i.e., overseeing all contractors that may be used to build or install energy saving, generating, or monitoring equipment).

**PHASE THREE – Commissioning, Guarantee, and Monitoring:** Upon completion of construction and equipment installation, the ESCO will provide a variety of services, agreed upon as part of the Energy Performance Contract, to ensure that savings are met (such as a savings guarantee, staff training, and follow-up monitoring).

## 6 **MINIMUM QUALIFICATIONS**

A Statement of Qualifications is herein solicited, and should include detailed information regarding the ESCO’s availability and current relative experience. The response to this RFQ will identify a qualified team that has substantial experience in providing energy savings and generation services to local governments in California.

The team identified will hold the following minimum qualifications:

- a. A collaboration of experts (directly participating, or through sub-contract for services) that represents a full range of electric and gas services;
- b. Proven commitment to working with local government organizations;
- c. Demonstrated understanding of the City’s needs;
- d. Recent experience with similar projects for other cities or agencies;
- e. Assignment of a highly-skilled professional project manager experienced in public sector work for a full-service city comparable to the size of Suisun City.

Submittals shall include the following:

- a. Cover letter (2-page limit) including the RFQ due date and title, the firm’s name, address, telephone number, and email contact address;
- b. ESCO Firm Information, including firm profile, organizational chart, and NAESCO accreditation;
- c. Identify the proposed team members along with a description of each of the team members’ role (include resumes as an appendix);
  - Describe why your team is the best qualified to perform the work in a responsive manner;
- d. Describe the firm’s understanding of the prospective project, including those conditions, constraints, or problems that are unique to the prospective scope of work that may adversely affect either the cost or work progress (if any);

- e. Provide at least three (3) references with address and telephone numbers of current or past contacts for which the firm and proposed key personnel have performed (or are performing) work of similar type, scope and complexity; and
- f. Provide a list describing similar or related projects completed within the last five (5) years.
- g. Conflict of Interest
  - Provide a disclosure of any past, ongoing, or potential conflicts of interest that the firm may have as a result of performing work related to this RFQ.

Responses must not exceed 25 pages, excluding resumes and cover letter.

## **7 GENERAL REQUIREMENTS: GENERAL PROVISIONS**

- a. The firm will demonstrate that it can provide complete staffing of the project to produce all of the deliverables required to achieve the project goals on time and within the firm's project schedule;
- b. The firm will show that it is resourceful and able to obtain all of the information essential for the successful completion of the project, and that it is cooperative and will build a relationship with the community and City;
- c. City will assume ownership of documents and deliverables;
- d. Any graphics shall be prepared and conveyed to the City preferably in ARC/GIS format or other software usable by the City;
- e. Deliver the Statement of Qualifications and attachments to the City Manager's Office, in PDF format on a USB, plus three (3) hard copies.
- f. Prospective firms are responsible for making necessary investigations and examination of records. Failure to do so will not act to relieve any condition of the proposed agreement or the requirements set out in this RFQ. No request for modification of the Statement of Qualifications shall be considered after its submission on the grounds that the prospective firm was not fully informed as to any fact or condition.
- g. Each prospective firm submitting a response to this RFQ agrees that the preparation of all materials for submittal to the City and all presentations are at the prospective firms' sole cost and expense, and the City will not, under any circumstances, be responsible for any costs or expenses incurred by a prospective firm. In addition, each prospective firm understands and agrees that all documentation and materials submitted will remain the property of the City and will become a public document.
- h. The City reserves the right to request additional information from any and all prospective firms as deemed necessary by the City in order to evaluate their qualifications. This process may not be used, however, as an opportunity to submit missing documentation or to make substantive revisions to the original submittal.
- i. All submittals will remain in effect and legally binding for at least 120 days from the date of submission.
- j. Each prospective firm shall sign a non-collusion affidavit.

## **8 SELECTION CRITERIA**

Selection for Energy Services will be made on the basis of the following criteria:

- a. Recent relevant experience in developing successful electric/gas and energy generating projects;

- b. The type of technology employed by the contractor;
- c. The proposed cost to the City for the project;
- d. Sufficiency of locally-based staff resources and expertise to fully support project;
- e. History of successfully working with public agency stakeholders and meeting project timelines;
- f. Ability to maximize financial return/value and guarantee results;
- g. Financial strength of parent company (if any) and strength of financial guarantee;
- h. Understanding of the project as reflected in the response provided to the RFQ; and
- i. Quality of submittal.

Following the City staff review of replies to this RFQ, individual meetings or conference calls with firms may be scheduled. During the review period, City staff will analyze the Qualifications, and may request additional written clarifications.

After evaluating all responses, City staff may select a limited number of the most highly qualified firms/teams to be interviewed, or may waive interviews, at its sole discretion.

The best firm will be recommended to the City Council for an award of a project agreement at a public hearing, unless the review committee determines that no firms are uniquely qualified to perform this task.

## **9 TENTATIVE SCHEDULE**

Thursday, April 5, 2018  
Week of April 9, 2018

RFQ Response Submittals Due to City  
Interviews, If Necessary

## **10 PUBLIC RECORDS**

All correspondence with the City, including responses to this RFQ, will become the exclusive property of the City and will become public records under the California Public Records Act. All documents submitted in response to this Request for Qualifications will be subject to disclosure if requested by a member of the public. There are a very limited number of narrow exceptions to this disclosure requirement. During the selection process, until a firm is selected the City will not disclose submittals, except as otherwise required under applicable law. This means that, depending on the nature of timing of the request, or future court decisions, that information may not remain private and may be publicly disclosed.

## **11 CONTACT INFORMATION: ADDITIONAL INFORMATION**

Unless otherwise directed, all communications regarding this RFQ should be submitted to Amanda Dum, Management Analyst, at [adum@suisun.com](mailto:adum@suisun.com).

## **ATTACHMENTS**

- EXHIBIT A – List of City Facilities
- EXHIBIT B – List of Existing Energy Efficient Upgrades

## EXHIBIT A

### CITY FACILITIES

#### ENERGY PERFORMANCE CONTRACTING SERVICES

SITE NAME	ADDRESS	EST. SQ. FT.
City Hall	701 Civic Center Blvd.	13,777
Police Department (Separate building from City Hall)	701 Civic Center Blvd.	7,070
Nelson Community Center	611 Village Drive	21,278
Senior Center	318 Merganser Drive	6,313
Harbor Master's Office	800 Kellogg Drive	1,880
Burdick Center Substation	1101 Charleston Street	1,934
Public Works Corporation Yard	4555 Petersen Road	6,319
Suisun-Fairfield Train Depot	177 Main Street	4,870
Fire Department	621 Pintail Drive	8,174
Heritage Park Ball Fields	611 Village Drive	N/A
Hambrecht Sports Center	Hambrecht Drive	N/A
City-Wide Street Lighting (including MAD's* & parks and Promenade)	Various – 1,844	N/A
Traffic Signal Control - Intersections	Various – 11	N/A

*\*Maintenance Assessment Districts*

## EXHIBIT B

### EXISTING ENERGY EFFICIENT UPGRADES

- 1) The City received a EECBG Block Grant in 2011 and performed the following upgrades as part of the grant:
  - EMS Control upgrades
  - Installed energy efficient LED florescent bulbs, ballasts, reflectors in the following buildings:
    - City Hall
    - Police Department
    - Fire Department
    - Corporation Yard
    - Senior Center
    - NOTE: The Nelson Community Center had energy efficient lights installed as part of its design when it was built.
  - Deployed 75 Script Logic licenses to City computers
  
- 2) Additional energy upgrades that have been implemented by the City include the following:
  - Installation of approximately five (5) new energy efficient HVAC units since 2014. When a unit needs to be replaced, the City always uses the most energy efficient model available.
  - Installation of seven (7) Calsense SMART controllers
  - Upgraded 40 streetlights to LED heads



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# Energy Efficiency Performance Project

Response to Request for Qualifications  
City of Suisun

April 5, 2018

ENGIE Services U.S. Inc.  
500 12th Street, Suite 300  
Oakland, CA 94607

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City of Suisun City  
**Request for Qualifications**  
Energy Efficiency Performance Project

**April 5, 2018**

Submitted to:

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

Submitted by:

**ENGIE Services U.S. Inc.**  
500 12<sup>th</sup> Street, Suite 300  
Oakland, CA 94607

Kelly Fergusson, PE  
Senior Business Development Manager  
Cell: 415-405-6673  
Kelly.Fergusson@engie.com

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This proposal, in whole or in part, is to be used only for evaluation purposes. If the proposal is accepted and a contract entered into then, to the extent, federal or state law requires disclosure, advance notice to ENGIE Services U.S. Inc. is requested with a right to oppose or seek to narrow the disclosure. The data subject to this restriction is contained in all sheets marked, "Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal or quotation."

ENGIE SERVICES U.S. INC. ("ENGIE SERVICES"), IS NOT A MUNICIPAL ADVISOR AND CANNOT GIVE ADVICE WITH RESPECT TO MUNICIPAL SECURITIES OR MUNICIPAL FINANCIAL PRODUCTS TO YOU ABSENT YOUR BEING REPRESENTED BY, AND RELYING UPON THE ADVICE OF, AN INDEPENDENT REGISTERED MUNICIPAL ADVISOR. ENGIE SERVICES IS NOT SUBJECT TO A FIDUCIARY DUTY WITH REGARD TO YOU OR THE PROVISION OF INFORMATION TO YOU. INFORMATION ABOUT MUNICIPAL SECURITIES AND/OR MUNICIPAL FINANCIAL PRODUCTS, IF ANY, IS PROVIDED FOR EDUCATIONAL PURPOSES ABOUT POSSIBLE FINANCING OPTIONS AND IS NOT THE PROVISION OF ADVICE, OR A RECOMMENDATION TO PURSUE ANY PARTICULAR FINANCING OPTION. CONSULT WITH YOUR INDEPENDENT REGISTERED MUNICIPAL ADVISOR ABOUT THE FINANCING OPTION APPROPRIATE FOR YOUR SITUATION.

To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein. The information contained herein is general in nature and based on authorities that are subject to change. ENGIE Services U.S. Inc. recommends that you consult your tax adviser to understand its applicability to specific situations.

# Table of Contents

- a. Cover Letter ..... i
- b. Firm Information..... 1
- c. Proposed Team ..... 7
- d. Firm’s Understanding of Project..... 9
- e. Project References ..... 19
- f. Project Experience..... 22
- g. Conflict of Interest..... 25

Appendix A - Resumes

Appendix B - Acknowledgement Form for Clarification No. 1

Acknowledgement Form for Clarification No. 2



# COVER LETTER



## a. Cover Letter

April 5, 2018

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

RE: Request for Qualifications Energy Efficiency Performance Project: Due April 5, 2018 at 3:00 PM

Dear Ms. Bragdon,

ENGIE Services U.S. Inc. (formerly OpTerra Energy Services) recognizes Suisun City's (the City) desire to modernize building systems, improve streetlighting and traffic signals, and evaluate efficiency opportunities across eleven sites with no capital outlay. The project we propose will provide guaranteed savings and improve comfort, safety, and livability for City staff and residents, as well as integrate community engagement elements that celebrate the City's ongoing achievements.

ENGIE Services U.S. Inc., ("ENGIE Services") has 44 years of experience supporting over 100 municipalities across the country including 35 California cities. We are a local company with our national headquarters in downtown Oakland and a local office in Sacramento. The team members assigned to this project have over a decade of experience working together to design and build an array of energy projects around the Bay Area. We are committed to engaging as a true consultative partner to help the City determine the best path forward to accomplish its strategic goals, understanding the importance of world-class communication, collaboration, and application of best-in-class project management principles.

In providing services to our clients, we are also able to draw on the resources of our parent company, ENGIE. ENGIE is among the world's largest energy companies, operating in 70 countries, employing 153,000 people, and achieving revenues of \$80 billion in 2017. In 2018, our CEO Isabelle Kocher co-chaired the World Economic Forum in Davos, Switzerland, alongside six other of the world's leading women. The City of Suisun City can be confident that they are partnering with an experienced and financially sound company that has a global reach, vision, and the ability to leverage ENGIE's innovative practices and procurement strength to the benefit of the City.



*ENGIE CEO Isabelle Kocher led the 2018 World Economic Forum in Davos, Switzerland.*

Back at the local level, our in-house project finance team brings over two decades of experience developing funding and financing plans for our municipal clients, incorporating low and zero rate financing as well as available utility incentives, rebates, and grants. We serve our clients by identifying potential finance sources and approaches and facilitating the finance process. Importantly, we do not profit from financing, as all transactions are directly between the City and their competitively selected financing partner, which translates to lower City costs.

ENGIE's local legacy goes back to 1974, and incorporates the experience of OpTerra Energy Services, Viron Energy Services, Pacific Gas & Electric Energy Services, Energy Masters International, and Chevron Energy Solutions.

Additional distinguishing features include:



- Recently designed and constructed successful energy programs for municipalities throughout Northern California, including the cities of San Jose, Fremont, Livermore, Yuba, Salinas, Greenfield, King, and Grass Valley, as well as the County of Contra Costa.
- Closely working with all utility and community choice aggregation organizations, particularly on solar photovoltaic and other renewable energy projects. We interface with these groups on behalf of our customers, such as the City of Benicia, to deliver increased savings, optimal rate structures, and other service choices to gain the best financial advantage for the City.
- We have in-house design and engineering services for a broad and diverse array of technological solutions; energy efficiency is our core competency, and we are agnostic and independent of any product manufacturers, meaning we can bring the most applicable and competitive solutions forth for the City's consideration.
- Our parent company ENGIE is a global leader in wind power with over 4,550 MW installed.
- Our smart city streetlight program with the City of San Jose integrated wireless communication and control capabilities into an LED streetlight conversion. This greatly enhanced the system resiliency and future technological readiness for the City. Smart streetlights can form the foundation of a broader smart city strategy, and solve real, near-term city challenges. San Jose gets alerts when lights are out, or when someone cuts wires.
- We offer more resources in California than any of our competitors:
  - Over 150 personnel dedicated to the public sector in California.
  - 31 licensed engineering professionals in California.
- We are one of only eight companies in the US accredited by National Association of Energy Services Companies (NAESCO) at the highest level.

As you turn the pages of this response, you will see a company solely focused on the business of providing municipal solutions exactly matching the needs identified by the team at the City of Suisun City. In fact, we recently completed an energy services project for the County of Contra Costa that includes HVAC replacement, solar PV, and water conservation, and we are currently installing solar PV at the County's new administration building. We are currently developing a project very nearby at the City of American Canyon. This means our team is on the ground, ready to deliver proposed improvements quickly and without undue intrusion to occupied areas. We bring the best of global and local to the table – a local team that is responsive, communicative, and experienced, and a global parent company that has innovative reach, vision, and unmatched financial strength and leadership.

From start to finish, ENGIE's goal is to deliver a comprehensive energy program that the City of Suisun City community can take pride in, and that complements the outstanding work that has already been done to achieve the goals of the City's Climate Action Plan. We are proud of our showcased work in the Bay Area, and appreciate your consideration of ENGIE as the "West Wind" City's trusted partner on this important project.

Sincerely,

A handwritten signature in blue ink that reads "Kelly Fergusson". The signature is written in a cursive, flowing style.

Kelly Fergusson, PE, Senior Business Development Manager

ENGIE Services U.S. Inc.  
500 12th Street, Suite 300, Oakland, CA 94607  
Cell: 415-405-6673  
Kelly.Fergusson@engie.com

*Primary Point of Contact*





## FIRM INFORMATION



## b. Firm Information

### 1. Brief History of the Firm

Starting as a core group of engineers with a few patents in 1974 under Viron Energy Services, ENGIE Services U.S. Inc. (ENGIE Services) has become a national energy company with over 1,100 employees and a rich history of industry leadership and high performance. Over four decades of practice unifying strong legacy companies — from Pacific Gas & Electric to Chevron Energy Solutions to OpTerra Energy Services — has allowed us to evolve with our customers and become a leader in energy efficiency, renewables, and infrastructure development across the US. **To date, we have completed over 10,000 energy projects for our customers nationwide including energy projects for more than 500 public sector agencies.**

40<sup>+</sup>  
YEARS

ENGIE Services is a wholly-owned subsidiary of ENGIE, an \$80 billion global energy company and the number one supplier of energy efficiency and renewable services in the world. **With the full backing of our parent company, we bring global resources and financial viability along with a local track record of performance for hundreds of public sector clients in California.**

Our national footprint is comprised of 26 offices with a headquarters in Oakland, California and eight (8) offices spread throughout California, including an office in downtown Sacramento. For more than 40 years, we have built our reputation on the simple principle of helping our customers save money, improve the environment, and strengthen the reliability and resiliency of millions of square feet of infrastructure. The company has provided more than \$2.5 billion in energy savings for our customers, largely comprised of state and local government agencies.

### 2. Firm Profile

ENGIE Services has engineered, financed, and implemented comprehensive energy programs as the prime design-build general contractor for more than 500 public sector agencies in the US, including over 100 in California. **Municipal governments are a specialty of our firm, and in California alone, we have performed similar services for 35 cities, many across multiple phases of work. This includes retrofitting nearly 51,000 streetlights to light emitting diode (LED) for 14 California cities. Over the past five (5) years, we have delivered \$120 million in complex infrastructure work for Northern California cities.**

Our track record successfully serving surrounding communities on similar projects — including Contra Costa County and the cities of Fremont, Livermore, Salinas, Dublin, Yuba, Grass Valley, San Jose, and many others — is a testament to our high-performance and capabilities.



Image 1. In addition to retrofitting standard streetlights, ENGIE Services can retrofit decorative fixtures to meet aesthetic needs like our project for the City of Grass Valley.



What sets ENGIE Services apart is our holistic approach to energy management — we bring deep engineering experience with a broad array of technologies and an understanding of how to integrate systems to optimize performance and financial return to the City.

Our services can be categorized into three areas: (1) auditing, analysis, and project development; (2) program implementation; and (3) ongoing services, including monitoring, reporting, and performance guarantees.

Our expertise includes:

- **Turnkey delivery.**

Using a turnkey design-build process, ENGIE Services is fully responsible for the design and execution of the projects that will be co-developed with the City. In a conventional contracting process, the consulting engineer and the contractor often end up at odds with each other with the customer caught in the middle. As the design-build contractor and the project manager, we are completely responsible in the unlikely event of a problem. Our designated ENGIE Services construction manager will be on-site, every day, during construction.

 *This is one of the largest projects I have been involved with and was one of the smoothest run projects I have ever been involved with.*

– Joe Kuderca, Engineering Manager,  
City of Livermore, CA

- **In-house financing team to help secure funding, financing, grants, and rebates.**

ENGIE Services specializes in identifying and maximizing funding sources for our clients. We bring strong and unique expertise in structuring financial solutions from multiple funding sources to maximize program impact. Our in-house project finance department can assist with identifying project funding and obtaining the most competitive financing. We do not profit on financing; therefore, we are unbiased when assisting our customers. In the past eight (8) years, ENGIE Services has provided engineering and construction services that have benefited from over \$1.25 billion in cumulative project financings, with respect to public sector projects. ENGIE Services' project finance department can educate and link the City to funding opportunities.

- **Experienced team.**

At ENGIE Services, we specialize in the continuity of the project, from conceptual development through design and implementation. Since our projects are fixed-price with a performance guarantee, accuracy and quality control from the first audit to the last close-out document must be maintained to ensure success. To that end, our ENGIE Services team, especially the project manager, will be assigned to the project from beginning to end to ensure maximum project success and City satisfaction. All our teams, including our Sacramento-based team assigned to support this project, comprise highly experienced engineers. Our project managers, construction managers, and construction support staff are acutely aware of the special requirements of implementing retrofit projects and the importance of compliant, accurate, and timely project documentation.



- **Centralized procurement and vendor independence.**

As a vendor-neutral energy services company (ESCO), we take a unique approach by providing an objective selection of equipment and services within our projects. We do not manufacture or represent any specific brand. Our specifications are focused on identifying the best equipment or product based set parameters, including customer preference, efficiency, ease of operation, maintainability, and accessibility (for replacement). In many cases, vendor-specific ESCOs use their own equipment, products, and services to add (or “hide”) profit, costs, and overhead expenses, thus allowing their mark-up structure to appear lower than ENGIE Services’ structure. These types of ESCOs have incentive to install their own equipment even if better equipment is viable. In contrast, when specifying equipment, ENGIE Services is vendor-neutral. It is an advantage to the City to work with a vendor-neutral company, as it provides unique insights and best pricing in the market, as well as optionality and access to the entire market.

- **Performance and savings guarantee.**

ENGIE Services has one of the highest success rates in the industry for achieving our guaranteed performance on projects. Our national average inception-to-date performance against guarantee is 135%. If project performance does not meet or exceed our guaranteed performance, ENGIE Services writes the customer a check for the difference, without delay or legal hassle.

- **Staff training to ensure ongoing savings.**

We can train City staff to handle equipment maintenance in-house, as desired. ENGIE Services can provide training during construction, commissioning, start-up, and re-training is available throughout the term of the contract. ENGIE Services fully understands the importance of training in achieving and maintaining predicted energy savings over time, and recognizes that training can easily be the forgotten energy savings measure.

- **Ongoing monitoring and verification.**

ENGIE Services has one of the largest, most experienced measurement and verification (M&V) teams in the industry. The M&V team has overseen hundreds of guarantees and currently is monitoring renewable energy production and energy efficiency projects for about 130 customers at 570 sites. The department is also managing a guarantee portfolio in excess of \$700 million with a 5-year average guarantee success rate of 99.7%. This performance is among the leaders in the energy services industry.



- **Full media and public relations team.**

ENGIE Services provides a suite of communications and public relations support to promote community awareness, engagement, and recognition for your strides toward sustainability during our partnership together. The City’s ENGIE Services team of energy experts is supported by additional ENGIE Services communication staff with over 25 years of experience in marketing, communications, and public relations — enabling us to help you tell your story to local stakeholders and build your legacy.



ENGIE Services has a 44-year record of technical performance in the public sector across a range of energy technologies. The graphic below contains a selected, although by no means exhaustive, list of energy and water conservation areas ENGIE Services may implement in a project. ENGIE Services will approach project development for the City by performing a technical energy audit that will include meeting with City representatives and facility operations staff, as well as site visits to assess facilities. We will share all results and values with the City, as we promote transparency in every step of the process. We will work with the City's staff to identify and select the best scope of work through our consultative partner approach.



Figure 1. ENGIE Services' Broad Technical Capabilities

### ENGIE Services Streetlighting Capabilities



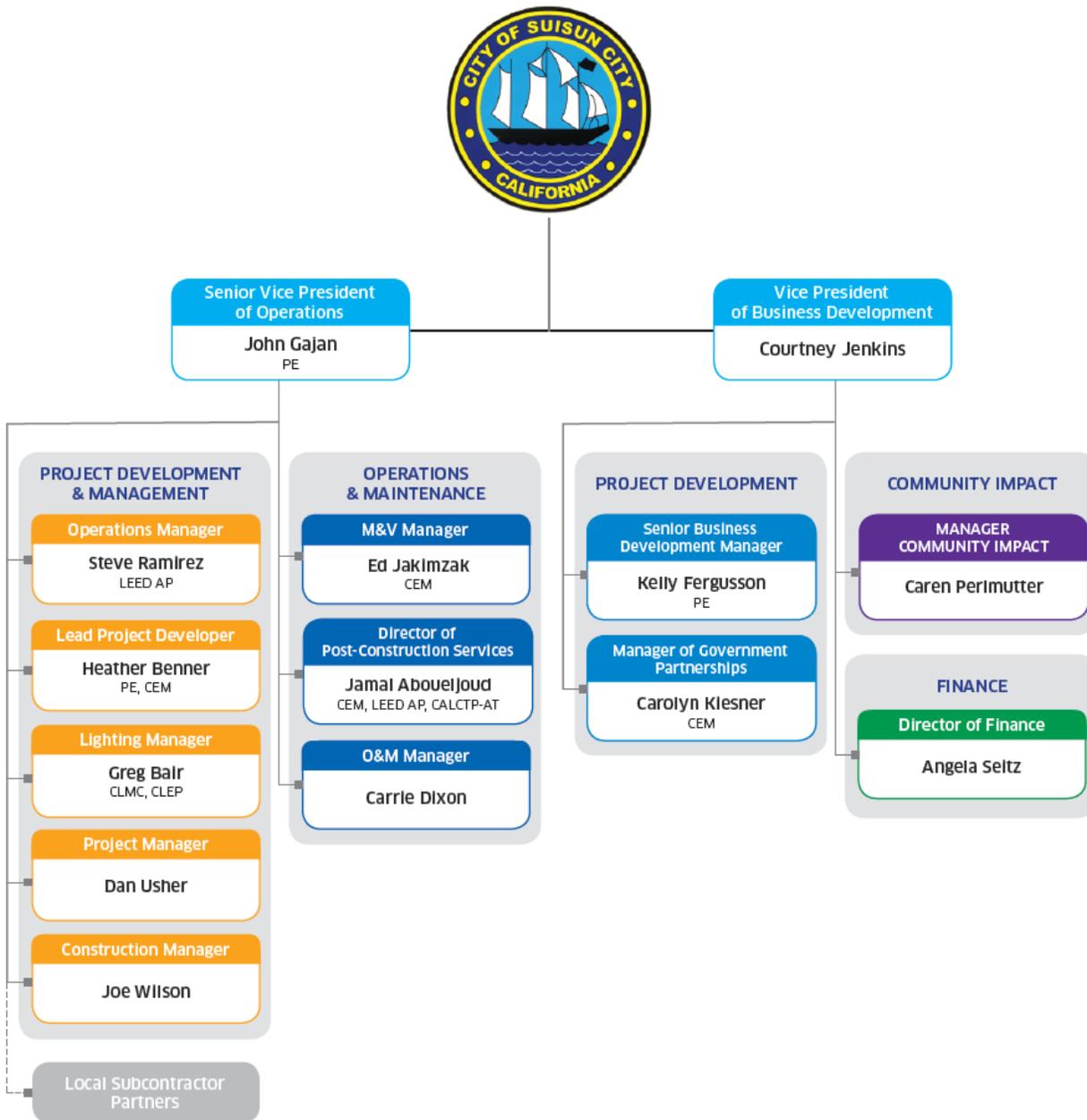
Image 2. ENGIE Services' project with the City of San Jose is the first US city project to install smart, energy-efficient streetlights city-wide--coupling energy efficient LED streetlights with communication control systems.

Through our consultative partner approach, ENGIE Services can retrofit the City of Suisun's streetlights to LED luminaires, provide ongoing operation and maintenance (O&M) services, and equip its streetlights with sensor-enabled nodes. This data collected from sensor-enabled nodes can allow the City of Suisun to better respond to the needs of its residents in a way that aligns with its mission and advances its initiatives. As pioneers of the sustainable energy economy, together we can brand the City of Suisun as an environmental steward and an innovative Bay Area leader that other municipalities can emulate.



### 3. Organizational Chart

Additional information on our team qualifications and experience can be found in section C – Proposed Team and Appendix A – Resumes.





#### 4. Licenses and Certifications

ENGIE Services demonstrates long-standing commitment to the energy industry through our involvement with top industry organizations like the National Association of Energy Service Companies (NAESCO) and the US Department of Energy (DOE).

**As one (1) of six (6) founding members of NAESCO**, the importance of promoting, developing, and advocating for energy efficiency to be an integral part of the country's national agenda has always been core to our mission. **ENGIE Services has achieved the highest level of NAESCO accreditation, exceeding industry standard ESCO-level accreditation**, as one of only eight (8) Energy Services Companies (ESCOs) in the country that has achieved the NAESCO Energy Services Provider (ESP) designation. An ESP classification is held in most instances by firms that offer not just the services offered by standard ESCOs, but also offer additional energy supply options, such as development and implementation of build/own/operate distributed generation, cogeneration, or combined heat and power projects.

ENGIE Services is also a **US DOE-qualified ESCO** whose team has been providing services to federal, state, and local government as well as higher education and school district clients for over 40 years.

Moreover, **ENGIE Services is one of 21 national ESCOs awarded a new DOE Indefinite-Delivery Indefinite-Quantity (IDIQ) contract** to perform energy and water savings work for the Federal Government. The average energy savings performance contract (ESPC) project over the last five (5) years has an investment of approximately \$25 million.

Additionally, **ENGIE Services is a licensed California contractor**, possessing a valid A – General Engineering Contractor, B – General Building Contractor, C10 – Electrical, and C46 – Solar designations in the State of California (License #995037).



Image 3. ENGIE Services' has been an accredited NAESCO member since 1996 and was most recently reaccruited June 2017. ESCOs must submit for NAESCO reaccruited every three (3) years.



# PROPOSED TEAM



## c. Proposed Team

**ENGIE Services has more resources than any of our competitors to dedicate to the City of Suisun with over 150 energy professionals based in California and two (2) fully-staffed offices including our corporate headquarters located within a 45-mile radius of the City.** Furthermore, ENGIE Services has the largest engineering and operations team of any ESCO headquartered in California with one of the deepest engineering benches in the industry — most engineers average over 10 years of direct energy experience. **This team includes 31 registered California PEs, seven (7) Association of Energy Engineers CEMs, and 16 LEED Accredited Professional or Emerging Professional certified engineers.**

**Our engineers have worked on every type of energy efficiency and energy generation technology**, from to lighting, streetlighting, heating, ventilation, and air-conditioning (HVAC), retro-commissioning, and building envelope modernization to solar PV and co-generation, bringing unparalleled experience assessing technical and financial viability for the City of Suisun. Our project managers, construction managers, and construction support staff are acutely aware of the special requirements of implementing retrofit projects and the importance of compliant, accurate, and timely project documentation. To that end, our projects have performed at a 5-year average of 99.7% of their stated outputs, a testament to our technical strength, best-in-class design practices, and seamless delivery performance.

“The ENGIE Services team was extremely responsive to the City's needs. Always available and paid high attention to customer service. Regular progress meetings were extremely beneficial to keep the project on track, timely, problem-solving, and to ensure the final product met or exceeded the City's needs and expectations. I would most definitely recommend ENGIE Services to other public agencies contemplating solar and lighting upgrades.”

– Mic Steinmann, Community Services Director, City of Greenfield, CA

The proposed work at the City will be managed out of our Sacramento office, with additional support available from our headquarters in Oakland, **by a team that has decades of experience successfully implementing holistic, turnkey energy conservation and renewable generation programs for neighboring public agencies such as Contra Costa County and the cities of Fremont, Livermore, Salinas, Dublin, Yuba, Grass Valley, San Jose, and many others.** Our Sacramento-based team is comprised of highly experienced engineers that perform facility surveying, energy analysis, conceptual project development, energy modeling, and detailed design engineering. We also have an in-house lighting team consisting of career experts who are dedicated to lighting and the lighting controls industry.

### 1. Team Member and Project Role

Team Member	Project Role
<b>John Gajan, PE</b> <b>Senior Vice President of Operations, West</b>	John oversees the operations of all projects from engineering, project management, construction, to ongoing maintenance and M&V. John's oversight ensures consistent on-time project delivery and customer satisfaction across the region.
<b>Courtney Jenkins</b> <b>Vice President of Business Development</b>	Courtney oversees the development of all projects in Northern California to ensure community and customer goals are continually met to satisfaction.



Team Member	Project Role
<b>Kelly Fergusson, PE Senior Business Development Manager</b>	Kelly is involved in the development of the projects from inception, including the interviews of staff, and will have continued involvement with the project throughout construction and into the guarantee period.
<b>Carolyn Kiesner, CEM Manager of Government Partnerships</b>	Carolyn will work with the City to ensure customer needs, program goals and streamlined communication throughout all phases of the project.
<b>Angela Seitz Director of Finance</b>	Angie is the in-house financing expert who will issue customer driven financing Request for Proposals and can provide education around available grants, programs, and incentives. Angie is not a financial advisor and ENGIE does not provide financial advisor services.
<b>Caren Perlmutter Community Impact Manager</b>	Caren works with customers at every phase of the project to develop education and community outreach programs that complement the energy project to promote community engagement, energy education, workforce development, and economic development.
<b>Steve Ramirez Operations Manager</b>	Steve leads a team of project managers, design engineers, energy analysts, and construction managers responsible for the development, design, installation, and commissioning of performance contracts. He offers a well-rounded approach to assisting customers with identifying their needs and developing innovative approaches to satisfy those needs.
<b>Heather Benner, PE, CEM Lead Project Developer</b>	Heather manages a highly skilled workforce and cross functional team in design, development, and the engineering process. She collaborates with City Staff and the in-house engineers to ensure development of projects are technically sound and constructible and will address the needs and concerns of the customer.
<b>Greg Bair, CLMC, CLEP Lighting Manager</b>	Greg is the in-house lighting expert that will provide tailored lighting recommendations and solutions for all streetlighting, interior/exterior lighting and lighting controls scopes.
<b>Dan Usher Project Manager</b>	Dan manages projects from installation kick-off to project close-out, overseeing the concurrent design, permitting, procurement, contracting and construction at multiple sites. He is proficient in managing a highly skilled workforce and cross functional teams in design, development, and the construction process.
<b>Joe Wilson Construction Manager</b>	Joe is the on-site construction manager and foreman dedicated to overseeing subcontracts and engineers during the installation phase of a project.
<b>Ed Jakimzak, CEM M&amp;V Manager</b>	Ed oversees and manages all system monitoring, M&V, and other ongoing customer services. He is responsible for coordinating and performing all physical measurements as well as creating the reports necessary to fulfill M&V and performance guarantee responsibilities in accordance with the International Performance Measurement and Verification Protocol (IPMVP).
<b>Jamal Aboueljoud, CEM, LEED AP, CALCTP-AT Director of Post- Construction Services</b>	Jamaal oversees ENGIE Services' portfolio of O&M projects. Jamal will work directly with the customer to ensure the operations and maintenance plan objectives are understood and met.
<b>Carrie Dixon O&amp;M Manager</b>	Carrie manages all on-site technicians to troubleshoot and maintain the measures into the O&M period.



## FIRM'S UNDERSTANDING OF PROJECT



## d. Firm's Understanding of Project



As one of only a handful of companies that offers true design-build general construction services specializing in energy conservation, building system retrofits, and renewable energy projects — with an energy savings guarantee that is 109% for the most recently reconciled year, ENGIE Services has the people, processes, technology, and delivery model to meet and exceed the City of Suisun's needs.

### 1. Phase I – Audit and Project Development

#### Approach to Performing Audits

Developing a detailed scope of work requires accurate audits, a disciplined energy conservation measure (ECM) selection process, and the involvement of experienced builders throughout. A major reason for our success with similar municipal projects is our experience with investment-grade energy audits. The purpose of the analysis is to identify, quantify, and prioritize viable energy savings opportunities for all aspects of the facility. **ENGIE Services will provide a zero-cost investment-grade audit for the City eliminating any risk to the City in the project development phase.** ENGIE Services will develop, manage, and execute an energy audit of the City's selected facilities at no-cost following the guidelines and goals to meet and exceed ASHRAE Level II energy audit standards. Our approach for the City of Suisun energy audit includes the following steps:

- 
**Step 1 - Project Kickoff and Utilities Analysis:** Review building lists, building floor plans, and utility records to ascertain energy and water costs; discuss programmatic goals and focus areas with the City's management team; develop and review audit plan taking into account City priorities and future plans.
- 
**Step 2 - Energy Audit:** Perform detailed on-site facility energy audit surveys to analyze facility operational characteristics and functions; document all existing HVAC, lighting, building automation systems and building envelope conditions.
- 
**Step 3 - Energy Strategy and Recommendations:** Produce detailed and comprehensive evaluation of potential energy efficiency and other infrastructure improvement measures, costs, savings, and simple payback; compile strategic energy approach incorporating City management feedback/priorities; recommend solar energy generation opportunities to complement efficiency measures.



ENGIE Services has extensive and unparalleled experience conducting similar audits. In California, **ENGIE Services audited hundreds of facilities in the past year covering more than seven (7) million total square feet of space in Sacramento, Fresno, San Francisco, San Jose, Oakland, and other cities both large and small.** The invaluable experience gained through conducting audits across a broad spectrum of public agencies will be leveraged to apply industry-leading best practices to the benefit of the City.

*On average,  
ENGIE Services U.S. audits  
150 million square  
feet a year.*

**Approach to Identifying Improvement Measures**

ENGIE Services has a 44-year track record of identifying and implementing energy conservation and energy related infrastructure measures for public sector customers. Identifying, evaluating, designing and building energy conservation projects is our only business. As illustrated below in Figure 2, we have developed a standard operating procedure (SOP) that prescribes how we develop, select, and evaluate energy conservation measures. Because most of our projects include a guarantee of project savings, our approach is to typically consider only proven conservation measures. Our SOP contains a detailed list of technologies and ECMs we have successfully implemented, supported by a track record of results.

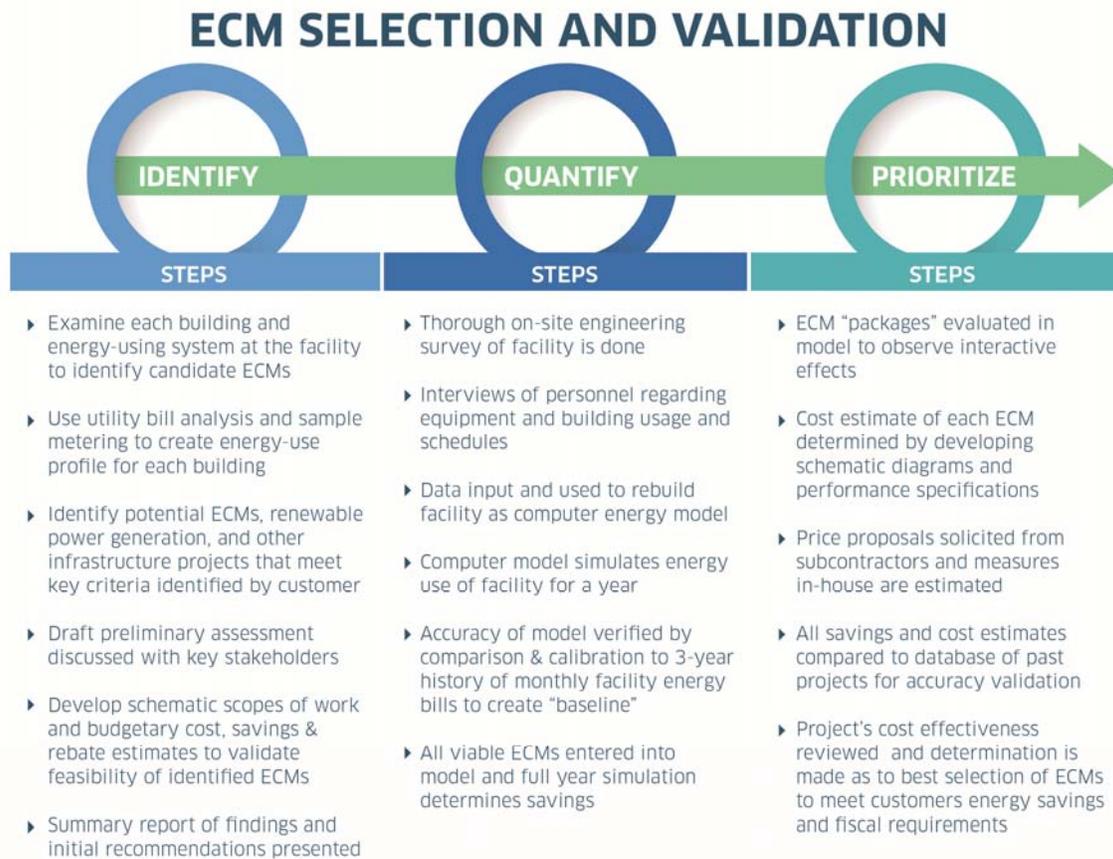


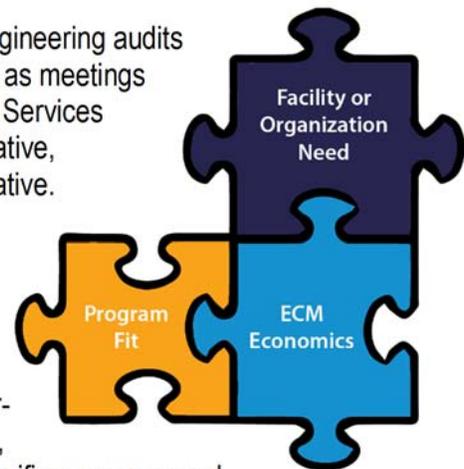
Figure 2. ENGIE Services' ECM Selection and Validation Standard Operating Procedure



Throughout the project development process, City of Suisun, in partnership with the ENGIE Services team, will make important decisions such as selecting the energy conservation measures, evaluating the short-term and long-term payback of each measure, reviewing funding options, reviewing M&V options for the energy savings, and more.

There are three basic criteria that ENGIE Services utilizes to select and recommend specific ECMs for our customers:

- 1 **Facility or organizational need.** Determined during our engineering audits and conditional assessment of energy infrastructure as well as meetings with facilities staff and City management personnel. ENGIE Services understands that to make any project a success, a collaborative, committed effort in close coordination with the City is imperative.
- 2 **Measure economics.** Primarily intended to deliver operational savings to the City. These savings will comprise reduced energy costs, maintenance savings, and improved operational effectiveness. The specific economic criteria used to evaluate the measure is customer-specific, but typically, simple payback, return on investment, and/or net present value have all been used to evaluate specific measures and groups of measures or programs.



- 3 **Program fit.** The City of Suisun, like other ENGIE Services customers, seeks an optimized overall project or “program” that satisfies overall economic and operational objectives. ENGIE Services will work with City of Suisun staff to understand these requirements and use them to develop an overall program. This program may include projects that, on their own, do not provide the economic justification, but that may satisfy longer term, strategic, operational, comfort, or environment requirements of the facilities and City of Suisun.

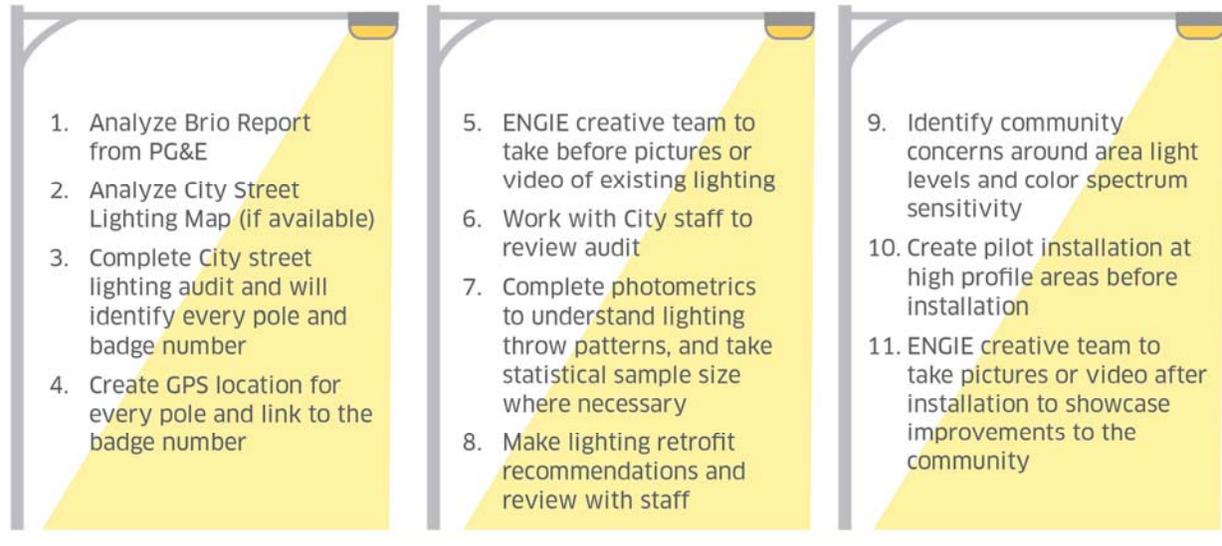
Throughout our ECM development process, engineers are working in concert with construction managers to ensure that scopes of work include all relevant requirements for constructability and maintenance. Because we build and stand behind our projects, we have the institutional experience and incentive to ensure recommendations are translated clearly to scopes of work that subcontractors in the building trades can implement properly.

### Project Development Plan

Once the audit is completed, ENGIE Services will host meetings with City staff to discuss project prioritization to achieve specified goals and develop the scope of work. These meetings will take place at City staff discretion and convenience. City of Suisun has identified at least one ECM—conversion of all City streetlights to LEDs. **ENGIE has retrofitted more than 850,000 streetlights and currently manages nearly 500,000 lighting points under 224 contracts globally. This includes retrofitting nearly 51,000 streetlights to LED for 14 California cities like Fremont, Livermore, Green Valley, King, San Jose, and many others.** For the City of Suisun streetlighting project, ENGIE Services will implement the following proven project development plan:



## Streetlighting Approach



**\*Added Value\*** In addition to City owned streetlighting, ENGIE will audit PG&E owned streetlights to validate every fixture and ensure that the City is being billed correctly. Our experience has shown significant savings can often be achieved through correcting PG&E's streetlighting records.

ENGIE Services provides a turnkey design-build model to implement our program. ENGIE Services' management approach ensures that projects are completed on-time, on-budget, and to the satisfaction of the City of Suisun. **The City will have one dedicated team that will remain with the project from development through delivery, including one primary point of contact.** Our managers and engineers develop, design, and deliver these projects as a cohesive team that often becomes an extension of the City's staff. Our operations director, construction manager, and the entire team assigned to this project will ensure one clear and consistent line of communication. When the project development team follows the project through its implementation, our clients benefit from a true design-build process and seamless transitions between each stage of work.

**The foundation of ENGIE Services project management approach is frequent and open communication.** This commitment means that our team will provide highly agile support at every phase of the project, ensuring we can accommodate our customers' specific needs and challenges.

Consistent with our emphasis on low risk and optimal payback, we will identify, assess, manage, and reduce risks associated with project cost, schedule, and technical performance. Since cost and technical performance variations are largely affected by schedule variance, we flow down schedule milestones to the subcontractor and material vendor level. We involve subcontractor team members in project planning and cost estimating to validate established goals and help to ensure low-risk project implementation.

ENGIE Services has developed an extensive document control system to help ensure the quality and timeliness of submittals to the customer. Adequate internal controls and reviewing procedures help eliminate errors or omissions and ensure technical accuracy of our output. An in-house registered PE reviews all work plans before submittal to the City.



## Financing Plan

In the past eight years, ENGIE Services has provided engineering and construction services that have benefited from over \$1.25 billion in cumulative project financings, with respect to public education, higher education, local, state, and Federal government, K-12 education, higher education, and commercial/industrial projects.

ENGIE Services has provided engineering and construction services that have benefited from over \$1.25 billion in cumulative project financings

Our customers have ENGIE's project finance team at their disposal with decades of experience in public and energy finance. ENGIE Services' projects have been financed using a wide variety of methods, including municipal tax-exempt leases with non-appropriation clauses, certificates of participation (COPs), Power Purchase Agreements, revenue and other bonds, on-bill financing (OBF) such as that offered by PG&E, and internal cash flow.

PG&E has recently been placing more emphasis on its OBF program with 0% financing for certain project components. Several current ENGIE projects are utilizing OBF, including City of Fremont and County of Merced. In such cases, ENGIE typically works with the customer to determine which project components potentially qualify for the OBF program in the project development phase and facilitates the overall OBF process.

As part of our commitment to service, **ENGIE Services charges no fee for the provision of information to customers about its financing options.** Our project finance team brings you decades of experience in energy and public finance. Furthermore, just as ENGIE Services is not tied to a single manufacturer for the purchase of project equipment, neither is it partial to a single funding source. Instead, our project finance team can help educate you about, and connect you to, a broad spectrum of options, allowing City of Suisun to select the financing source with the best rates, terms and conditions for your project and budgetary needs.

## 2. Phase II – Construction and Implementation

### Engineering Designs for Implementation of Energy-Saving and Energy Generation Equipment and Construction

ENGIE Services will manage all aspects of project design and take responsibility for ensuring that all necessary permits are obtained for the proposed work. We have **in-house design capability with 31 licensed professional design engineers and an in-house lighting team**, in addition to a selection of highly qualified consultants to develop plans and specifications and to provide construction support. Furthermore, through the implementation of multiple projects for neighboring public agencies, ENGIE Services has acquired extensive knowledge and understanding of the applicable codes, standards, and legal requirements for the successful implementation of energy conservation and generations programs.

To ensure that this model is delivered in the most cost-effective and highest-quality manner, we use a combination of in-house staff capability and subcontracted installation labor. ENGIE Services takes complete responsibility for the entire program, regardless of how many different projects, scopes, or sites are within the design-build contract.



As a local company with **two (2) offices within 45-miles of City of Suisun** including our corporate headquarters, our team has a vested interest in maintaining the City's rich heritage while addressing its aging infrastructure. We are committed to hiring and working with local subcontractors.

From start to finish, our goal is to design and implement energy and water conservation measures in a safe and efficient manner, with minimal risk to the City. ENGIE Services believes in clearly demonstrating value to our customers. This means we will deliver a program to the City of Suisun that will positively impact the City's environmental goals, job creation, and financial objectives well into the future.

### Procurement and Installation of New Equipment/Refurbishment of Existing Equipment

ENGIE is a global energy company, and the number one supplier of energy efficiency services, with over \$80 billion in annual revenue. As such, we are a major buyer of lighting, HVAC equipment and automation and controls systems. In 2017, we procured and installed over 200,000 LEDs. Additionally, we procure over 1 gigawatt (GW) of solar PV modules on an annual basis. Our procurement specialists will leverage our buying power and global agreements to receive the most competitive pricing. We evaluate your unique specifications through total cost of ownership to ensure you receive the highest quality equipment at the lowest cost.

## CUSTOMER-DRIVEN DESIGN

ENGIE Services U.S. is not locked into technologies, suppliers, or contractors. Our impartial procurement approach means that we can be trusted to deliver the best solution tailored to your needs - not a sales quota.

ENGIE Services is not an equipment manufacturer or supplier. We are a design/build firm dedicated solely to delivering energy efficiency and renewable power generation services. Our vendor neutrality eliminates possible conflicts of interest when proposing projects, and we have every incentive to deliver the best product at the best price to save our client as much energy as possible. This combination of vendor neutrality and commitment to crafting superior solution is one of the features that sets ENGIE Services apart.

### Construction Management

Unlike many of our competitors, ENGIE Services' turnkey design-build approach means that the **City of Suisun will maintain a single point of contact within ENGIE Services throughout the development and construction phases, and can rest assured that there will always be a dedicated ENGIE Services construction manager on-site whenever work is happening.**

The energy performance contract must be completed safely while maintaining and protecting existing City operations and facilities and providing safe, clean, and secure passage for residents, City employees, and others during construction. ENGIE Services takes pride in our ability to complete work on time, on budget, and with minimal disruption to the occupants within facility sites. We propose to accomplish this through detailed pre-planning for all aspects of the site work, including identification of potential hazards, development of mitigation plans to prevent these hazards from occurring, and open communication with the City's operations and maintenance personnel.

ENGIE Services will develop a site survey schedule based on the underlying principle that less time on-site not only reduces the cost of the project, but also helps ensure that the savings are coming in faster. Furthermore, we will manage the project according to individual site schedules based on collaboration with key stakeholders.



**Additionally, we look for portions of work that can be done with minimal disruptions to occupants during normal business hours.** Other portions of a project that may be more disrupting can be scheduled during off-hours. As always, communication is key in creating a smooth implementation plan.

In cases where building occupants will be impacted, the work will be scheduled in coordination with the City's facilities maintenance staff. Work that occurs in non-occupied areas and outside the building will be appropriately scheduled to assure that the City is aware of all work activities being performed by ENGIE Services.

*I have been impressed with the quality of subcontractors and ENGIE Services' ability to schedule construction to minimize impacting occupants of adjacent structures. The ability to make change was remarkable and smooth."*

– Joe Kuderca, Engineering Manager,  
City of Livermore, CA

During the implementation phase, our on-site construction manager will hold weekly or bi-weekly construction meetings with designated facilities maintenance staff and contractors.

These meetings will consist of reviewing the previous week's construction progress, outstanding issues, and action items. It will also cover the anticipated schedule for the next few weeks. The construction manager will coordinate the anticipated installation/retrofit of equipment with the City's facilities maintenance staff. In addition, we use proven construction methods to ensure ongoing operations are maintained to extent possible, including:

- Roof work is especially hazardous, so we rigorously employ Occupational Health and Safety Act (OSHA) safety guidelines and practices for all workers and during material lifts to the roof.
- At the work site, we supervise contractor attendance and use of personal protective equipment.
- We have experience fingerprinting and documenting site workers and will comply with the City's written protocols and procedures.
- We follow an accelerated installation process to minimize our construction phase impact on local activities.
- We employ security personnel as needed to monitor job sites overnight and to help with traffic when construction necessitates changing regular traffic flow, such as during streetlight installations.
- Installations that may temporarily impact parking availability will be scheduled with the City to assure limited disruption to the daily activities.

### Culture of Safety

At ENGIE Services, we put the highest level of attention towards the safe execution of project work. We are vigilant about the practices and procedures that enable us to work safely and avoid injury for employees and subcontractors alike. ENGIE Services' OSHA 10-certified project management and engineering staff, and OSHA 30-certified construction manager exceed the requirements for construction safety, as outlined OSHA, by conducting a risk and constructability analysis specific to the individual designs and project locations. The analysis determines potential safety risks to personnel, both in design and constructability methods. Once we identify and evaluate these risks or constructability issues, our team will develop specific mitigation plans and/or changes to the design in conjunction with City staff to address them. The risk and constructability process is applied throughout the lifecycle of the project.



ENGIE Services complies with all requirements of the Department of Labor, OSHA (29 CFR 1926 and 29 CFR 1910), and the Environmental Protection Agency and requires that its subcontractors do the same. ENGIE Services also follows all safety standards and established corporate policies, relevant contractual agreements, and applicable federal and state requirements.

Key statistics corroborating our safety record are included in the table below:

	2017	2016	2015
<b>Number of Fatalities (OSHA 300 Log Column G)</b>	0	0	0
<b>Experience Modification Rate (EMR)</b>	0.64	0.68	0.77
<b>Total Recordable Incidence Rate (TRIR)</b>	0	0.4	0
<b>Days Away, Restricted of Transfer Rate (DART)</b>	0	0	0

### 3. Phase III: Commissioning, Guarantee, and Monitoring

#### Projecting and Proving Energy Savings

ENGIE Services uses many proven engineering methods to estimate energy savings, including computer modeling, graphical analysis, sub-metering and testing of facilities, spreadsheet analysis, and field measurement and verification. Our goal is to select a M&V approach that is straightforward and can be easily verified by the customer and/or their third-party reviewer.

ENGIE Services guarantees performance by establishing a baseline energy use, predicting the savings reduction by using industry established building modeling and calculations, and monitoring and verifying the energy reduction throughout the guarantee.

#### Methodology, Formulas, and Reporting of Savings

For any energy services performance contracting program, the selection of an appropriate M&V plan is key to the success of the contract. To assure confidence in these processes, ENGIE Services follows the International Performance Measurement and Verification Protocol (IPMVP). NAESCO recognizes this protocol as the standard guideline of how savings resulting from energy conservation projects should be measured.

The IPMVP defines four options for measurement and verification of energy savings. Each option is applicable to specific situations, and oftentimes, more than one option is possible. Multiple options are frequently implemented on a single project. **Due to the variables and dynamics that are unique to each performance contract, and often to each facility within a performance contract, an individual M&V plan must be developed for each situation.** While the specifics may vary, the general method employed will always follow one of the techniques outlined in the IPMVP Guidelines. The IPMVP options are categorized in the table below.



	Option A	Option B	Option C	Option D
Savings Calculation	Engineering Calculations: Short-term or continuous post-retrofit measurements	Engineering Calculations: Short-term or continuous measurements	Analysis of Whole Facility: Utility meter/sub-meter data	Energy Use Simulation: Calibrated with hourly or monthly utility billing data or end-use metering
Application	Measure power draw periodically for a lighting retrofit.	Apply controls to vary the load on a constant speed pump using a variable speed drive. A kWh meter is installed to measure actual energy use of the drive.	Multifaceted energy management program affecting many systems in a building. Measure energy use via gas and electric utility meters for a 12 month base-year period and throughout the post-retrofit period.	Multifaceted energy management program affecting many systems in a building, but where no base year data is available. Measure post-retrofit energy use by utility meters and base year energy use is determined by simulation using a calibrated model.

Figure 3. IPMVP Options

### Description of Monitoring Services Available After Installation to Ensure Continued Savings

For measuring savings after construction is complete, ENGIE Services has one of the largest, most experienced M&V teams in the industry. A professional engineer, Certified Measurement and Verification Professional (CMVP), with more than 25 years in performance contracting leads a team of full-time dedicated staff, with seven (7) certified staff members, and an average time in performance contracting of over 15 years each. The team has overseen hundreds of guarantees and currently has more than 130 clients with ongoing guarantees. In 2017, ENGIE Services reconciled \$41.2 million in at-risk energy guarantees. **The team has one of the highest success rates in the industry — 5-year average of 99.7% — for achieving our guaranteed performance on projects.** If project performance does not meet or exceed our guaranteed performance, ENGIE Services writes the customer a check for the difference, without delay or legal hassle.

Furthermore, ENGIE Services' M&V team has extensive expertise in commissioning, monitoring, and troubleshooting over 16 different types of energy management control systems. Not only is this team responsible for delivering a functional system, they also continue to train and support our customers on that system for the duration of the contract. **This outstanding monitoring department sets ENGIE Services apart from other companies that engage in performance based energy programs.**

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*Our M&V team has extensive expertise in commissioning, monitoring, and troubleshooting over 16 different types of energy management control systems.*

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The exact scope for monitoring required for the City is determined during the design phase, and tailored to the energy measures to be implemented. For example, monitoring savings from more efficient lighting would probably not be required, while real-time monitoring for solar PV production is an important part of continued savings. ENGIE Services uses a proprietary web-based system, Utilityvision™, to monitor data



acquired from our energy projects. As a standard, we provide monthly value reports from Utilityvision™ that we can customize based on project and customer needs. Administrative personnel can also use Utilityvision™ to create summary reports while facility managers can set alarms and run trend analysis diagrams with the click of a button. The result is energy intelligence.



Image 4. UtilityVision™ Overview screen



Image 5. UtilityVision™ technical user dashboard

#### 4. Additional Information

##### Ability to Leverage Energy Projects to Achieve Non-Energy-Related Goals

In many circumstances, ENGIE Service projects can generate excess utility savings beyond that which is needed to pay for the project. In such cases, the excess savings optionally can be directed to implement vital City goals that currently lack funding sources, such as infrastructure upgrades or advancing an economic development program.

##### Signage and Branding for Economic Development

Having a strong brand or identity is a key component of any municipality's economic development strategy. When citizens of a city and its surrounding communities are exposed to a powerful visual image, it can be a potent persuasive force prompting patronage of local businesses and other civic assets.

ENGIE Services' talented marketing team would embrace the opportunity to work alongside City staff on a Downtown and/or "Entering Suisun City" monument/signage concept. **One preliminary idea might be to incorporate the notion of "West Wind", the English translation of the Native American word for which Suisun City is named.**



Image 6. Example of municipal branding in monument signage

Once a final concept and design is settled on by the City, the savings from the comprehensive energy program could be leveraged to include the construction of the monument sign in the project scope, and the monument sign would be implemented along with all of the energy conservation measures.

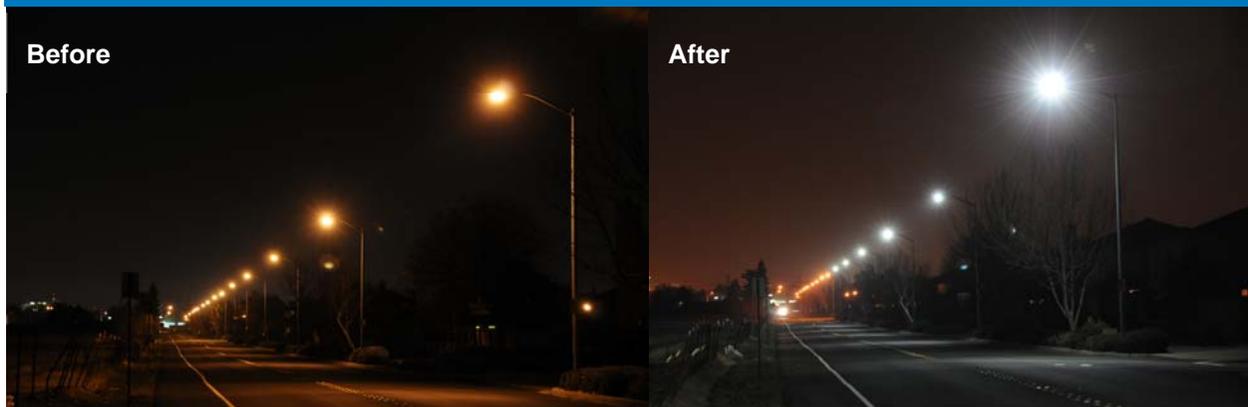


## PROJECT REFERENCES



## e. Project References

### 1 City of Livermore, California



#### Scope of Work

ENGIE Services designed and delivered a comprehensive energy savings program to meet the City of Livermore’s needs. Solar facilities were built at the Municipal Airport, Civic Center, and Maintenance Service Center, offsetting almost 90 percent of energy costs at these facilities. Additionally, over 6,000 streetlights were retrofitted with LED lights to increase efficiency and improve street safety and visibility.

From working with local LED lighting company Bridgelux to retrofitting over 6,000 streetlights, to hiring 20 local student “Energy Ambassadors” to help homeowners benefit from residential energy efficiency opportunities, Livermore demonstrated their leadership as a city committed to strengthening long-term impacts for local businesses and residents.

#### Start/Completion Date

February 2012 – May 2014

#### Contact Person

Joe Kuderca  
Engineering Manager  
925-567-6347  
[kjlkuderca@cityoflivermore.ca.us](mailto:kjlkuderca@cityoflivermore.ca.us)

#### Services and Equipment Provided

- Retrofitted 6,000 streetlights
- 1,220 kW solar canopy, roof-mount, and ground-mount energy generation at five (5) sites
- Retrofitted and redesigned interior and exterior lighting at city buildings and parks
- Electric vehicle charging stations

#### Project Size

\$12.5 million project

#### Total Project Savings

More than \$10 million in energy savings over the life of the project

#### Funding Description

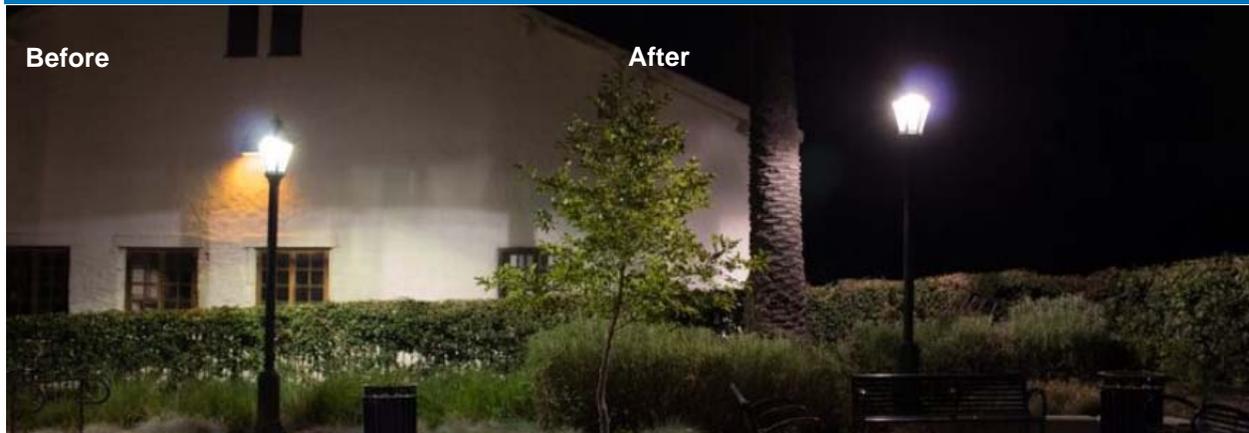
Tax-exempt municipal lease

#### Additional Benefits

- Creates 188 new jobs over the life of the program and save Livermore taxpayers \$10 million
- Hired 20 local student “Energy Ambassadors” to help city residents improve home energy efficiency



## 2 City of Fremont, California



### Scope of Work

The City partnered with ENGIE Services to help expand its conservation measures across the City, as well as to help meet the critical, combined program goals of significantly reducing fatalities and severe injuries and achieving a stringent community-wide greenhouse gas emissions (GHG) reduction goal of 25 percent by 2020. ENGIE Services is working with the City of Fremont to complete a comprehensive program requiring zero capital outlay that provides a practical, and feasible plan that will build on the City's well-earned reputation of fiscal prudence and forward-thinking. Following a comprehensive energy and water audit of City operations, ENGIE Services tailored a diversified approach to increase financial savings and reduce both energy use and utility costs for the City. By the end of program installation, all remaining non-LED streetlights (13,227 lights) will be replaced with highly efficient LED technology.

### Start/Completion Date

May 2016 – April 2018

### Contact Person

Dan Schoenholz, Community Development Department, Deputy Director  
510-494-4438  
[dschoenholz@fremont.gov](mailto:dschoenholz@fremont.gov)

### Services and Equipment Provided

- Replaced 13,227 streetlights with LEDs
- Replaced 705 park lights with LEDs
- Replaced 1,090 interior/exterior facility lights with LEDs
- Installed 566 water-saving fixtures and irrigation controls
- Installed variable-frequency drives to control the pool pumps at the City's Aqua Adventure Water Park

### Project Size

\$9 million project

### Total Project Savings

Expected to achieve \$12 million in net saving over the life of the program

### Funding Description

Tax-exempt municipal lease, **PG&E's 0% On-Bill Financing**

### Additional Benefits

- Expected to reduce the City's energy use by 4.7 million kWh a year, or the equivalent of supplying 341 homes' energy annually
- Expected to save \$280,000 annual savings on streetlight maintenance



### 3 Contra Costa County Fire Protection District, California



#### Scope of Work

Contra Costa County Fire Protection District (CCCYPD) formalized a partnership with ENGIE Services to install solar power and replace aged heating and cooling equipment across District facilities. CCCYPD’s goals for moving toward higher performing building operations were twofold: The District wanted to reduce its carbon footprint while lowering utility expenses. Approaching the program by leveraging utility incentives and rate structures, the ENGIE Services team designed a program that is unique to the District’s needs and goals, helping CCCYPD become a more efficient, effective fire protection district while also upgrading dated infrastructure.

#### Start/Completion Date

January 2017 – January 2018

#### Contact Person

Aaron J. McAlister  
Assistant Fire Chief, Support Services  
925-941-3503  
[Aaron.McAlister@ccfcpd.org](mailto:Aaron.McAlister@ccfcpd.org)

#### Services and Equipment Provided

- HVAC upgrades at six (6) sites
- 851 kW of solar PV shade structures and ground-mounted solar systems at four (4) sites
- Replaced HVAC systems at 13 sites
- Water conservation measures at 22 sites

#### Project Size

\$6.2 million project

#### Total Project Savings

Guaranteed \$379,429 in energy savings over 2 years

#### Funding Description

Tax-exempt municipal lease, RES- BCT

#### Additional Benefits

- Program is expected to save the District \$194,000 annually
- Ongoing solar education opportunities will be customized for the community following the success of a hands-on solar kit demonstration activity for 60 local youth and over 100 families during the 2016 CCCYPD Open House
- Expected to avoid 214 metric tons of CO<sub>2</sub> in the first year of the program – equivalent to removing 45 cars from the road



# PROJECT EXPERIENCE



## f. Project Experience

Our track record of successful energy projects designed and implemented across Northern California — many of them funded, engineered, and constructed across multiple phases of work — are the best demonstration of our ability to deliver savings to the City of Suisun through thoughtfully designed energy infrastructure programs.

### Cities

City of Benicia  
City of Concord  
City of Dublin  
City of Fremont  
City of Gonzales  
City of Grass Valley  
City of Greenfield  
City of King City  
City of Livermore  
City of Millbrae  
City of Patterson  
City of Richmond  
City of Saint Helena  
City of Salinas  
City of San Jose  
City of Union City  
City of Waterford  
City of Yuba City

### Higher Education

Butte Community College District  
California State University, East Bay  
California State University, Fresno  
California State University, Sonoma  
Chabot-Las Positas Community College District  
Contra Costa County Community College District  
Foothill-DeAnza Community College District  
Hartnell College  
Los Rios Community College District  
Peralta Community College District  
San Mateo County Community College District  
Solano Community College  
St. Mary's College  
State Center Community College District  
University of California, Davis  
University of California, San Francisco

### Counties

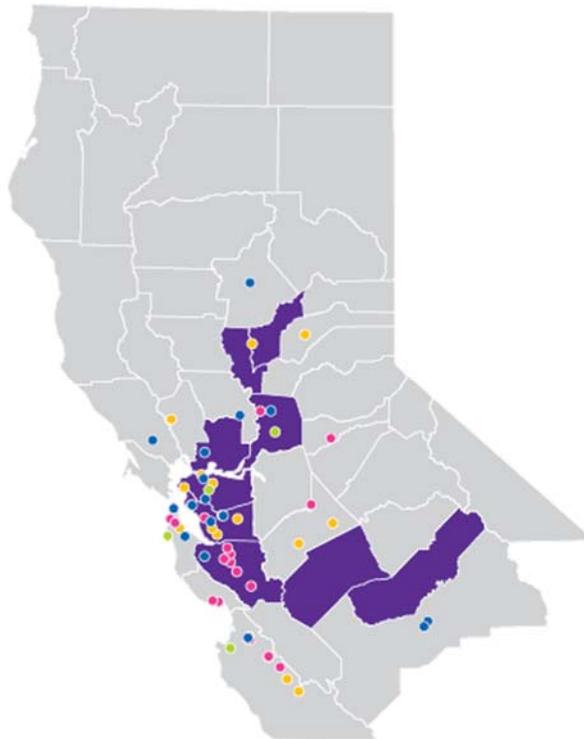
Contra Costa County  
Alameda County (Santa Rita Jail)  
Madera County  
Merced County  
Sacramento County  
Santa Clara County  
Solano County  
Sutter County  
Yuba County

### K-12

Amador County Unified School District  
Berryessa Union School District  
East Side Union High School District  
Escalon Unified School District  
Franklin-McKinley School District  
Gonzales Unified School District  
Jefferson Elementary School District  
Live Oak School District  
Milpitas Unified School District  
Monterey County Office of Education  
Morgan Hill Unified School District  
Oak Grove School District  
Oakland Unified School District  
Salinas City Elementary School District  
Salinas Union High School District  
San Jose Unified School District  
San Lorenzo Unified School District  
Santa Cruz County Office of Education  
Soledad Unified School District  
South San Francisco Unified School District

### Special Districts

Cosumnes Community Services District  
Contra Costa County Fire Protection District  
Montara Water & Sanitary District  
Monterey Regional Airport





1. List of Similar Projects Completed in Last 5 Years

ENGIE Services has engineered, financed, and implemented comprehensive energy programs as the prime design-build general contractor for more than 100 public sector agencies in California. Please find below a list describing similar projects completed in California within the last five (5) years.

Project	Scope of Work	Project Value	Completion Date
City of Fremont	Retrofitted 13,227 streetlights to LED, Interior/Exterior Lighting	\$9,063,701	4/17/2018
Contra Costa County Fire Protection District	HVAC, Solar PV	\$6,158,325	01/31/2018
County of Sutter	EMS, Interior/Exterior Lighting, Solar PV, HVAC	\$10,524,560	11/20/2017
City of Simi Valley	EV Charging, Solar PV	\$9,511,523	10/04/2017
City of Greenfield	Retrofitted 21 streetlights to LED, Interior Lighting, Solar PV	\$4,307,477	08/30/2017
Jurupa Unified School District - Phase IV	Interior Lighting, Solar PV	\$4,059,300	7/20/2017
City of King City	Retrofitted 132 streetlights to LED, Solar PV	\$2,639,984	06/29/2017
Yuba County - Phase II	Solar PV	\$5,234,551	05/22/2017
Wasco Union Elementary School District	Interior/Exterior Lighting, Solar PV, HVAC	\$3,818,518	05/09/2017
Lake Elsinore Unified School District - Phase II	Interior/Exterior Lighting, Solar PV	\$2,705,421	04/30/2017
Soledad Unified School District	Solar PV	\$1,764,756	03/28/2017
East Side Union High School District - Phase III	Interior/Exterior Lighting, Solar PV	\$3,540,344	03/01/2017
Westminster School District	Interior/Exterior Lighting, Solar PV, HVAC	\$23,459,043	01/19/2017
Berryessa Union School District	Solar PV	\$9,946,668	01/19/2017
Manhattan Beach Unified School District	EMS, Interior/Exterior Lighting, Solar PV, HVAC	\$8,729,269	10/07/2016
City of Salinas	Retrofitted 6,815 streetlights to LED, Interior/Exterior Lighting, Solar PV, EMS	\$24,482,610	09/28/2016
Washington Unified School District	Exterior Lighting, Solar PV	\$5,619,938	09/01/2016
City of Grass Valley	Retrofitted 189 streetlights to LED, Interior Lighting, Solar PV	\$4,962,564	08/31/2016
City of San Jose	Retrofitted 18,193 streetlights to LED	\$15,756,910	06/22/2016
City of Hanford - Phase II	Retrofitted 181 streetlights to LED, Interior/Exterior Lighting, Solar PV	\$9,995,139	05/26/2016
Hartnell College - Phase II	HVAC, Exterior Lighting, Solar PV	\$1,806,992	04/01/2016
Jurupa Unified School District - Phase III	Interior/Exterior Lighting, Solar PV	\$2,995,489	02/01/2016



Project	Scope of Work	Project Value	Completion Date
Lake Elsinore Unified School District - Phase I	Interior/Exterior Lighting, Solar PV	\$4,697,610	12/01/2015
City of Yuba	EMS, Interior/Exterior Lighting, Solar PV	\$4,971,465	11/10/2015
Huntington Beach City School District - Phase II	HVAC, Interior/Exterior Lighting, Solar PV, EMS	\$7,785,219	11/09/2015
City of Lemoore - Phase III	Solar PV	\$12,890,000	11/3/2015
Los Angeles Unified School District - Group 3 - Solar	Solar PV	\$23,262,938	10/31/2015
Madera County	EMS, Solar PV, HVAC	\$10,034,682	09/22/2015
Lucia Mar Unified School District	HVAC, Interior Lighting, Solar PV	\$23,834,034	08/11/2015
Desert Sands Unified School District - Phase I	HVAC, Interior/Exterior Lighting, Solar PV	\$12,187,325	06/01/2015
Jurupa Unified School District	HVAC, EMS, Interior/Exterior Lighting, Solar PV	\$5,831,234	3/12/2015
City of Dinuba Phase II	Solar PV	\$8,081,077	11/19/2014
City of Waterford	Exterior Lighting, Solar PV	\$1,883,442	11/13/2014
Institute for Healthcare Advancement (IHA) - Solar PV	Solar PV, EV Charging Stations	\$2,234,417	11/06/2014
Fountain Valley School District	HVAC, Solar PV	\$8,017,062	10/21/2014
Franklin-McKinley School District	HVAC, Solar PV, EMS, Interior/Exterior Lighting	\$17,138,280	06/30/2014
Jefferson Elementary School District	HVAC, Interior/Exterior Lighting, Solar PV, EV Charging	\$11,382,659	05/20/2014
City of Livermore	Retrofitted 6,000 streetlights to LED, EV Charging, Exterior Lighting, Solar PV	\$12,538,957	05/13/2014
City of Dublin	Retrofitted 3,086 streetlights to LED, Exterior Lighting, Solar PV, Controls	\$7,217,824	03/11/2014
Santa Rita Jail - Microgrid	Solar PV, Battery Energy Storage	\$11,057,855	2/28/2014
Salinas City Elementary School District	EMS, Interior/Exterior Lighting, Solar PV	\$6,514,563	02/16/2014
City of Patterson	Retrofitted 997 streetlights to LED, Interior/Exterior Lighting, Solar PV, EV Charging	\$5,545,978	01/28/2014
City of Benicia	Retrofitted 2,000 streetlights to LED, Interior/Exterior Lighting, Solar PV	\$12,935,500	12/17/2013
City of Gonzales	Retrofitted 11 streetlights to LED, Exterior Lighting, Solar PV, EMS	\$2,792,589	12/13/2013
Oak Grove School District - Phase II	Solar PV	\$14,085,044	08/01/2013
Hartnell College - Phase I (Alisal Campus Solar PV)	Solar PV	\$2,580,000	07/31/2013
Live Oak School District	Interior Lighting, Solar PV	\$2,846,951	06/28/2013
Jurupa Unified School District - Phase I	HVAC, Exterior Lighting, EMS, Solar PV	\$27,887,012	06/27/2013



# CONFLICT OF INTEREST



## g. Conflict of Interest

ENGIE Services U.S. Inc. does not have any conflicts of interest associated to performing work related to this RFQ.



# APPENDIX A



## John Gajan, PE

### Senior Vice President of Operations, West

John Gajan has more than 25 years of experience in the energy, engineering, construction, and performance contracting industries. His background includes engineering and design, design/build construction, project development, and construction project management. He has specific project experience and expertise with turnkey facility renovations and energy efficiency retrofits, including the design-build implementation of HVAC, lighting, power systems, distributed generation, renewable energy systems, cogeneration, and central plants. Over the past 15 years, John has held positions of increasing responsibility in operations and business unit management culminating in his current role.

In his current role as Senior Vice President of Operations, John manages a division that includes more than 60 engineering, project management, and construction professionals who develop, design, and construct projects for ENGIE Services' western division. This division has developed, designed, and been responsible for the turnkey implementation of several hundred million dollars' worth of projects, ranging from lighting and HVAC equipment upgrades, to large multi-megawatt photovoltaic installations, megawatt-scale fuel cells, wastewater treatment facility upgrades, central chilled water cooling and hot water heating plants, and other large energy and distributed generation projects. He also has executive responsibility for ENGIE Services' Energy Management and PV O&M divisions.

John has profit and loss responsibility for ENGIE Services' delivery of performance and energy service contracts. Some recent projects that the division has delivered for which John had overall responsibility are shown below.

**Year Started with ENGIE Services (including legacy companies):**  
2000

**Years of Experience Prior to ENGIE Services:**  
14

**Education:**  
BS, Marine Engineering, United States Merchant Marine Academy, Kings Point, NY

**License(s)/Registration(s):**  
Registered Professional Mechanical Engineer – California

**Professional Organizations:**  
Member: American Society of Heating, Refrigerating and Air-Conditioning Engineers

Member: Association of Energy Engineers

## ENGIE Services' Project Experience

Project Experience	Responsibility / Role
Desert Sands Unified School District, La Quinta, CA	VP Operations/1 MW solar generating system at 3 school sites, comprehensive energy conservation enhancement program, including interior lighting retrofits, installation of 153 new air conditioning units, and upgrading air conditioning controls
City of San Jose San Jose, CA	VP Operations/ Retrofit of more than 60,000 streetlights to LED, including "smart" adaptive controls
Lucia Mar Unified School District Arroyo Grande, CA	VP Operations/ development, design, and installation team of a comprehensive energy program, including

Project Experience	Responsibility / Role
	1.7 MW solar photovoltaic shade structures and ground mounted power generation systems at 7 sites, interior and exterior LED lighting district-wide, HVAC replacement, VFDs, retro-commissioning, and irrigation/water management upgrades
City of Dublin Dublin, CA	Operations Director/ Comprehensive \$7.2 million energy efficiency, street lighting, and 700 kW solar photovoltaic projects citywide
City of Livermore Livermore, CA	Operations Director/ Comprehensive \$12.5 million 1.2 MW solar photovoltaic, streetlight, and other energy efficiency projects citywide
City of Benicia Benicia, CA	Operations Director/ \$11.8 million comprehensive 1.68 MW solar photovoltaic and energy efficiency program, including LED street lights city wide
City of Concord Concord, CA	Operations Director/ Comprehensive energy retrofit program across multiple city-owned facilities, including HVAC and lighting retrofits, street lights, and building controls
Santa Rita Jail Microgrid Alameda County, CA	Operations Director/ Installation of a state-of-the-art distributed energy resource management system and a 4 MW/hr lithium ion stationary battery for the coordination and control of 1 MW of diesel generator, 1 MW fuel cell, and more than 1 MW of solar photovoltaic
San Jose Unified School District San Jose, CA	Regional Operations Director: responsible for the design, construction, and operation (on-going O&M) of a 5.5 MW solar photovoltaic project across 14 district sites and
Milpitas Unified School District Milpitas, CA	Regional Operations Director: 3.4 MW solar photovoltaic project art 13 school sites and one district site



# Courtney Jenkins

Vice President of Business Development, West

Courtney Jenkins leads ENGIE Services’ Business Development and Program Management Teams in the majority of the Western US and serves on the company’s Executive Leadership Team.

Specifically, she is responsible for overseeing ENGIE Services’ project development activities on all projects in Northern California, including financial structuring, client relationship management, and contract negotiation, as well as the integration of STEM educational programming and workforce development elements. Likewise, she serves as a conduit between ENGIE’s global presence and our local clients, making sure that ENGIE is leveraging its expansive suite of services, offerings, and innovations to benefit our clients’ facilities and financial outcomes.

Courtney has substantial cross-disciplinary experience in the energy services industry, having held roles in project development, program management, and organizational strategic planning. She joined ENGIE Services as part of the Strategy Department, focused on financial analysis with a focus on distributed power systems and demand-side management technologies for public sector clients. From there, she then moved into a role within Business Development, whereby Courtney worked closely with customer decision-makers to fully understand bottom-line energy needs and broader plant operations/facilities goals. In this client-facing role, she worked in concert with the design/engineering, financial structuring, and construction teams to develop comprehensive, economically viable technical projects to meet these stated objectives. She now oversees ENGIE’s project teams in Oakland, San Jose, Sacramento, Salinas, Honolulu, and Denver.

Courtney holds a Master’s from Oxford and a Bachelor’s degree from Brown University, along with executive education certificates from the Wharton School of Business at the University of Pennsylvania.

**Year Started with ENGIE Services (including legacy companies):**  
2008

**Years of Experience Prior to ENGIE Services:**  
3 years

**Education:**  
Certificate of Professional Development-General Management, Wharton School of Business, University of Pennsylvania, Philadelphia, PA

MS, International Relations, University of Oxford, Oxford, UK

BA, History, Brown University, Providence, Rhode Island

## ENGIE Services’ Project Experience

Project Experience	Responsibility / Role
City of Salinas Salinas, CA	Senior management: conversion of 6,200 street lights to LED fixtures, HVAC upgrades, industrial wastewater treatment plant upgrades, and canopy and ground mounted solar PV system

Project Experience	Responsibility / Role
City of San Jose San Jose, CA	Senior management: for LED street light replacement program
City of Patterson Patterson, CA	Senior management: for renewable energy generation, energy efficiency, and water savings program
City of Brea Brea, CA	Strategic development and analysis: energy efficiency improvements and solar photovoltaic
City of Gonzales Gonzales, CA	Program management: energy efficiency and renewable generation systems
Oak Grove School District San Jose, CA	Program management: solar photovoltaic system installed on parking canopies at five sites
Jefferson Elementary School District Daly City, CA	Program management: lighting retrofits, water efficiency, solar PV, HVAC
Hartnell College Salinas, CA	Program management: solar photovoltaic system and under-canopy LED lighting
Salinas City Elementary School District Salina, CA	Program management: solar photovoltaic and energy efficiency program
Franklin-McKinley School District San Jose, CA	Program management: solar photovoltaic, HVAC replacement, lighting upgrades, roof replacement
South San Francisco Unified School District South San Francisco, CA	Program management: energy management system, lighting, HVAC, irrigation controls, 1.7 MW solar photovoltaic system
East Side Union High School District San Jose, CA	Project development: lighting retrofits, pool pumps, 7.1 MW solar photovoltaic
Santa Cruz County Office of Education Santa Cruz, CA	Program management: solar photovoltaic and lighting retrofits
Live Oak School District Santa Cruz, CA	Program management: solar photovoltaic, lighting retrofits, irrigation controls, water conservation, and energy management systems

Project Experience	Responsibility / Role
Monterey County Office of Education Monterey, CA	Program management: solar photovoltaic, HVAC, and energy management system
Foothill-De Anza Community College District Los Altos, CA	Strategic development and analysis: electrical and mechanical upgrades, lighting retrofits, cogeneration, HVAC, solar photovoltaic
Los Angeles Metropolitan Transit Authority Los Angeles, CA	Strategic development and analysis: energy efficiency improvements and solar photovoltaic





# Kelly Fergusson, PhD, PE, LEED AP

## Senior Business Development Manager

Kelly Fergusson is expert in developing large energy conservation and renewable energy projects, as well as working with municipal and investor-owned utilities. She is knowledgeable in local government administration, finance and budgets, public works, and capital asset planning and management.

A registered professional civil engineer, Kelly has 10 years of experience delivering energy projects to public sector customers. A former mayor and 8-year city councilwoman, she has firm knowledge of local government operations and challenges.

Kelly recently worked on a campaign to pass a local high school district bond measure and has supported several other similar school measures.

**Year Started with ENGIE Services:**  
2015

**Years of Experience Prior to ENGIE Services:**  
29

**Education:**  
PhD, Civil Engineering, Stanford University, Palo Alto, CA

MS, Civil Engineering, Stanford University, Palo Alto, CA

BS, Applied Earth Sciences, Stanford University, Palo Alto, CA

**License(s)/Registration(s):**  
Registered Professional Civil Engineer – California

Certified Post-Earthquake Building Safety Engineer (ATC-20)

Leadership in Energy and Environmental Design Accredited Professional (LEED AP) – U.S. Green Building Council

**Professional Organizations:**  
Member: American Society of Civil Engineers

Member: American Water Works Association

Chair: 1999 California Geographic Information Systems Conference

**Board Service (Selection):**  
Menlo Park City Council 2004-2012

Bay Area Water Supply and Conservation Agency (BAWSCA) 2004-2012

Bay Conservation and Development Commission (BCDC) 2011-2012 (Alternate)

O'Connor Tract Cooperative Water Company 1998-2002

League of California Cities Policy Committees 2006-2012

## ENGIE Services' Project Experience

Project Experience	Responsibility / Role
Contra Costa County Fire Protection District Pleasant Hill, CA	Business development manager: Evaluation of over 30 sites for solar potential. Developing and presenting financial analysis to staff and Contra Costa County Board of Supervisors. Developing financing solution to meet financial criteria of both executive staff and Board Members.
Oakland Unified School District Oakland, CA	Business development manager: Guiding development of comprehensive energy program for 20 school sites resulting in design/build project scope. Contract pending / in negotiation.
Cosumnes Community Services District Elk Grove, CA	Guided development of energy conservation and renewable energy measures for 22 facilities. Project in construction.

## Experience Prior To ENGIE Services

Project Experience	Responsibility / Role
Siemens Energy Services Performance Contracting Division – Local Government Clean Energy Projects Hayward, CA	Business development manager: working with public agency executive staff, bundled energy and water conservation measures and renewables into design-build-guarantee construction projects for local governments, paid for and/or financed based on conservation and energy generation savings; accounts included cities of Cupertino, Merced, Millbrae, Modesto, and Monterey; transformed division from few (2008) to 100% (2014) positive reference projects; motivated culture change to achieve a positive reference from every project; produced profitable projects and outstanding client references
Independent Consulting Civil Engineer Menlo Park, CA	Led efforts converting utility system maps and land boundaries from manual to digital format; led quality control (QC) efforts, including development of QC methodology for natural gas, electrical, and water distribution, and sewer, storm water collection; consulted regarding applying geographic information systems (GIS) technology to core services; clients included City of Palo Alto, East Bay Municipal Utility District, Stanford University, and real estate developers
City of Palo Alto Utilities, Public Works, and Planning Departments Palo Alto, CA	GIS management specialist: worked with city staff and Geodesy to implement GIS
McDonnell Douglas Corporation Long Beach and Cypress, CA	Facilities engineer, senior facilities engineer, facilities engineering specialist: performed design and construction management for tenant improvements; created CAD environments for civil, electrical, architectural, HVAC, and process piping engineers; developed methods to map 275 acres of manufacturing plant facilities



## Carolyn M. Kiesner, CEM, EIT

### Manager of Government Partnerships

Carolyn Kiesner is passionate about saving energy, impacting communities and driving collaboration with customers. She brings years of experience in all phases of performance contracting including account management, energy engineering, measurement and verification, and service/operations maintenance. Carolyn has worked with a variety of customers from the Federal Government, State Government, State Prisons, K-12 districts, local government, hospitals and commercial/industrial facilities.

Carolyn has a diverse background in developing and monitoring central plant upgrades, HVAC and control system installations, lighting retrofits, photovoltaic systems, battery storage and water reduction. Carolyn is best known for her strong capability in managing customer partnerships and driving project development.

Carolyn is focused on streamlined customer communication, seamless project process and outstanding customer satisfaction.

**Year Started with ENGIE Services (including legacy companies):**  
2016

**Years of Experience Prior to ENGIE Services:**  
5 years

**Education:**  
BS in Mechanical Engineering,  
Northern Illinois University

**License(s)/Registration(s):**  
Certified Energy Manager

Engineer in Training (EIT)

**Professional Organizations:**  
Vice-President: NorCal Association  
of Energy Engineers

### ENGIE Services' Project Experience

Project Experience	Responsibility / Role
Amador County Unified School District Jackson, CA	Program Manager: Strategized with customer and internal team to develop HVAC, controls, lighting and solar PV project scopes that solved customer expedited timeline and budget restrictions. Liaison for aligning customer team members with internal team members.
Department of General Services State of California	Program Manager: Works as the liaison between ENGIE and DGS to ensure streamlined communication and project development milestones.

### Experience Prior To ENGIE Services

Project Experience	Responsibility / Role
Folsom Women's Prison California Department of Corrections Folsom, CA	Account Manager: Worked with CDCR to develop turn-key design build energy project. Main CDCR point of contact from preliminary assessment to installation. Developed preliminary assessment and analysis, developed HVAC system upgrade through all buildings

Project Experience	Responsibility / Role
	and ran bid process. Worked with PG&E and SMUD to verify calculations and incentives.
<p>Richard A. McGee Correctional Facility California Department of Corrections Galt, CA</p>	<p>Account Manager: Developed air-cooled chiller system upgrade for On-Bill Financing energy project. Main CDCR point of contact. Developed preliminary assessment and analysis for ECMs, developed chiller design and selection. Worked with SMUD and CDCR 3rd part consultant to verify calculations and incentives.</p>
<p>Valley State Prison California Department of Corrections Chowchilla, CA</p>	<p>Account Manager: Developed ECM's for On-Bill Financing energy project. Main CDCR point of contact. Developed preliminary assessment and analysis for all ECMs, developed boiler upgrades and INT/EXT lighting upgrades. Worked with PG&amp;E and CDCR third party consultant to verify calculations and incentives.</p>
<p>Blue Diamond Growers Commercial/Industrial Sacramento, CA</p>	<p>Account Manager: Main point of contact for major account. Managed service maintenance and project teams for all controls and HVAC projects throughout facility. Ensured operation and maintenance service agreements were on-track and within budget.</p> <p>Worked with multiple utility SMUD to identify customer energy opportunities and potential project rebates.</p>
<p>DGS California Small Buildings Project Sacramento, CA</p> <p>Veterans Affairs Hospital San Francisco, CA</p> <p>NASA Ames Mountain View, CA</p> <p>Navy Base Guam Guam</p> <p>City of Tulare Tulare, CA</p> <p>Mt. Diablo Unified School District Walnut Creek, CA</p>	<p>M&amp;V Manager: Managed \$4.5M in annual energy savings guarantees for major Federal accounts. Experience in FEMP/IPMVP Measurement and Verification Options</p> <p>A, B, C &amp; D. Measurement and verification of Chiller Plant upgrades, Solar PV monitoring, Lighting, HVAC and Controls upgrades, boiler upgrades, Trash Management, Solar Hot Water, PC Power Management, Irrigation and Water Reduction.</p>
<p>Hawaii Department of Transportation Honolulu, HI</p> <p>Western Placer Unified School District Lincoln, CA</p> <p>Santa Rosa Memorial Hospital Santa Rosa, CA</p>	<p>Project Engineer: Project experience includes the preliminary ECM development of Chiller Plant upgrades, Solar PV monitoring, Lighting, HVAC and Controls upgrades, Trash Management, Solar Hot Water, EMC, PC Power Management, Irrigation, Water Reduction.</p> <p>Proficient and experienced in ASHRAE Level 1-3 Audits, Utility Bill Analysis, eQuest, spreadsheet calculations, rebate processes, and benchmarking analysis.</p>



## Angela Seitz

### Director of Finance

Angela Seitz joined the Project Finance team at ENGIE Services in 2015. At ENGIE Services, she assists public sector and for profit clients in identifying funding for energy efficiency and renewable energy infrastructure improvements and facility modernization built upon savings generated from the improvements. She works with clients to assess their goals, review various financing structures and options, and coordinate project financing activities to move the project forward.

Angela has over 18 years of experience in project finance and structured finance, working with public sector clients and state and Federal agencies. Since joining ENGIE Services, Angela has assisted with identifying and/or arranging \$100 million in financing for customers' energy projects across the United States. Methods of finance have included tax exempt municipal (capital) leases, taxable capital leases, Certificates of Participation, general obligation and revenue bonds, Clean Renewable Energy Bonds, internal cash flow and Power Purchase Agreements, among others.

At ENGIE Services, Angela assists customers in identifying funding for energy improvements; she provides risk review for ENGIE Services projects, including the following:

- Contra Costa County Fire Protection District, CA
- County of Merced, CA
- City of Fremont, CA
- South San Francisco USD, CA
- City of Greenfield Water Meter NTP, CA
- City of Greenfield Phase 1, CA
- City of King, Street Light Installation, CA
- Belle Vernon Area SD Phase 3, PA
- City of Gonzales Phase 2, CA
- City of King, CA
- Escalon USD, CA
- City of Yuba City Phase 2, CA
- City of Marysville, CA
- Monterey Peninsula Regional Airport, CA
- Cosumnes Community Service District, CA
- Lincoln Park Public Schools, MI
- Meridian 223, IL
- Amador CUSD, CA
- Belle Vernon AUSD, PA
- City of Gonzales, CA
- City of Lawton Ph3, OK
- Contra Costa County FPD, CA
- Easter Michigan University, MI
- Mexico School District, MO
- SKF County Sanitation District, CA

**Year Started with ENGIE Services (including legacy companies):**

2015

**Years of Experience Prior to ENGIE Services:**

18 years

**Education:**

MPP, University of Chicago, Chicago, IL (concentration in Public Finance)

BA, University of Nebraska, Lincoln, NE

**Contact Information:**

500 12<sup>th</sup> Street, Suite 300  
Oakland, CA 94607

O: 415-735-9047

aseitz@opterraenergy.com



## Steve Ramirez, LEED AP

### Operations Manager

Steve Ramirez has more than 20 years of experience in the HVAC and energy management industry. His experience includes identifying and analyzing energy conservation measures, preparing detailed energy analyses, monitoring and verifying plans, and building commissioning activities. Steve is also skilled at overseeing the development and design of public sector and commercial and industrial renewable energy, battery storage, water conservation, HVAC and lighting projects and providing supervision, direction, management, and training of staff members.

Steve oversees a team comprised of project engineers, project managers and construction managers.

Under Steve's direction, Project engineers perform energy conservation measure surveys and feasibility studies, including lighting, HVAC, water resource management, photovoltaic, and waste energy surveys which is then used to prepare detailed comprehensive reports for customers.

Project managers on Steve's team are responsible for on-budget and on-time completion of energy projects from conception through completion, including preliminary and detailed energy surveys, project engineering, purchasing, construction administration, subcontracting, scheduling, and commissioning.

Construction managers are responsible for managing, monitoring and coordinating all on-site construction and conducting field meetings.

**Year Started with ENGIE Services (including legacy companies):**  
2008

**Years of Experience Prior to ENGIE Services:**  
13 years

**Education:**  
BS Electrical Engineering,  
California Polytechnic State  
University, San Luis Obispo, CA

Certificate of Training, Aerospace  
Ground Equipment Mechanic,  
Chanute Technical Training  
Center, Rantoul, IL

**Professional Organization:**  
Leadership in Energy and  
Environmental Design Accredited  
Professional (LEED AP) – US  
Green Building Council

**License(s)/Registration(s):**  
Leadership in Energy and  
Environmental Design Accredited  
Professional (LEED AP) – US  
Green Building Council

## ENGIE Services' Project Experience

Project Experience	Responsibility / Role
City of Yuba City Yuba City, CA	\$5M Interior/Exterior lighting retrofits; HVAC retrofits; Energy Management System installation; solar thermal system; WWTP pump replacement; DAS monitoring.
City of Grass Valley Grass Valley, CA	\$4.9M ground mount and canopy PV system installation, City Hall roof replacement, streetlight and traffic signal upgrades, mechanical upgrades, solar thermal system and pool cover.
City of Fremont Fremont, CA	Project manager: responsible for a comprehensive energy efficiency and water savings audit program,

Project Experience	Responsibility / Role
	including retrofitting city-wide streetlights and park lights to LED, interior/exterior lighting upgrades at various city buildings, city-wide restroom fixture upgrades, city-wide irrigation control upgrades, and solar thermal heating and pump VFDs installation at the Water Park.
City of Patterson Patterson, CA	Project manager: responsible for \$5.5 million comprehensive for energy efficiency and renewable program, including 1.12 MW solar PV ground mount systems at the wastewater treatment plant and maintenance yard and canopy mount at the aquatic center and senior center; city-wide streetlight retrofits to LEDs; facility interior/exterior lighting upgrades at various facilities; and an electric vehicle charging station
County of Sutter County Yuba City, CA	\$10M Comprehensive energy efficiency and solar PV project; included Energy Management Systems; HVAC, water conservation measures; and lighting
Washington USD West Sacramento, CA	District-wide solar, energy efficiency and water conservation project generates nearly \$15MM in net savings over the 30-year life of the program.
Kauai Community College Lihue, HI	Project manager: responsible for \$3.2 million comprehensive energy efficiency improvement project, including campus-wide interior and exterior lighting upgrades; campus-wide energy management system upgrades, including submetering; campus-wide restroom fixtures upgrades; and new solar thermal system for domestic hot water at the campus center
South San Francisco Unified School District South San Francisco, CA	Project manager: responsible for \$24.5 million comprehensive district-wide energy efficiency and renewable program, including 1.68 MW solar photovoltaic (parking canopy, ground mount, and rooftop) installations at 15 sites and re-roofing on 10 buildings at three campuses; lighting upgrades (both interior and exterior) at 10 campuses; boiler replacements at SSF High School (3 locations) and Baden HS; energy management system upgrades at 10 campuses; irrigation controls at 14 campuses; cogeneration design at SSF High School; Baden HS HVAC replacement, including re-roofing of 11 buildings and walkways on campus; and implementation of an education component
Paradise Irrigation District Paradise, CA	Project manager: \$5.5 million project installing more than 10,500 automatic (wireless) water meter reading devices as well as new water meters district-wide, including the Town of Paradise
United States Postal Service Data Center San Mateo, CA	Project manager: responsible for multiple HVAC controls upgrade and retrofits

## Experience Prior To ENGIE Services

Project Experience	Responsibility / Role
Various hospitals and other facilities San Francisco Bay Area	Service team manager: in charge of fiscal responsibilities and execution of a team of mechanics and HVAC controls technicians that who maintained and operated mechanical equipment and HVAC controls for various customers, including hospitals, private companies, and the U.S. Postal Service
Franklin Templeton Investments Headquarters San Mateo, CA	Project manager: responsible for comprehensive project, including installing new HVAC; energy management system; security, fire, and life safety systems; and lighting controls
Various school districts and hospitals San Francisco Bay Area	Project manager: responsible for comprehensive projects, including installing new HVAC; energy management system; security, fire, and life safety systems; and lighting controls
Livermore Valley Joint Unified School District Livermore, CA	Project manager: responsible for HVAC and lighting control upgrades at Joe Michell Elementary, Sunset Elementary, Portola Elementary, Jackson Elementary, and Granada High School
Santa Rosa Junior College District – Petaluma Campus Petaluma, CA	Project manager: responsible for HVAC controls installation in eight new buildings and system integration with existing buildings



## Heather Benner, PE

### Lead Project Developer

Heather Benner has been part of our operations team for more than 17 years, specifically geared toward projects and customers in the greater Sacramento and Valley regions. Her experience has primarily assisted customers with energy performance contracting, energy engineering, and renewable energy, and she has assisted her customers in achieving their sustainability and energy-efficiency goals.

As a project development manager, Heather works closely with the ENGIE's business development professionals and with the customer decision-makers to fully understand energy usage baselines and broader plant operations/facility needs. From there, she leads the design/engineering team to capture and evaluate energy conservation and alternative power generation options, runs a competitive bid process with vetted subcontractors for the measures identified as technically viable, works with the financial team to develop the comprehensive financial package structuring, and integrates with the construction teams to ensure a comprehensive, economically viable technical project is assembled to meet the customer's stated objectives.

Throughout her career, Heather has performed many of the engineering duties required in the development process as well as taking on the field responsibilities required for project implementation. She is skilled in performing cost analyses, computer modeling, and HVAC/lighting retrofits. She has successfully developed more than \$50 million of integrated energy projects, including more than \$15 million of guaranteed savings.

Heather's mechanical construction industry experience includes construction management, managing day-to-day job-site activities, scheduling onsite labor, purchasing, billing, estimating, and heating and cooling load calculations.

**Year Started with ENGIE Services (including legacy companies):**  
2001

**Years of Experience Prior to ENGIE Services:**  
4 years

**Education:**  
BS, Mechanical Engineering,  
California Polytechnic State  
University, San Luis Obispo, CA

Certificate in Construction  
Management, University of  
California, Davis, CA

**License(s)/Registration(s):**  
Registered Professional  
Mechanical Engineer – California

**Professional Organizations:**  
Member: American Society of  
Heating, Refrigerating and Air-  
Conditioning Engineers

Member: Association of Energy  
Engineers

## ENGIE Services' Project Experience

Project Experience	Responsibility / Role
Sutter County Yuba City, CA	Project manager: \$10.5 million energy efficiency and solar PV project, including interior/exterior lighting upgrades, water conservation measures, and 1.46 MW solar PV rooftop, ground-mount, and shade structures at 11 sites

Project Experience	Responsibility / Role
City of Livermore Energy Conservation Project Livermore, CA	Project manager: organized development team to produce Energy Performance Contract Report, including collecting survey data and logging vital equipment data; supervised computer modeling of facilities; managed scope development and contractor participation for quotes; assisted in customer peer review of savings calculations; project scope included 1.2 MW solar photovoltaic arrays, HVAC retrofits, interior and exterior lighting retrofits, and street lighting retrofits; assembled performance contract proposal and prepared risk review package
Washington Unified School District West Sacramento, CA	Project manager: \$5.5 million energy efficiency and solar PV project, including exterior LED parking lot lighting, water conservation measures, and 885 kW solar PV shade structure at six sites
Yuba County Integrated Energy Project Yuba County, CA	Project manager: organized development team to produce Energy Performance Contract Report, including collecting survey data and logging vital equipment data; performed computer modeling of facilities; managed scope development and contractor participation for quotes; assisted in customer peer review of savings calculations; scope included 1.1 MW solar photovoltaic arrays; HVAC retrofits; water retrofits; lift station SCADA upgrades; and emergency generator replacements; assembled performance contract proposal and prepared risk review package; managed construction of all project scopes
Yuba County Energy Efficiency and Conservation Block Grant (EECBG) Project Yuba County, CA	Project manager: organized development team to produce EECBG grant application and supporting documentation during grant process; collected survey data, performed savings calculations, and managed scopes development and contractor participation for quotes; scopes included interior and exterior lighting retrofits and lighting controls; managed construction of all project scopes
Sacramento County Energy Conservation Project Sacramento, CA	Project manager: organized development team to produce Energy Performance Contract Report, including collecting survey data and logging vital equipment data; performed computer modeling of facilities; managed scopes development and contractor participation for quotes; assembled performance contract proposal and prepared risk review package; managed construction of all project scopes
Los Rios Community College District – Phase III Sacramento, CA	Project manager: developed multiple proposals to assist customer in achieving energy efficiency in central steam plant and to plan for future campus master heating plan; responsible for assembling technical and financial proposal; prepared risk review package; assisted with utility rebate review and approval; worked with construction team and customer to complete engineering, third-party peer review; and construction

Project Experience	Responsibility / Role
Los Rios Community College District – Phase II Sacramento, CA	Project manager: organized survey team to develop Comprehensive Energy Analysis report, including collecting survey data, logging equipment data, computer modeling of facilities, and contractor quotes for scopes; responsible for assembling technical proposal and prepared risk review package; managed construction of project with construction team from initial site survey to final test and balance of system
Los Rios Community College District – Phase I Sacramento, CA	Project manager: organized survey team to develop Comprehensive Energy Analysis report, including collecting survey data, computer modeling of facilities, and assembling contractor scopes; responsible for assembling technical/financial proposal, and preparing risk review package; managed construction team to complete successful implementation of all conservation measures and apply for and achieve utility rebates for the customer
US Postal Service ESTO-N002 San Francisco District	Project engineer: organized mechanical survey team to develop Comprehensive Energy Analysis report, including collecting survey data, data logging of equipment, and computer modeling of facilities
US Postal Service ESTO-N001 Sacramento District	Project engineer: organized survey team to develop Comprehensive Energy Analysis report, including collecting survey data, data logging of equipment, computer modeling of facilities, and contractor quotes for scopes; responsible for assembling technical and financial proposals, preparing risk review package, and assisting with customer acceptance of packages
St. Mary's College of California Moraga, CA	Project engineer: organized survey team to develop Comprehensive Energy Analysis report, including collection of survey data, data logging of equipment, computer modeling of facilities, and contractor quotes for scopes
Vallejo City Offices Vallejo, CA	Project engineer: assisted ENGIE Services' construction team with commissioning of completed work, specifically the energy management system

## Experience Prior To ENGIE Services

Project Experience	Responsibility / Role
Worldcom Data Center Sacramento, CA	Project manager: bid preparation, scoping, and award to subcontractors; project management of HVAC construction activities; prepared and evaluated requests for information
California Environmental Protection Association Headquarters Building Sacramento, CA	Project manager: bid preparation, scoping, and award to subcontractors; project management of HVAC construction activities; prepared and evaluated requests for information
United Airways Hangar Upgrades Oakland, CA	Project manager: bid preparation, scoping, and award to subcontractors; project management of HVAC construction activities; prepared and evaluated requests for information



## Greg Bair, CLEP, CLMC

### Lighting Manager

Greg has 32 years of experience in lighting upgrades, having designed and managed multiple energy and lighting upgrades throughout the US. As the Regional Manager of ENGIE Services lighting team in the western region, he oversees the design, product selection, and contractor selection for all projects. Greg is a major advocate and industry leader in designing long-term lighting solutions that take full advantage of the wide array of benefits of new LED and control technologies. He also is one of the leaders in retrofitting stadiums to LED with numerous successful installations. In addition to overseeing lighting upgrades, he also has extensive experience in designing and installing Demand Response systems throughout California.

**Year Started with ENGIE Services (including legacy companies):**  
2014

**Years of Experience Prior to ENGIE Services:**  
25 years

**Education:**  
BA in Business from Cal State Fullerton

**License(s)/Registration(s):**  
CA C-10 electrical license

**Certifications:**  
CLEP (Certified Lighting Efficiency Professional) by AEE

CLMC (Certified Lighting Management Consultant) by NALMCO

### ENGIE Services' Project Experience

Project Experience	Responsibility / Role
City of Palm Springs	Lighting engineer on citywide internal and external lighting upgrades, LED streetlights.
City of Greenfield	Developed lighting project specifications and design for all city facilities.
City of Simi Valley	Led development of lighting scope that includes lighting fixture retrofits, lighting controls, LED lighting, exterior and streetlighting.
City of Fremont	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
City of Pismo Beach	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.

Project Experience	Responsibility / Role
City of San Jacinto	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Imperial County	Oversee scope development for HVAC, lighting, solar and water energy project.
Merced County	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
San Benito County	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Hawaii Department of Education	Developed districtwide lighting and controls specifications.
Manhattan Beach Unified School District	Lighting engineer on districtwide interior and exterior LED lighting upgrades
Amador Unified School District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Antelope Valley, East Kern Water District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Banning Unified School District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Barstow Unified School District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Cosumnes Community Services District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.

Project Experience	Responsibility / Role
Escalon Unified School District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Jurupa Unified School District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Lake Elsinore Unified School District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
La Mesa School District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Los Angeles USD	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Magnolia Unified School District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Montebello Unified School District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Orange Unified School District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Palm Springs Convention Center	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Paso Robles Unified School District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.

Project Experience	Responsibility / Role
Peralta Community College District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Perris Unified School District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Rim of the World Unified School District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
San Bernardino County Schools	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Selma Kingsburg Fowler Water District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Walnut Unified School District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.
Amador Unified School District	Oversee lighting and controls scope development, material selection, vendor selection, and provide construction oversight.

### Experience Prior To ENGIE Services

Project Experience	Responsibility / Role
Albertson's Grocery	Design, procure material, and manage crews for successful project installation
Philips Distribution Centers	Design, procure material, and manage crews for successful project installation
AmerisourceBergen Distribution Centers	Design, procure material, and manage crews for successful project installation

Project Experience	Responsibility / Role
CAT Logistics	Design, procure material, and manage crews for successful project installation
County of Mobile	Design, procure material, and manage crews for successful project installation
Covidien Manufacturing	Design, procure material, and manage crews for successful project installation
Diamond Pet Food Manufacturing	Design, procure material, and manage crews for successful project installation
FedEx Freight	Design, procure material, and manage crews for successful project installation
General Motors Manufacturing	Design, procure material, and manage crews for successful project installation
Hertz Rental Facilities	Design, procure material, and manage crews for successful project installation
Hines Properties	Design, procure material, and manage crews for successful project installation
Irvine Company	Design, procure material, and manage crews for successful project installation
Jack in the Box Distribution Centers	Design, procure material, and manage crews for successful project installation
Johns Manville Manufacturing	Design, procure material, and manage crews for successful project installation
Kilroy Realty	Design, procure material, and manage crews for successful project installation
Lufkin Industries	Design, procure material, and manage crews for successful project installation

Project Experience	Responsibility / Role
Mars Food Manufacturing	Design, procure material, and manage crews for successful project installation
MBM Food Distribution	Design, procure material, and manage crews for successful project installation
McKesson Pharmaceutical	Design, procure material, and manage crews for successful project installation
McLane Food Distribution	Design, procure material, and manage crews for successful project installation
Ralphs Grocery Stores	Design, procure material, and manage crews for successful project installation
Wells Fargo Bank	Design, procure material, and manage crews for successful project installation
Westfield Malls	Design, procure material, and manage crews for successful project installation
Albertson's Grocery	Design, procure material, and manage crews for successful project installation



## Dan Usher

### Project Manager

Dan Usher has over 24 years of experience in performance contracting, major MEP retrofits, and general construction. Most of Dan's experience has been working with existing occupied facilities performing retrofits including central plant upgrades, solar photovoltaic systems, cogeneration installations, utility upgrades, building automation system installations, LED lighting retrofits, and plumbing upgrades. Responsibilities have included communication and coordination of planning and scheduling with customer representatives, safety management, management of project financials, project team resourcing, and subcontract management. Dan has managed projects in state, federal and local government facilities, medical centers, and K-12 with extensive experience with the Office of Statewide Health Planning and Development (OSHPD) and the Division of State Architect (DSA).

Dan has a track record of on-time project delivery and a reputation of exceeding customer expectations.

**Year Started with ENGIE Services (including legacy companies):**  
2015

**Years of Experience Prior to ENGIE Services:**  
3 years

**Education:**  
HVAC&R-Laney College Oakland, CA

**Professional Organizations:**  
Project Management Certification

### ENGIE Services' Project Experience

Project Experience	Responsibility / Role
City of Fremont Fremont, CA	<p>Project Manager: \$9.1M Performance Based project – managed city-wide design and installation of LED cobra head street light fixtures citywide, facility LED lighting retrofit, parks LED lighting retrofit, facility plumbing retrofits, pump VFDs, building automation system and irrigations controls.</p> <p>Locations: 28 City buildings, 21 city parks and 14,000 street lights</p>

### Experience Prior To ENGIE Services

Project Experience	Responsibility / Role
DGS California Small Buildings State of California	<p>Installation Manager: direct management of project management team and performance contract of \$12.5M and over 48 sites. Scope included facility lighting retrofits, building automation and building HVAC change out, modifications and a 200-ton Smart chiller</p>

Project Experience	Responsibility / Role
	Departments Involved: DMV, CHP, DWR, CalTrans, DMH, DDS
Veterans Administration Hospital Fresno, CA	Project Manager: managed \$3.5M energy project that included the design and installation of the central plant upgrade including new centrifugal chiller, absorber chiller and cooling tower, plate-frame heat exchanger building automation upgrade and lighting retrofit throughout 5 buildings
Mt. Diablo Unified School District Concord, CA	Project Manager: \$9.2M Performance Based – Managed the design and installation of HVAC multi-zone units, photovoltaic system, Boiler upgrades, building automation systems, trash management systems, solar hot water systems and facility lighting retrofits throughout the 34 school sites
New Mexico State Court House Albuquerque, NM	Project Manager: New Construction - Managed \$4.3 M installation of the building automation and security/CCTV system within the State’s new nine story courthouse including the facilities detention center
Rio Consumnes Correctional Facility Elk Grove, CA	Installation Manager: \$1.2M Performance Based over 12 buildings– Managed the design and project management team for the installation of an air-cooled chiller, building automation system and facility lighting retrofit within the County correctional facility
John Muir Medical Center Concord, CA	Project Manager: \$9.1M Performance Based – Managed the design and installation of the central plant upgrade to variable primary flow including a new 1500-ton centrifugal chiller, new cooling towers and complete re-piping of the central plant, installation of a 900kw cogeneration plant with associated 300-ton HW absorber, building automation system upgrade, water conservation measures and lighting retrofit



## Joseph Wilson

### Construction Manager

Joseph Wilson has more than 18 years of experience in the general contractor and electrical construction field. His construction superintendent and construction management experience overseeing all phases of ground up construction projects is an important value to our team. His experience Managing foremen, laborers and subcontractors onsite ensuring daily activities and production stay on target. Interfacing with DSA, planning and building departments, procuring permits and accompanying client staff on walkthrough's and weekly meetings has exceeded satisfaction of clients.

Joseph is known for being highly organized, professional with attention to detail and recommending solutions for productive problem solving. He communicates well with all levels of management, staff, clients, architects and engineers. Joseph provides smooth execution during all aspects of building projects, committed to staying within budget and delivering quality results.

**Year Started with ENGIE Services (including legacy companies):**  
2016

**Years of Experience Prior to ENGIE Services:**  
18

**Education:**  
Leadership in Energy and Environmental Design (LEED), San Jose Evergreen CC 2018

Electrical Code Updates, Stratford Career Institute 2018

**License(s)/Registration(s):**  
Contractors State License Board, previous CEO/RMO General B and Electrical C-10 License

OSHA-40 Certified Training

CA-Lead/Asbestos Safe Removal Certified Training

## ENGIE Services' Project Experience

Project Experience	Responsibility / Role
Escalon Unified School Escalon, CA	Construction manager: responsible for the construction team of a LED exterior lighting replacements at 6 sites, replacement of five (5) multi-zone unit to T-24 compliant custom air handlers at one site (existing roof was also replaced with a single-ply membrane roof at the time of the retrofit), pool pump retrofit to energy efficient pump and controls system with integrated VFDs.
City of Fremont Fremont, CA	Construction manager: responsible for a comprehensive energy and water efficiency upgrade. The project scope of work included: Converting more than 14k primary roadway and residential street lights to energy-saving LEDs, upgrading all (800) public park and plaza lights to energy-saving LEDs, upgrading all (2,100) public facility lighting and plumbing fixtures to high-efficiency options, installing weather-based irrigation controls at city parks and installing energy-saving pool pump controls at the Aqua Adventure Water Park.

Project Experience	Responsibility / Role
SSF Unified School District South San Francisco, CA	Construction manager: responsible for coordination of stadium lighting underground electrical, 200 amp single phase switchgear and structural concrete bases of four field stadium light poles.
Western Digital Fremont, CA	Construction manager: responsible for the completion of a Spare Transformer with secondary oil containment project and integrated 18' high concrete blast wall for the ABB 20 MVA transformer.

### Experience Prior To ENGIE Services

Project Experience	Responsibility / Role
Acalanes Union High School Walnut Creek, CA	Project Superintendent: responsible for project coordination of 18k sf building demolition, grading/excavation for 3 acres of new asphalt parking lots with underground utilities, landscaping and high efficient parking lot lighting.
Cambridge Podium Palo Alto, CA	Project Superintendent: responsible for project coordination of mass grading, Joint Trench, offsite consulting and foreman of 4-unit condominium development.
Apple Cupertino, CA	Local 405-Carpenter Foreman: managed multiple trades for a tenant improvement (office, IT labs, roof) at Apple, Inc. Headquarters



# Jamal Aboueljoud, CEM, LEED-AP, CALCTP-AT

## Director, Post-Construction Services

At ENGIE, Jamal Aboueljoud's ensures the success of Operations & Energy Services (OES) projects throughout their entire life cycle. Jamal has a proven record of impactful leadership in energy and environmental fields. He is responsible for all post-construction commitments, including operations and maintenance (O&M) and warranty service. He is a key connection point for future engagement phases, customer relation, and revenue growth.

Jamal is an analytical, growth-minded engineering manager with 27 years of extensive experience planning, executing, and directing complex initiatives within energy and environmental industries. He is a tactical decision-maker skilled in uncovering and capitalizing on new areas of improvement across cost, project, and quality effectiveness. Jamal's areas of expertise include energy management, business development, portfolio management, project life cycle, customer relations, team leadership, training and development, educator, professional consulting, cross-team collaboration, and communications.

Before joining ENGIE, Jamal directed the daily operations, strategic planning and team of six engineers in management of lighting and energy audits \$100M+ worth of contracting projects. He cultivated and strengthened customer relationships while fostering positive experiences through responsive communications. The wide range of clients he served spanned across education, healthcare, manufacturing, government, and waste water municipalities.

### Key Achievements:

- Founded and launched business development ideation of energy consultative services
- Successfully maintained less than 0.12% shortfall

In 2005-2011, Jamal served as an Adjunct Professor for the Energy & Environmental Management Program at Lawrence Technological University in Southfield Michigan.

**Year Started with ENGIE Services (including legacy companies):**  
2015

**Years of Experience Prior to ENGIE Services:**  
27 years

**Education:**  
MS, Engineering, Lawrence Technological University

**License(s)/Registration(s):**  
CEM, LEED-AP, CALCTP-AT

**Professional Organizations:**  
Association of Energy Engineers, CALCTP, US Green Buildings

## ENGIE Services' Project Experience

Project Experience	Responsibility / Role
Northern California Public Schools and Colleges: <ul style="list-style-type: none"> <li>• Bellevue Union School District</li> <li>• DeAnza College</li> <li>• East Side Union High School District</li> </ul>	Managed the execution of all scheduled PV system maintenance and customer relations

Project Experience	Responsibility / Role
<ul style="list-style-type: none"> <li>• Franklin-McKinley School District</li> <li>• Hartnell College</li> <li>• Jefferson Elementary School District</li> <li>• Live Oak School District</li> <li>• Merritt College</li> <li>• Milpitas Unified School District</li> <li>• Monterey County Office of Education</li> <li>• Morgan Hill Unified School District</li> <li>• Oak Grove School District</li> <li>• Salinas City Elementary School District</li> <li>• San Lorenzo Unified School District</li> <li>• Santa Cruz County Office of Education</li> <li>• South San Francisco Unified School District</li> <li>• Washington Unified School District</li> </ul>	
<p>Northern California State and local Government facilities:</p> <ul style="list-style-type: none"> <li>• City of Concord</li> <li>• City of Dublin</li> <li>• City of Gonzales</li> <li>• City of Grass Valley</li> <li>• City of Livermore</li> <li>• City of Patterson</li> <li>• City of Salinas</li> <li>• City of Waterford</li> <li>• City of Yuba</li> <li>• Yuba County</li> </ul>	<p>Managed the execution of all scheduled PV system maintenance and customer relations</p>
<p>Southern California Public Schools and Colleges:</p> <ul style="list-style-type: none"> <li>• Antelope Valley College</li> <li>• Burbank Unified School District</li> <li>• Cooper Mountain College</li> <li>• Desert Sands Unified School District</li> <li>• Fountain Valley School District</li> <li>• Huntington Beach City School District</li> <li>• Jurupa Unified School District</li> <li>• Los Angeles Community College District</li> <li>• Lake Elsinore Unified School District</li> <li>• Lemon Grove School District</li> <li>• Los Angeles Unified School District</li> <li>• Lucia Mar Unified School District</li> <li>• Manhattan Beach Unified School District</li> <li>• Nuview Union School District</li> <li>• San Diego Unified School District</li> <li>• San Dieguito Union High School District</li> <li>• Santa Ana Unified School District</li> </ul>	<p>Managed the execution of all scheduled PV system maintenance and customer relations</p>

Project Experience	Responsibility / Role
<ul style="list-style-type: none"> <li>Temple City Unified School District</li> </ul>	
Southern State and local Government facilities: <ul style="list-style-type: none"> <li>City of Brea</li> <li>City of Garden Grove</li> <li>City of Palm Springs</li> <li>City of Semi Valley</li> <li>County of Kings</li> <li>Indian Wells Water District</li> <li>Riverside County</li> </ul>	Managed the execution of all scheduled PV system maintenance and customer relations

### Experience Prior To ENGIE Services

Project Experience	Responsibility / Role
Los Angeles Unified School District Los Angeles, CA	Team Lead: oversaw field Energy Audit, design review, customer relation, ASHRAE & State code expert, Incentive programs, and CA-T-24 expert
California Science Center Los Angeles, CA	Team Lead: managed field Energy Audit, design review, customer relation, ASHRAE & State code expert, incentive programs, and CA-T-24 expert
Ann Arbor Public Schools Ann Arbor, MI	Team Lead: energy audit, guaranteed saving management, energy education program management, and customer relation
Wyandotte Public Schools Wyandotte, MI	Team Lead: oversaw energy audit, guaranteed saving management, energy education program management, and customer relation
Wyandotte Municipal Services Wyandotte, MI	Team Lead: performance guarantee and customer relation



## Edward Jakimzak, CEM, CMVP, CDSM M&V Manager

Edward Jakimzak oversees and manages all measurement and verification (M&V) work and ongoing customer services for ENGIE Services' projects in California. These include government office buildings, commercial and industrial facilities, public schools, community colleges and state universities. He is responsible for coordinating and performing all physical measurements as well as creating the reports necessary to fulfill ENGIE Services' M&V responsibilities in accordance with the International Performance Measurement and Verification Protocol. Additionally, he is in responsible for all ongoing services necessary to fulfill performance contracting responsibilities.

Edward joined ENGIE Services' after spending five years working in the energy management industry in both engineering and sales capacities. His experience includes HVAC replacement and controls, lighting system design and retrofits, and solar photovoltaic power systems.

**Year Started with ENGIE Services (including legacy companies):**

2008

**Years of Experience Prior to ENGIE Services:**

5 years

**Education:**

MS, Energy Management, New York Institute of Technology, Old Westbury, NY

BS, Electrical Engineering, California State University, Northridge, CA

**License(s)/Registration(s):**

Certified Energy Manager (CEM) – Association of Energy Engineers

Certified Measurement & Verification Professional (CMVP) – Association of Energy Engineers

Certified Demand-Side Manager (CDSM) – Association of Energy Engineers

### ENGIE Services' Project Experience

Project Experience	Responsibility / Role
City of Brea Brea, CA	Energy account manager: comprehensive energy efficiency and improvement program, including HVAC, lighting, energy management system, 1.8 MW solar energy system, and street lighting retrofit
Kings County – Phase III Hanford, CA	Energy account manager: solar, HVAC, lighting, controls, and irrigation pumps
Los Angeles Community College District Los Angeles, CA	Energy account manager: 8 MW of solar photovoltaic installed across six separate campuses; construction of two large central plants located in two separate community colleges; both central plants included ice thermal energy storage systems; one included a solar thermal collector array that drives an absorption chiller; both campuses included infrastructure upgrades

Project Experience	Responsibility / Role
Lemoore Union High School District Lemoore, CA	Energy account manager: HVAC, lighting, controls, and swimming pool upgrades.
California State University Fresno, CA	Energy account manager: 1 MW solar shaded parking structure
Los Angeles Unified School District, Group 2 Los Angeles, CA	Energy account manager: design-build of 1.8 MW of solar photovoltaic parking canopies at six school sites
Los Angeles Unified School District, Group 3 Los Angeles, CA	Energy account manager: design-build of 4 MW of solar photovoltaic parking canopies and roof mounted systems at nine school sites
Temple City Unified School District Temple City, CA	Energy account manager: design-build of 400 kW solar photovoltaic parking canopies and complete refurbishing of student parking lot at high school; lighting and HVAC controls at 9 sites; new boiler and chiller at elementary school; window replacement at 3 sites; and design for HVAC upgrades, roof replacements, and electrical upgrades
Huntington Beach School District Huntington Beach, CA	Energy account manager: solar system, interior lighting, HVAC, and water conservation measures at 10 district facilities
Antelope Valley College Lancaster, CA	Energy account manager: design-build of 1 MW of solar photovoltaic parking canopies
San Dieguito Union High School District Encinitas, CA	Energy account manager: design-build of 2 MW solar photovoltaic parking canopies at two campuses
Jurupa Unified School District Jurupa Valley, CA	Energy account manager: successfully developed a comprehensive project, including energy efficiency improvements at 27 school district sites and 2.7 MW of photovoltaic shade structure power generating systems across nine sites
Metropolitan Transit Authority-MTA-MSSC Los Angeles, CA-	Energy account manager: 1,200 kW solar photovoltaic roof mount system; HVAC replacement; lighting retrofit for the entire facility, including outside lighting; and direct digital controls

## Experience Prior To ENGIE Services

Project Experience	Responsibility / Role
Lime Energy LLC San Diego, CA	Sales engineer



## Carrie Dixon, LEED AP

### O&M Manager

Carrie Dixon is primarily responsible for managing the operations and maintenance of our photovoltaic systems. These responsibilities include commissioning/recommissioning, scheduled maintenance, unplanned outage management, contractor management, site safety management and customer service.

Carrie has a passion for renewable energy and an extensive background in a variety of photovoltaic systems, metering, and control technologies. She is a valuable resource that is committed to sharing her knowledge and love of renewable energy through participation in various STEM/STREAM programs in the communities we serve. Additionally, Carrie has implemented a training program to partner with local trade training councils all across California. These programs work to educate and train the next generation of electrical workers, providing employment opportunities and interest in the area of solar photovoltaics.

Carrie successfully manages a growing photovoltaic asset portfolio of over 145 MW at over 500 locations. Her training and experience in the field gives us a leading edge in maintenance of systems and troubleshooting problems from power flow to data collection. In her current role, she provides support and dispatches her team of field electricians while ensuring all work complies with OSHA safety standards and manufacturers' maintenance recommendations.

At the University of Kansas, Carrie elected to concentrate her studies in the areas of sustainable design and energy management. Her continuing education opportunities in California have included water conservation and involvement with California Coastal Commission.

**Year Started with ENGIE Services (including legacy companies):**  
2005

**Years of Experience Prior to ENGIE Services:**  
1 year

**Education:**  
BS, Architectural Engineering,  
University of Kansas, Lawrence,  
KS

**License(s)/Registration(s):**  
Intern Engineer-Kansas

Leadership in Energy and  
Environmental Design Accredited  
Professional (LEED AP) – U.S.  
Green Building Council

**Training Certifications:**  
CA Electrician Journeyman  
License 162512

Arc Flash/70E

OSHA 30

Satcon Inverters Certified Level II  
Technician

Fronius Inverters Certified Service  
Provider - IG Plus

**Professional Organizations:**  
Member: International Society of  
Automation

## ENGIE Services' Project Experience

Project Experience	Responsibility / Role
East Los Angeles Community College Los Angeles, CA	Project engineer: responsible for computer modeling, implementation, ongoing O&M support for solar PV installation; Phase II involved solar monitoring integration, implementation, and support

Project Experience	Responsibility / Role
Southwest Community College Los Angeles, CA	Project engineer: provided computer modeling, fiber optic network integration, implementation, and ongoing O&M support for solar PV installation
Pierce Community College Los Angeles, CA	Project engineer: provided computer modeling, implementation, and ongoing O&M support for solar PV installation
Harbor Community College Los Angeles, CA	Project engineer: responsible for computer modeling, implementation, and ongoing O&M support for solar PV installation
Foothill/DeAnza Community Colleges E Palo Alto/Cupertino, CA	Project engineer: responsible for communications system upgrade, cogeneration integration, heat recovery BTU meter integration, radio network upgrade, solar PV monitoring integration, and custom kiosk development and deployment
Milpitas Unified School District Milpitas, CA	Project engineer: responsible for network system redesign, radio network upgrade design, solar monitoring upgrade design, implementation, kiosk content development/deployment, ongoing O&M support
San Jose Unified School District San Jose, CA	Project engineer: responsible for commissioning, solar monitoring upgrade design, implementation, kiosk content development and deployment, and ongoing O&M support
Las Positas/Chabot Community Colleges Livermore, CA	Project engineer: provided computer modeling, solar monitoring system design and implementation, ongoing warranty and maintenance support, and kiosk content development and deployment
Morgan Hill Unified School District Los Angeles, CA	Project engineer: provided computer modeling, project development, design, and ongoing O&M support
Merritt Community College Oakland, CA	Project engineer: provided computer modeling, project development, design, and ongoing O&M support
Yuba County Government Offices Marysville, CA	Project engineer: provided solar monitoring, kiosk deployment, and ongoing O&M support
Oak Grove Unified School District San Jose, CA	Project engineer: responsible for solar monitoring system design, installation, commissioning, custom kiosk development and deployment, ongoing solar monitoring, and O&M support
East Side Union High School District San Jose, CA	Project engineer: provided solar monitoring system design, installation, commissioning, kiosk development/deployment, and ongoing solar monitoring and O&M support
Monterey County Office of Education Salinas, CA	Project engineer: responsible for solar monitoring and ongoing O&M support

Project Experience	Responsibility / Role
City of Benicia Benicia, CA	Project engineer: provided solar monitoring system consultant, web camera integration, and kiosk deployment
Santa Rita Jail-Microgrid Dublin, CA	Smartgrid-communications consultant: responsible for , communications system installation and support; loadshed-solar trackers system integration consultant and communications system design
San Lorenzo Unified School District San Lorenzo, CA	PV O&M field service manager: provided solar monitoring system design, installation and commissioning, and ongoing warranty support
Santa Cruz County Office of Education Santa Cruz, CA	Pr PV O&M field service manager: responsible for solar commissioning, ongoing monitoring, and warranty and maintenance support
City of Livermore Livermore, CA	PV O&M field service manager: responsible for commissioning, ongoing solar monitoring, and O&M support
City of Dublin Dublin, CA	PV O&M field service manager: responsible for commissioning, ongoing solar monitoring, and O&M support
South San Francisco Unified School District South San Francisco, CA	Project engineer: responsible for construction management, commissioning, Epact auditor, third party kiosk content integration, and ongoing solar monitoring and O&M support
Oak Grove Unified School District San Jose, CA	Project engineer: provided construction management, commissioning, ongoing solar monitoring, and O&M
Hartnell Alisal Campus Salinas, CA	PV O&M field service manager: responsible for commissioning, STEM program support, ongoing solar monitoring, and O&M support
Salinas City Elementary School District Salinas, CA	PV O&M field service manager: responsible for commissioning, ongoing solar monitoring, and O&M support
City of Patterson Patterson, CA	PV O&M field service manager: responsible for commissioning, ongoing solar monitoring, and O&M support
Jefferson Elementary School District Daly City, CA	PV O&M field service manager: responsible for commissioning, ongoing solar monitoring, and O&M support
Franklin-McKinley Unified School District San Jose, CA	PV O&M field service manager: responsible for commissioning, ongoing solar monitoring, and O&M support

## Experience Prior To ENGIE Services

Project Experience	Responsibility / Role
University of Kansas-Malott Hall Renovation Lawrence, KS	Project engineer: responsible for computer modeling, project development, energy analysis, and HVAC, plumbing, and electrical design
Bank of America-Branch Construction Lawrence, KS	Project engineer: responsible for computer modeling, project development, energy analysis, and HVAC, plumbing, and electrical design
Kansas School for the Deaf and Blind-Renovation Overland Park, KS	Project engineer: responsible for computer modeling, project development, energy analysis, and HVAC, plumbing, and electrical design
First Security-Expansion Renovation Lawrence, KS	Project engineer: responsible for computer modeling; HVAC, plumbing, and electrical design; and communications and fire and safety design



## Caren Perlmutter

### Community Impact Manager

Caren has 10 years of experience in Community Impact program design and development. Caren works with partner cities, counties, and special districts to design and implement community engagement and workforce development programs that educate residents about the importance of sustainability and provide real-world, hands-on STEM opportunities for local youth.

Prior to joining ENGIE Services, Caren managed a variety of education programs at the American Museum of Natural History in New York. At the Museum, Caren supervised and trained over 200 Education Teaching Volunteers who guided thousands of visiting school children on field trips to the Museum, transformed a science after-school program into a revenue-generator for the Museum while preserving the Program's commitment to underserved populations, and directed a summer tour guide program for underserved youth aged 18-21 in a partnership with the New York Department of Youth and Community Development. Caren also piloted a STEM Mentoring program at the New York Academy of Sciences, where she recruited and trained 50 PhD students earning degrees in STEM (science, technology, engineering, and mathematics) disciplines to instruct after-school science courses to hundreds of middle school students in the most underserved areas of New York. The program has since spread both locally and globally, from Newark to Malaysia and beyond.

Caren has translated this education program management experience and STEM knowledge to her role with ENGIE Services, where she has the opportunity to turn partner school districts and cities into living learning laboratories by bringing infrastructure projects to life.

**Year Started with ENGIE Services (including legacy companies):**  
2013

**Years of Experience Prior to ENGIE Services:**  
6 years

**Education:**  
MPA, Environmental Science and Policy, Columbia University, New York, NY

MBA, Environmental Management, Yale University, New Haven, CT

BA, History, Yale University, New Haven, CT

**License(s)/Registration(s):**  
Former LEED Green Associate (expired in 2013)

### ENGIE Services' Project Experience

Project Experience	Responsibility / Role
City of Salinas, CA	Created Internship program in conjunction with Hartnell College
City of Gonzales, CA	Designed and facilitated hands-on solar-themed classroom visit to Gonzales High School
City of King City, CA	Created and facilitated customized hands-on experiences for the City's annual Pool Opening Celebration that connected sun safety with solar energy concepts

Project Experience	Responsibility / Role
Cosumnes Community Services District, CA	Engaged dozens of students enrolled in the District's Weird Science Summer Camp through creating and leading customized hands-on activities focused on sustainability
City of Waterford, CA	Designed and facilitated a hands-on activity center for the City's Annual Heritage Festival and accompanying Parade that engaged hundreds of residents

### Experience Prior To ENGIE Services

Project Experience	Responsibility / Role
Boston Consulting Group Dallas, TX	Summer consultant: conducted research to support a utility's \$2 billion transmission asset divestiture; completed data collection and analysis critical to a benchmarking study of U.S. retail energy distributors
New York Academy of Sciences New York, NY	STEM program coordinator: supervised and trained 50 PhD students studying STEM fields who served as mentors to hundreds of underserved middle school students
American Museum of Natural History New York, NY	Assistant manager: managed a corps of 200 education teaching volunteers; directed a summer tour guide program; led a science-focused afterschool program



## APPENDIX B

CITY COUNCIL  
Pedro "Pete" Sanchez, *Mayor*  
Lori Wilso, *Mayor ProTem*  
Jane Day  
Mike Hudson  
Michael Segala



Item 11  
CITY COUNCIL MEETING  
Attachment 3  
First and Third Tuesday  
Every Month

## CITY OF SUISUN CITY

701 Civic Center Blvd.  
Suisun City, California 94585

Incorporated October 9, 1868

Issue Date: March 20, 2018  
To: Plan Holders  
Proposals Due: **April 5, 2018 at 3:00 P.M. (No change in bid opening date.)**  
RE: Energy Efficiency Performance Project  
Total Pages: 3 (including this page and attachments)

This Clarification No. 1 is hereby incorporated into the Request for Qualifications.

Plan Holders must complete the acknowledgement form included with this clarification and attach it to their bid proposal. Consultants who do not include the acknowledgement form with their bid may be considered non-responsive. The acknowledgement is also to be faxed to the City at (707) 429-3758.

Consultants are responsible for carefully reviewing the information contained in this clarification and incorporating into their proposal.

This Clarification No. 1 must to be attached to your bid proposal or your bid may be considered non-responsive.

Any other questions must be submitted in writing to Amanda Dum, Management Analyst, at [adum@suisun.com](mailto:adum@suisun.com).

No questions to the contents of the Request for Qualifications, and clarification and/or addenda will be accepted by the City after 12 noon on April 2, 2018.

Thank you,

Gemma Geluz  
Administrative Assistant

DEPARTMENTS: AREA CODE (707)  
ADMINISTRATION 421-7300 ■ PLANNING 421-7200 ■ BUILDING 421-7310 ■ FINANCE 421-7320  
FIRE 425-9133 ■ RECREATION & COMMUNITY SERVICES 421-7200 ■ POLICE 421-7373 ■ PUBLIC WORKS  
421-7340

REDEVELOPMENT AGENCY 421-7309 ■ FAX 421-7366

## CLARIFICATION NO. 1

### CITY OF SUISUN CITY ENERGY EFFICIENCY PERFORMANCE PROJECT

The following question was submitted to the City:

Question:

Section 6, Minimum Qualifications

Submittals shall include the following:

b. ESCO Firm Information, including firm profile, organizational chart, and NAESCO accreditation;

- As NAESCO is a "pay for membership" can you provide clarification on other accreditation that might also be applicable?
- Can you add Department of Energy (DOE) Qualified ESCO?
- Can you add DOE IDIQ ESPC Energy Service Company?

Answer:

The following provides a modification to paragraph b., Page 4 of the Request for Qualifications (RFQ) under MINIMUM QUALIFICATIONS related to NAESCO accreditation. The purpose of the requested information was to help determine experience and qualifications of Energy Service Companies. Accordingly, we are expanding the current RFQ language as follows:

b. ESCO firm information, including firm profile, organizational chart, NAESCO accreditation, Department of Energy (DOE) qualified ESCO, and/or DOE Indefinite-Delivery Indefinite-Quantity (IDIQ) Energy Savings Performance Contract (ESPC) energy service company.

## ACKNOWLEDGEMENT FORM FOR

### CLARIFICATION NO. 1

#### City of Suisun City Plans and Specifications for: **ENERGY EFFICIENCY PERFORMANCE PROJECT**

Please sign and fax this page back to confirm that you have received this Clarification No. 1.

Kelly Fergusson



\_\_\_\_\_  
Name

ENGIE Services U.S. Inc.

\_\_\_\_\_  
Company

4/5/2018

\_\_\_\_\_  
Date

Fax to:

City of Suisun City  
707-429-3758

Attention: Gemma Geluz, Public Works Administrative Assistant

CITY COUNCIL  
Pedro "Pete" Sanchez, Mayor  
Lori Wilso, Mayor ProTem  
Jane Day  
Mike Hudson  
Michael Segala



Item 11  
CITY COUNCIL MEETING  
Attachment 3  
First and Third Tuesday  
Every Month

## CITY OF SUISUN CITY

701 Civic Center Blvd.  
Suisun City, California 94585

Incorporated October 9, 1868

Issue Date: March 27, 2018  
To: Plan Holders  
Proposals Due: **April 5, 2018 at 3:00 P.M. (No change in bid opening date.)**  
RE: Energy Efficiency Performance Project – CLARIFICATION No. 2  
Total Pages: 3 (including this page and attachments)

This Clarification No. 2 is hereby incorporated into the Request for Qualifications.

Plan Holders must complete the acknowledgement form included with this clarification and attach it to their bid proposal. Consultants who do not include the acknowledgement form with their bid may be considered non-responsive. The acknowledgement is also to be faxed to the City at (707) 429-3758.

Consultants are responsible for carefully reviewing the information contained in this clarification and incorporating into their proposal.

This Clarification No. 2 must to be attached to your bid proposal or your bid may be considered non-responsive.

Any other questions must be submitted in writing to Amanda Dum, Management Analyst, at [adum@suisun.com](mailto:adum@suisun.com).

No questions to the contents of the Request for Qualifications, and clarification and/or addenda will be accepted by the City after 12 noon on April 2, 2018.

Thank you,

Gemma Geluz  
Administrative Assistant

DEPARTMENTS: AREA CODE (707)  
ADMINISTRATION 421-7300 ■ PLANNING 421-7200 ■ BUILDING 421-7310 ■ FINANCE 421-7320  
FIRE 425-9133 ■ RECREATION & COMMUNITY SERVICES 421-7200 ■ POLICE 421-7373 ■ PUBLIC WORKS  
421-7340

REDEVELOPMENT AGENCY 421-7309 ■ FAX 421-7366

## CLARIFICATION NO. 2

### CITY OF SUISUN CITY ENERGY EFFICIENCY PERFORMANCE PROJECT

The following question was submitted to the City:

Question 1:

Would the City entertain the possibility of a sole focus bid on streetlighting only? This would allow the City to not delay the streetlighting conversion which is likely the fastest to be completed and maximize savings.

Answer 1:

Please note that this is a Request for Qualifications and although your submittal should provide information which clearly demonstrates your firm's qualifications, experience, and approach, we are not asking for detailed task descriptions or specific project recommendations. We expect that the selected company as part of Phase I – Audit and Project Development, will provide specific recommendations regarding packaging and bidding specific project improvements. The City will then make decisions we believe are in the best interests of the City and residents based upon the recommendations of the selected company.

Question 2:

The City's current due date of April 6 is very fast. Can the City provide a 1-2 week extension given the Easter holiday.

Answer 2:

The April 5, 2018 due date will not be extended.

## ACKNOWLEDGEMENT FORM FOR

### CLARIFICATION NO. 2

#### City of Suisun City Plans and Specifications for: **ENERGY EFFICIENCY PERFORMANCE PROJECT**

Please sign and fax this page back to confirm that you have received this Clarification No. 2.

Kelly Fergusson

Name



ENGIE Services U.S. Inc

Company

4/5/2018

Date

Fax to:

City of Suisun City  
707-429-3758

Attention: Gemma Geluz, Public Works Administrative Assistant

## AGENDA TRANSMITTAL

**MEETING DATE:** May 15, 2018

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**CITY AGENDA ITEM:** Initiate and Provide Intent to the Levy and Collection of Assessments for the City's Maintenance Assessment Districts:

- a. Council Adoption of Resolutions No. 2018-\_\_\_: Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation and Filing of the Engineer's Report Related to the Suisun City Maintenance Assessment Districts for Fiscal Year 2018-19.
- b. Council Adoption of Resolutions No. 2018-\_\_\_: Declaring its Intention to Levy and Collect Assessments Within the City's Maintenance Assessment Districts for Fiscal Year 2018-19 and Announcing That the Associated Public Hearing Will Be Held on June 19, 2018.

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**FISCAL IMPACT:** There would be no fiscal impact from this action.

---

**BACKGROUND:** The Maintenance Assessment Districts (MADs) are important components of the City's landscape and lighting maintenance and our dredging programs. Together they generate over \$1 million annually in assessments (Non-General Fund) to perform the work.

The proposed assessments would be collected for the City by the Solano County Auditor/Controller, via the secured property tax bills of the assessable parcels within each of the District boundaries. For Fiscal Year 2018-19, maximum assessments will vary from \$75.00 to \$3,632.52 per equivalent dwelling unit (EDU), depending on the District.

With the exception of Heritage Park, Montebello Vista and Marina Dredging, the Districts are subject to an annual inflation factor based on the Annual Construction Cost Index (CCI) as published in the April issue of the Engineering News Record magazine. This year the annual inflation factor was 2.721% increasing the assessments approximately \$0.00 to \$96.22 per EDU, depending on the District. The total assessments collected, with CCI increases, will be approximately \$1,202,100.

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**STAFF REPORT:** This resolution would initiate the routine annual process of ultimately levying assessments on the City's Maintenance Assessment Districts. The City of Suisun City has eight Maintenance Assessment Districts (MAD): Blossom, Heritage Park, Lawler Ranch, Marina Village Channel Improvement, Montebello Vista, Peterson Ranch, Railroad Avenue and the Victorian Harbor Maintenance Assessment Districts. Six were created in accordance with the Landscaping and Lighting Act of 1972. Two, Marina Village and Victorian Harbor, were created in accordance with the Municipal Improvement Act of 1913. Both Acts require the preparation of annual Engineer's Reports for each MAD, including the individual Victorian Harbor Districts.

**PREPARED BY:**

Amanda Dum, Management Analyst I

**REVIEWED/APPROVED BY:**

Mike Kashiwagi, Interim Public Works Director  
Suzanne Bragdon, City Manager

During the months of March and April, staff held the annual meetings for each District to discuss District funding, past year accomplishments, the current landscape contract and any concerns or requests for the coming year. Feedback from these meetings was overwhelmingly positive. The meetings have been held on a regular basis over the last nine years. The meetings have facilitated greater communication between the attending residents for each MAD and City staff. Only three MADs warrant a specific update on status as noted below.

- **Montebello Vista District** (MBV) continues to be in a holding pattern, as the MAD does not generate sufficient revenue to meet basic maintenance requirements of Montebello Vista Park, the medians at the entrance of the neighborhood and streetlights. In an effort to infuse Montebello Park with funding to assist the MAD in providing a sustainable level of maintenance, the Recreation and Community Services Department (R&CSD) will develop and utilize Montebello Vista Park as a multi-use facility, including a sports field to accommodate both football and soccer activities. This space will allow the Recreation and Community Services Department (R&CSD) to program adult soccer at this location. R&CSD will operate both an 11 v 11 full field soccer field and 6 v 6 half field soccer field. Both of these programs will generate revenue, 20% of which will be reinvested in the maintenance of Montebello Vista Park. The days that the R&CSD is not programming the space, it would be available for rent with 80% of the rental fee going back to maintenance of the park. The City Council has dedicated \$20,000 of general fund money in the current fiscal year budget for this purpose. Funds will be used for sports field preparation, equipment and supplies needed to convert of Montebello Vista Park to a multi-use park.
- **Heritage Park District** continues with its static revenue stream, which is not sustainable over time. As a result, Heritage Park is currently being maintained at “C” Level of Service, which is the lowest level of service that is generally recommended. Some examples of a Level of Service “C” vs. a Service “A” or “B” can be described as follows:
  - 1) Trash removal is twice monthly rather than weekly;
  - 2) Weed control in turf areas is twice per year rather than quarterly or three times per year; and
  - 3) Weed control along pathways is monthly rather than twice monthly.

The roadway medians along Sunset Avenue and along New Railroad fall within this District. Through the next year, staff will work more closely with the residents within this District to work towards a longer-term strategy.

- **Peterson Ranch** has absorbed the new homes built as part of the Zephyr/Jubilee Estates residential development now that the all construction has been completed. This new subdivision is located at the corner of Walters Road and East Tabor The newly developed area will be maintained as part of the Peterson Ranch Maintenance Assessment District.

With this action, the City Council is being asked to initiate the process, consider for approval the Preliminary Engineer's Reports for all Districts, declare the intent to levy and collect assessments for all Districts, and establish June 19, 2018, at 7:00 p.m. for the required Public Hearing. This meeting does not provide final approval of the FY18-19 levy amounts and does not trigger the actual assessments.

At the Public Hearing, Council should allow property owners the opportunity to address the Council concerning the Districts, and the Council may approve or amend the Preliminary Engineer's Report, order the levy and collection of taxes. Our consultant will then prepare the Assessor Parcel Assessment Report to be sent to the County prior to the Assessor's deadline on August 3, 2018.

---

**STAFF RECOMMENDATION:** It is recommended that the City Council adopt:

1. Resolutions No. 2018-\_\_\_: Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation and Filing of the Engineer's Report Related to the Suisun City Maintenance Assessment Districts for Fiscal Year 2018-19.
2. Resolution 2018-\_\_\_: Declaring its Intention to Levy and Collect Assessments Within the City's Maintenance Assessment Districts for Fiscal Year 2018-19 and Announcing That the Associated Public Hearing Will Be Held on June 19, 2018.

---

**ATTACHMENTS:**

1. Resolution No. 2018-\_\_\_: Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation and Filing of the Engineer's Report Related to the Suisun City Maintenance Assessment Districts for Fiscal Year 2018-19.
2. Resolution No. 2018-\_\_\_: Declaring its Intention to Levy and Collect Assessments Within the City's Maintenance Assessment Districts for Fiscal Year 2018-19 and Announcing That the Associated Public Hearing Will be Held on June 19, 2018.
3. Table Summarizing Proposed District Assessments for FY 2018-19.
4. Preliminary Engineer's Reports FY 2018-19 (due to size are available with the City Clerk). Report includes the FY 2018-19 Parcel Listings.

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**RESOLUTION NO. 2018-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
INITIATING PROCEEDINGS FOR THE ANNUAL LEVY AND COLLECTION OF  
ASSESSMENTS AND ORDERING THE PREPARATION AND FILING OF THE  
ENGINEER’S REPORT RELATED TO THE SUISUN CITY MAINTENANCE  
ASSESSMENT DISTRICTS FOR FISCAL YEAR 2018-19**

**WHEREAS**, the City Council has by previous Resolutions formed and levied annual assessments for the **Blossom Maintenance Assessment District, Heritage Park Maintenance Assessment District, Lawler Ranch Maintenance Assessment District, Marina Village Channel Improvement District, Montebello Vista Maintenance Assessment District, Peterson Ranch Maintenance Assessment District, Railroad Avenue Maintenance Assessment District and Victorian Harbor Maintenance Assessment District** (hereafter referred to as the “Districts”), pursuant to the provisions of the *Landscape and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500)* and the *Municipal Improvement Act of 1913, Division 12 of the California Streets and Highways Code (commencing with Section 10000)* (hereafter referred to as the “Acts”) that provide for the levy and collection of assessments for the City of Suisun City to pay the maintenance and services of all improvements and facilities related thereto; and,

**WHEREAS**, the City Council wishes to initiate proceedings to provide for the levy and collection of assessments for Fiscal Year 2018-19 in order to provide for the necessary costs and expenses pertaining to the maintenance of the improvements within the Districts.

**WHEREAS**, the City Council has retained NBS for the purpose of assisting with the annual levy of the Districts and the preparation and filing of an Annual Engineer’s Report (the “Report”) with the City Clerk in accordance with the Acts.

**NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICTS, PURSUANT TO THE ACTS, AS FOLLOWS:**

**Section 1** The City Council hereby orders NBS to prepare and file with the City Clerk the Report concerning the levy and collection of assessments for the Districts for the Fiscal Year commencing July 1, 2018 and ending June 30, 2019 in accordance with *Chapter 3, Section 22622 of the Landscape and Lighting Act of 1972*.

**Section 2** The improvements within the Districts may include operation, maintenance, and servicing of landscaping, street lighting, channel maintenance, parks, median island landscaping, alleyway landscaping, hardscape, sound walls, and appurtenant facilities within the boundaries of the Districts. Services provided include all necessary service, operations, administration and maintenance required to keep the improvements in a healthy, vigorous and satisfactory condition. The improvements within the Districts are outlined in the Report, which provide details of all improvements

**Section 3** There will be no changes to the improvements and services to be provided for Fiscal Year 2018-19.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Suisun City held on Tuesday the 15<sup>h</sup> day of May, 2018, by the following vote:

<b>AYES:</b>	Councilmembers:	_____
<b>NOES:</b>	Councilmembers:	_____
<b>ABSENT:</b>	Councilmembers:	_____
<b>ABSTAIN:</b>	Councilmembers:	_____

**WITNESS** my hand and the seal of said City this 15<sup>th</sup> day of May, 2018.

\_\_\_\_\_  
Linda Hobson, CMC  
City Clerk

**RESOLUTION NO. 2018-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN  
THE CITY'S MAINTENANCE ASSESSMENT DISTRICTS FOR  
FISCAL YEAR 2018-19 AND ANNOUNCING THAT THE ASSOCIATED PUBLIC  
HEARING WILL BE HELD ON JUNE 19, 2018**

**WHEREAS**, the City Council has by previous Resolutions formed and levied annual assessments for the **Blossom Maintenance Assessment District, Heritage Park Maintenance Assessment District, Lawler Ranch Maintenance Assessment District, Marina Village Channel Improvement District, Montebello Vista Maintenance Assessment District, Peterson Ranch Maintenance Assessment District, Railroad Avenue Maintenance Assessment District and Victorian Harbor Maintenance Assessment District** (hereafter referred to as the "Districts"), pursuant to the provisions of the *Landscape and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500)* and the *Municipal Improvement Act of 1913, Division 12 of the California Streets and Highways Code (commencing with Section 10000)* (hereafter referred to as the "Acts"); and,

**WHEREAS**, the City Council pursuant to the provisions of the Act did by previous Resolution, order the preparation of an annual Engineer's Report for the Maintenance Districts.

**WHEREAS**, NBS has filed with the City Clerk the Annual Engineer's Report (the "Report") concerning the cost of maintaining the improvements in such Districts for Fiscal Year 2018-19; and,

**WHEREAS**, this City Council has carefully examined and reviewed the Report as presented and is preliminarily satisfied with the Districts, each and all of the budget items and documents as set forth therein, and is satisfied that the levy amounts, on a preliminary basis, have been assessed in accordance with the special benefit received from the improvements, operation, maintenance and services to be performed within the Districts, as set forth in said Report.

**NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICTS, PURSUANT TO THE ACTS, AS FOLLOWS:**

**Section 1 Engineer of Record:** Mike Kashiwagi, the interim City Engineer of Suisun City, is designated as Engineer of Work for purposes of the District.

**Section 2 Intention:** The City Council hereby declares its intention to levy and collect assessments within the Districts pursuant to the Act for Fiscal Year 2018-19.

**Section 3 Engineer's Report:** The Report, as presented, is hereby approved on a preliminary basis and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection. Reference is made to the Report for a full and detailed description of the improvements to be maintained, the boundaries of the Districts and the proposed assessments upon assessable lots and parcels of land within the Districts.

**Section 4 Description of Improvements:** The improvements within the Districts may include operation, maintenance, and servicing of landscaping, street lighting, channel maintenance, parks, median island landscaping, alleyway landscaping, hardscape, sound walls, and appurtenant facilities within the boundaries of the Districts. Services provided include all necessary service, operations, administration and maintenance required to keep the improvements in a healthy, vigorous and satisfactory condition. For a full and detailed description of the improvements, please refer to the Engineer’s Report on file with the City Clerk.

**Section 5 Proposed Assessment Amounts:** For Fiscal Year 2018-19, the proposed assessments are outlined in the Report which details any changes or increases in the annual assessment, and is on file with the City Clerk.

**Section 6 Public Hearing:** The City Council hereby declares its intention to conduct a Public Hearing annually concerning the levy of assessments for the Districts in accordance with *Chapter 3, Section 22626* of the Act.

**Section 7 Notice:** The City shall give notice of the time and place of the Public Hearing to all property owners within the Districts by causing the publishing of this Resolution once in the local newspaper, not less than ten (10) days before the date of the Public Hearing, and by posting a copy of this resolution on the official bulletin board customarily used by the City Council for the posting of notices. Any interested person may file a written protest with the City Clerk prior to the conclusion of the Public Hearing, or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and a protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. At the Public Hearing all interested persons shall be afforded the opportunity to hear and be heard.

**Section 8 Notice of Public Hearing:** Notice is hereby given that a Public Hearing on these matters will be held by the City Council on **Tuesday, June 19, 2018 at 7:00 p.m.** or as soon thereafter as feasible in the City Council Chambers located at 701 Civic Center Boulevard, Suisun City.

**Section 9** That the City Clerk shall certify to the passage and adoption of this Resolution and the minutes of this meeting shall so reflect the presentation of the Report.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Suisun City held on Tuesday the 15<sup>th</sup> day of May, 2018, by the following vote:

**AYES:** Councilmembers: \_\_\_\_\_  
**NOES:** Councilmembers: \_\_\_\_\_  
**ABSENT:** Councilmembers: \_\_\_\_\_  
**ABSTAIN:** Councilmembers: \_\_\_\_\_

**WITNESS** my hand and the seal of said City this 15<sup>th</sup> day of May, 2018.

\_\_\_\_\_  
Linda Hobson, CMC  
City Clerk

**Summary of Proposed District Assessments - Fiscal Year 2018-19**

District	# of Parcels & EDU's	NEW PROPOSED LEVY - FY2018-19 Assessment per EDU	FY 2017-18 Assessment per EDU	ENR CCI (2.721%) Increase FY 2018- 19	Year First Assessed
Blossom	113	\$ 162.03	\$ 157.74	\$ 4.29	92/93
Heritage Park	759	\$ 192.64	\$ 192.64	\$ -	92/93
Lawler Ranch	1,304.30	\$ 251.82	\$ 245.15	\$ 6.67	90/91
Marina Village - Inlet	25	\$ 1,127.68	\$ 1,127.68	\$ -	95/96
Marina Village - Inlet & Main	16	\$ 1,199.92	\$ 1,199.92	\$ -	
Marina Village - Commercial	1	\$ 4,688.28	\$ 4,688.28	\$ -	
Montebello Vista	486	\$ 75.00	\$ 75.00	\$ -	89/90
Peterson Ranch	605	\$ 345.75	\$ 336.59	\$ 9.16	02/03
Railroad Avenue	2	\$ 3,632.52	\$ 3,536.30	\$ 96.22	91/92
Victorian Harbor A - Dredging	94	\$ 269.35	\$ 262.22	\$ 7.13	94/95
Victorian Harbor A - Maintenance	94	\$ 746.83	\$ 727.05	\$ 19.78	94/95
Victorian Harbor B - Dredging	20.95	\$ 269.35	\$ 262.22	\$ 7.13	94/95
Victorian Harbor B - Maintenance	20.95	\$ 746.83	\$ 727.05	\$ 19.78	94/95
Victorian Harbor C-D - Dredging	119.99	\$ 269.35	\$ 262.22	\$ 7.13	94/95
Victorian Harbor C-D - Maintenance	119.99	\$ 1,120.59	\$ 1,090.91	\$ 29.68	94/95
Victorian Harbor E - Dredging	55	\$ 269.35	\$ 262.22	\$ 7.13	94/95
Victorian Harbor E - Maintenance	55	\$ 746.83	\$ 727.05	\$ 19.78	94/95
Victorian Harbor F - Dredging	89	\$ 269.35	\$ 262.22	\$ 7.13	94/95
Victorian Harbor F - Maintenance	89	\$ 746.83	\$ 727.05	\$ 19.78	94/95

EDU = Equivalent Dwelling Unit

ENR CCI = Adjusted annual inflator produced by the Engineer's News Record Construction Cost Index.

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## AGENDA TRANSMITTAL

**MEETING DATE:** May 15, 2018

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**CITY AGENDA ITEM:** Initiate and Provide Intent to the Levy and Collection of Assessments for the Parking Benefit Assessment District:

- a. Council Adoption of Resolution No. 2018-\_\_\_: Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation and Filing of the Engineer's Report Related to the McCoy Creek Parking Benefit Assessment District for Fiscal Year 2018-19; and
- b. Council Adoption of Resolution No. 2018-\_\_\_: Declaring Its Intention to Levy and Collect Assessments Within the McCoy Creek Parking Benefit Assessment District for Fiscal Year 2018-19.

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**FISCAL IMPACT:** There would be no fiscal impact from this action.

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**BACKGROUND:** This action is an annual, routine process relating to the assessment for the McCoy Creek Parking Assessment District (PAD). The proposed assessments would be collected for the City by the Solano County Auditor/Controller, via the secured property tax bills of the assessable parcels within the District boundary, to fund the parking improvements and the ongoing maintenance. For Fiscal Year 2018-19, maximum assessments would be \$95.17 per equivalent dwelling unit. The total District budget would be \$7,137.75. This District provides services that benefit the properties assessed.

The maximum assessment is subject to an annual inflation factor based on the Annual Construction Cost Index (CCI) as published in the first issue of each April of the Engineering News Record magazine. This year the annual inflation factor was 2.721%, increasing the maximum assessment for FY 2018-19 from \$92.65 to \$95.17.

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**STAFF REPORT:** As a condition of approval for the McCoy Creek Development Project, the developer was required to create a Parking Assessment District (PAD) to offset long-term maintenance costs associated with the on-street parking within public right-of-way. The City Council and applicant agreed to the formation of a PAD to offset the long-term maintenance of on-street parking.

The number of on-street parking spaces provided is 75. The Mixed-Use Portion and Commercial development is required to pay for the long-term maintenance of the on-street parking, because those units are benefiting from the deviation to the City's off-street parking requirements and utilizing public right-of-way.

The boundaries of the district are described as within the area bounded by McCoy Creek Way to the North, Gray Hawk Lane to the South, Crescent Elementary School to the East and Grizzly

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**PREPARED BY:**  
**REVIEWED BY:**  
**APPROVED BY:**

Amanda Dum, Management Analyst I  
Mike Kashiwagi, Interim Public Works Director  
Suzanne Bragdon, City Manager

Island Road to the West. The District consists of mixed parcel types and is proposed to include 75 assessable equivalent dwelling units (on-street parking spaces).

Today, the City Council is being asked to initiate the process, consider for approval the Preliminary Engineer's Reports for Parking Benefit Assessment District, declare the intent to levy and collect assessments for all Districts, and establish June 19, 2018, at 7:00pm for the required Public Hearing. There would be a 2.721% (rounded to 2.72%) increase for Fiscal Year 2018-19. This process occurs every year.

At the Public Hearing, Council should allow property owners the opportunity to address the Council concerning the districts, and the Council may approve or amend the Preliminary Engineers Reports and order the levy and collection of taxes. Then NBS would prepare the taped Assessor Parcel Assessment Report to be sent to the County in time for the assessor's deadline on August 3, 2018.

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**STAFF RECOMMENDATION:** It is recommended that the City Council adopt:

1. Resolution No. 2018-\_\_\_: Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation and Filing of the Engineer's Report Related to the McCoy Creek Parking Benefit Assessment District for Fiscal Year 2018-19.
2. Resolution No. 2018-\_\_\_: Declaring Its Intention to Levy and Collect Assessments Within the McCoy Creek Parking Benefit Assessment District for Fiscal Year 2018-19.

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**ATTACHMENTS:**

1. Resolution No. 2018-\_\_\_: Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation and Filing of the Engineer's Report Related to the McCoy Creek Parking Benefit Assessment District for Fiscal Year 2018-19.
2. Resolution No. 2018-\_\_\_: Declaring Its Intention to Levy and Collect Assessments Within the McCoy Creek Parking Benefit Assessment District for Fiscal Year 2018-19.
3. FY 2018-19 Preliminary Engineer's Report - McCoy Creek Benefit Assessment District.

**RESOLUTION NO. 2018-\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
INITIATING PROCEEDINGS FOR THE ANNUAL LEVY AND COLLECTION OF  
ASSESSMENTS AND ORDERING THE PREPARATION AND FILING OF THE  
ENGINEER’S REPORT RELATED TO THE MCCOY CREEK PARKING BENEFIT  
ASSESSMENT DISTRICT FOR FISCAL YEAR 2018-19**

**WHEREAS**, the City Council has by previous Resolutions formed and levied annual assessments for the **McCoy Creek Parking Benefit Assessment District** (hereafter referred to as the “District”), pursuant to the *Benefit Assessment Act of 1982, Title 5 Division 2, of the California Government Code (commencing with Section 54703)* (hereafter referred to as the “Act”) that provides for the levy and collection of assessments for the City of Suisun City to pay the maintenance and services of all improvements and facilities related thereto; and,

**WHEREAS**, the City Council wishes to initiate proceedings to provide for the levy and collection of assessments for Fiscal Year 2018-19 in order to provide for the necessary costs and expenses pertaining to the maintenance of the improvements within the District.

**WHEREAS**, the City Council has retained NBS for the purpose of assisting with the annual levy of the District and the preparation and filing of an Annual Engineer’s Report (the “Report”) with the City Clerk in accordance with the Act.

**NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, PURSUANT TO THE ACT, AS FOLLOWS:**

**Section 1** The City Council hereby orders NBS to prepare and file with the City Clerk the Report concerning the levy and collection of assessments for the District for the Fiscal Year commencing July 1, 2018 and ending June 30, 2019.

**Section 2** The improvements that are being maintained in accordance with the Act, are the construction, operation, maintenance, and servicing of parking facilities including, but not limited to, maintenance, replacement, repair, materials, personnel, contracting services, and other items necessary for the satisfactory operation of these services. There are no substantial changes proposed to be made to existing improvements.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Suisun City, duly held on the 15<sup>th</sup> day of May, 2018 by the following vote:

<b>AYES:</b>	Councilmembers:	_____
<b>NOES:</b>	Councilmembers:	_____
<b>ABSENT:</b>	Councilmembers:	_____
<b>ABSTAIN:</b>	Councilmembers:	_____

**WITNESS** my hand and the seal of said City this 15<sup>th</sup> day of May, 2018.

\_\_\_\_\_  
Linda Hobson, CMC  
City Clerk

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**RESOLUTION NO. 2018-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN  
THE MCCOY CREEK PARKING BENEFIT ASESMENT DISTRICT FOR FISCAL  
YEAR 2018-19**

**WHEREAS**, the City Council has by previous Resolutions formed and levied annual assessments for the **McCoy Creek Parking Benefit Assessment District** (hereafter referred to as the “District”), pursuant to the *Benefit Assessment Act of 1982, Title 5 Division 2, of the California Government Code (commencing with Section 54703)* (hereafter referred to as the “Act”) that provides for the levy and collection of assessments for the City of Suisun City to pay the maintenance and services of all improvements and facilities related thereto; and,

**WHEREAS**, the City Council pursuant to the provisions of the Act did by previous Resolution, order the preparation of an annual Engineer’s Report for the District.

**WHEREAS**, NBS has filed with the City Clerk the Annual Engineer’s Report (the “Report”) concerning the cost of maintaining the improvements in such District for Fiscal Year 2018-19; and,

**WHEREAS**, this City Council has carefully examined and reviewed the Report as presented and is preliminarily satisfied with the District, each and all of the budget items and documents as set forth therein, and is satisfied that the levy amounts, on a preliminary basis, have been assessed in accordance with the special benefit received from the improvements, operation, maintenance and services to be performed within the District, as set forth in said Report.

**NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, PURSUANT TO THE ACT, AS FOLLOWS:**

**Section 1 Engineer of Record:** Mike Kashiwagi, the interim City Engineer of Suisun City, is designated as Engineer of Work for purposes of the District.

**Section 2 Intention:** The City Council hereby declares its intention to levy and collect assessments within the District pursuant to the Act for Fiscal Year 2018-19.

**Section 3 Engineer’s Report:** The Report, as presented, is hereby approved on a preliminary basis and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection. Reference is made to the Report for a full and detailed description of the improvements to be maintained, the boundaries of the District and the proposed assessments upon assessable lots and parcels of land within the District.

**Section 4 Description of Improvements:** The improvements that are being maintained in accordance with the Act, are the construction, operation, maintenance, and servicing of parking facilities including, but not limited to, maintenance, replacement, repair, materials, personnel, contracting services, and other items necessary for the satisfactory operation of these services. There are no substantial changes proposed to be made to existing improvements.

**Section 5 Proposed Assessment Amounts:** For Fiscal Year 2018-19, the proposed assessments are outlined in the Report which details any changes or increases in the annual assessment, and is on file with the City Clerk.

**Section 6 Public Hearing:** The City Council hereby declares its intention to conduct a Public Hearing annually concerning the levy of assessments for the District. Notice is hereby given that a Public Hearing on these matters will be held by the City Council on **Tuesday June 19, 2018 at 7:00 p.m.** or as soon thereafter as feasible in the City Council Chambers located at 701 Civic Center Boulevard, Suisun City.

**Section 9** That the City Clerk shall certify to the passage and adoption of this Resolution and the minutes of this meeting shall so reflect the presentation of the Report.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Suisun City, duly held on the 15<sup>th</sup> day of May, 2018 by the following vote:

<b>AYES:</b>	Councilmembers:	_____
<b>NOES:</b>	Councilmembers:	_____
<b>ABSENT:</b>	Councilmembers:	_____
<b>ABSTAIN:</b>	Councilmembers:	_____

**WITNESS** my hand and the seal of said City this 15<sup>th</sup> day of May, 2018.

\_\_\_\_\_  
Linda Hobson, CMC  
City Clerk

# CITY OF SUISUN CITY

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## McCoy Creek Parking Benefit Assessment District

### Fiscal Year 2018/19 Engineer's Report

May 2018

#### OFFICE LOCATIONS:

**Temecula – Corporate Headquarters**  
32605 Temecula Parkway, Suite 100  
Temecula, CA 92592

**San Francisco – Regional Office**  
870 Market Street, Suite 1223  
San Francisco, CA 94102

**California Satellite Offices**  
Atascadero, Davis  
Huntington Beach,  
Joshua Tree, Riverside  
Sacramento, San Jose

[www.nbsgov.com](http://www.nbsgov.com)

Prepared by:



# TABLE OF CONTENTS

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- 1. **Engineer’s Letter**..... 1
- 2. **Plans and Specifications**..... 2
  - Description of the Boundaries of the District ..... 2
  - Description of Improvements and Services ..... 2
- 3. **Estimate of Costs** ..... 3
- 4. **Assessments** ..... 4
  - Method of Apportionment..... 4
  - Proposition 218 Requirements ..... 5
- 5. **Assessment Diagram**..... 6
- 6. **Assessment Roll**..... 7

# 1. ENGINEER’S LETTER

**WHEREAS**, the City Council of the City of Suisun City (the “City”) has previously formed the following special benefit assessment district pursuant to terms of the “Benefit Assessment Act of 1982”, Chapter 6.4, Division 2, Title 5 of the California Government Code (commencing with Section 54703) (hereafter referred to as the “Act”). The district is known and designated as the McCoy Creek Parking Benefit Assessment District (the “District”);

**WHEREAS**, on May 15, 2018, the City Council under the Act, adopted its Resolution Initiating Proceedings for the Annual Levy of Assessments and Ordering the Preparation of an Engineer’s Report for the District;

**WHEREAS**, the Resolution of Initiation directed NBS to prepare and file a report presenting plans and specifications describing the general nature, location and extent of the improvements to be maintained, an estimate of the costs of the maintenance, operations, and servicing of the improvements for the District for the referenced fiscal year, a diagram for the District, showing the boundaries of the District and properties to be assessed, and an assessment of the estimated costs of the maintenance, operations, and servicing the improvements, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefit received;

**NOW THEREFORE**, the following assessment is proposed to be authorized in order to pay for the estimated costs of maintenance, operation, and servicing of improvements to be paid by the assessable real property within the boundaries of the District in proportion to the special benefit received.

### SUMMARY OF ASSESSMENT

Description	Estimated for Fiscal Year 2018/19
Estimated Fiscal Year 2018/19 Levy*	\$7,137.68
Total District Equivalent Dwelling Units	75.00
Fiscal Year 2018/19 Assessment Per EDU	\$95.17

\*Assessment for each parcel rounded down to nearest even cent for County tax roll purposes.

## 2. PLANS AND SPECIFICATIONS

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### Description of the Boundaries of the District

The boundaries of the District are described as the area bounded by McCoy Creek Way to the north, Gray Hawk Lane to the south, Crescent Elementary School to the east, and Grizzly Island Road to the west. The District consists of mixed-use parcel types and is proposed to include 75 on-street parking spaces at build-out for Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 13.

### Description of Improvements and Services

In accordance with the Act, the improvements are the construction, operation, maintenance, and servicing of parking facilities including, but not limited to, maintenance, replacement, repair, materials, personnel, contracting services, and other items necessary for the satisfactory operation of these services.

Reference is made to the plans and specifications for the improvements, which are on file with the City. The table below lists specific improvements within the District:

**Parking Areas and Facilities:**

75 on-street parking spaces benefiting Lots 1 through 10 and Lot 13, located on the south side of McCoy Creek Way, west of Crescent Elementary School, east of Grizzly Island Road, and north of Gray Hawk Lane.

### 3. ESTIMATE OF COSTS

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The following page shows the estimate of costs related to the District.

## 4. ASSESSMENTS

The amount of the assessment for Fiscal Year 2018/19 apportioned to each parcel as shown on the latest equalized roll at the Solano County Assessor’s office are listed in Section 6 of this Engineer’s Report. The description of each lot or parcel is part of the records of the County Assessor and such records are, by reference, made part of this Engineer’s Report.

### Method of Apportionment

Pursuant to the Act and Article XIII D of the Constitution of the State of California, all parcels that have special benefit conferred upon them as a result of the maintenance and operation of improvements shall be identified and the proportionate special benefit derived by each identified parcel shall be determined in relationship to the entire cost of the maintenance and operation of the improvements. Only parcels that receive direct special benefit are assessed, and each parcel is assessed in proportion to the estimated benefit received. An Equivalent Dwelling Unit (EDU) of benefit per parcel/unit type is equal to the on-street parking spaces benefiting the parcel.

The District consists of three development types: Single-Family Attached parcels – (Retail Space) (“SFA”); Residential/Commercial parcels – (Carriage Unit over Retail) – (Live-Work or “L-W”); and Commercial parcels (“COM”), subject to this assessment. For any fiscal year, the Estimated Costs are apportioned as follows: each SFA parcel is deemed to receive 3.30 EDUs of benefit per parcel/unit type; each L-W parcel is deemed to receive 4.30 EDUs of benefit per each parcel/unit type; and each COM parcel is deemed to receive 1 EDU per 250 square feet of building area. The total EDU count for the District is 75.00 EDUs. Please refer to Section 7 of the Original Engineer’s Report for a full description and breakdown of the actual EDU calculations for the District.

The annual assessment for each parcel is calculated first by dividing the total District Estimated Costs by the total EDU count, thus yielding an assessment rate per EDU; second, multiplying the quotient from the first step by a given parcel’s individual EDU value. (Note: the actual annual assessment per EDU cannot exceed the Maximum Assessment described in this section without appropriate proceedings being conducted by the City.)

The District costs are spread to each of the 75 EDUs within the District as follows:

Estimated Fiscal Year 2018/19 Levy*	\$7,137.68
Total District Equivalent Dwelling Units	75.00
Fiscal Year 2018/19 Assessment Per EDU	\$95.17

\*Assessment for each parcel rounded down to nearest even cent for County tax roll purposes.

## Proposition 218 Requirements

This rate is to automatically increase in future years based on the Annual Construction Cost Index for San Francisco as published in the first issue of each April of the Engineering News Record magazine (“April Construction Cost Index”). The confirmed assessment per EDU for Fiscal Year 2006/07 sets the initial maximum assessment. If the actual assessment in any succeeding year increases by a percentage no greater than the April Construction Cost Index, the assessment shall not be considered an increase. The table below shows the April Construction Cost Index history and the authorized assessment related to the increase.

<b>Fiscal Year</b>	<b>Percentage Increase</b>	<b>Maximum Assessment</b>	<b>Actual Assessment</b>
2006/07	N/A	\$66.74	\$66.74
2007/08	7.76%	71.93	71.92
2008/09	0.58%	72.36	72.36
2009/10	6.56%	77.07	77.07
2010/11*	0.00%	77.07	77.07
2011/12	4.42%	80.48	80.48
2012/13	2.07%	82.15	82.15
2013/14	0.02%	82.17	82.17
2014/15	5.03%	86.30	86.30
2015/16	2.46%	88.42	88.42
2016/17	3.55%	91.56	91.56
2017/18	1.19%	92.65	92.65
2018/19	2.72%	95.17	95.17

\*The 2010/11 percentage increase in the annual April Construction Cost Index is -0.26%, and as such the maximum assessment rate for 2010/11 remains the same as the prior year.

## 5. ASSESSMENT DIAGRAM

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An Assessment Diagram for the District has been submitted to the City in the format required under the provisions of the Act. The lines and dimensions shown on maps of the County Assessor for the current year are incorporated by reference herein and made part of this Engineer's Report.

## 6. ASSESSMENT ROLL

The following is a detailed listing within the District that will be assessed for Fiscal Year 2018/19.

APN	Parcel Type	EDUs	Fiscal Year 2018/19 Assessment*
0173-811-010	SFA	3.30	\$314.06
0173-811-020	L-W	4.30	409.22
0173-811-030	COM	37.00	3,521.28
0173-811-060	L-W	4.30	409.22
0173-811-070	L-W	4.30	409.22
0173-811-080	SFA	3.30	314.06
0173-811-090	SFA	3.30	314.06
0173-811-100	SFA	3.30	314.06
0173-811-110	L-W	4.30	409.22
0173-811-120	L-W	4.30	409.22
0173-812-180	SFA	3.30	314.06
<b>Totals:</b>		<b>75.00</b>	<b>\$7,137.68</b>

\*Assessment for each parcel rounded down to nearest even cent for County tax roll purposes

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## AGENDA TRANSMITTAL

**MEETING DATE:** May 15, 2018

**CITY AGENDA ITEM:** Council Adoption of Resolution No. 2018-\_\_: Authorizing the City Manager to Amend the Contract Services Agreement (Amendment No. 1) with AECOM for Services Associated with Preparation of the Environmental Impact Report (EIR) for the Mount Calvary Baptist Church Project.

**FISCAL IMPACT:** No fiscal impact to the City. Costs associated with these actions are fully funded by the applicant (Mount Calvary Baptist Church) through a land use processing agreement.

**BACKGROUND:** The City has begun processing an application for the Mount Calvary Baptist Church (Project), a proposed mixed-use church campus project located on vacant property in the City's sphere of influence north of Petersen Road and west of the Lambrecht Sports Complex. On November 7, 2017, the City Council considered and authorized the execution of a contract with AECOM to prepare an EIR for the Project in an amount not to exceed \$221,709

Due to the need for the project to ultimately secure state and federal permits related to onsite wetland resources, the applicants have requested that the scope of the Project EIR be expanded to include protocol-level botanical surveys that were not included within the initial Project EIR scope of services.

**STAFF REPORT:** AECOM has been retained to prepare an EIR, fully funded by the Applicant, for the proposed Mount Calvary Baptist Church mixed use project (Project). An amendment to this agreement is needed to complete botanical surveys that will both support future state and federal permit applications and guide the applicants on revising the proposed Project to avoid impacts to protected biological resources. The cost for this additional work is \$7,720.

This Amendment also provides the City Manager with the authority, at any time during the administration of this contract, to execute future amendments for yet unidentified tasks and obligations that may arise associated with the preparation of the Project EIR in an amount not to exceed cumulatively \$25,000. Consistent with the purchasing authority of the City Manager, this results in a total contract amount not to exceed \$254,429.

**RECOMMENDATION:** It is recommended that the City Council Adopt Resolution No. 2018-\_\_: Authorizing the City Manager to Amend the Contract Services Agreement (Amendment No. 1) with AECOM for Services Associated with Preparation of the Environmental Impact Report (EIR) for the Mount Calvary Baptist Church project.

**ATTACHMENT:**

1. Resolution No. 2018-\_\_: Authorizing the City Manager to Amend the Contract Services Agreement (Amendment No. 1) with AECOM for Services Associated with Preparation of the Environmental Impact Report (EIR) for the Mount Calvary Baptist Church project.

**PREPARED BY:**

Paul Junker, Senior Project Manager

**REVIEWED/APPROVED BY:**

Suzanne Bragdon, City Manager

**RESOLUTION NO. 2018 - \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT SERVICES  
AGREEMENT (AMENDMENT NO. 1) WITH AECOM FOR SERVICES ASSOCIATED  
WITH PREPARATION OF THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR  
THE MOUNT CALVARY BAPTIST CHURCH PROJECT.**

**WHEREAS**, on January 21, 2016, Mount Calvary Baptist Church entered into a land use processing agreement associated with the Mount Calvary Baptist Church project proposal; and

**WHEREAS**, as the Mount Calvary Baptist Church agreed to pay all costs incurred by City employee actions on the City’s behalf with responsibility for review and processing of the project, including the City’s cost of retaining independent contractors and consultants to assist in the processing of the application; and

**WHEREAS**, it was necessary to hire a consultant to prepare an EIR to move forward in processing the application and the City issued a request for proposals from qualified firms to prepare an EIR; and

**WHEREAS**, AECOM was selected as the most qualified firm for the City, primarily due to its understanding of the unique issues associated with the project; and

**WHEREAS**, on November 7, 2017 the City Council did authorize the City Manager execute a Contract Services Agreement on behalf of the City with AECOM to prepare an EIR in an amount not to exceed \$221,709; and

**WHEREAS**, the project applicant, Mount Calvary Baptist Church, has requested that AECOM conduct additional work involving protocol-level botanical surveys of the project site; and

**WHEREAS**, this contract amendment will allow the environmental review to be streamlined by allowing for future amendments to AECOM’s contract.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Suisun City hereby authorizes the City Manager to execute a Contract Services Agreement First Amendment on behalf of the City with AECOM to complete botanical surveys in conjunction with its work on the Mount Calvary Baptist Church EIR amending the contract by \$7,720; and

**NOW, BE IT FURTHER RESOLVED**, that the City Council of the City of Suisun City hereby authorizes the City Manager to execute future amendments to Contract Services Agreement on behalf of the City with AECOM to complete work as may be deemed necessary to complete the Mount Calvary Baptist Church EIR in amounts not to exceed a total of \$25,000, resulting in a total contract cost not to exceed \$254,429.

**PASSED AND ADOPTED** by a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 15<sup>th</sup> day of May 2018, by the following vote:

<b>AYES:</b>	COUNCILMEMBERS	_____
<b>NOES:</b>	COUNCILMEMBERS	_____
<b>ABSTAIN:</b>	COUNCILMEMBERS	_____
<b>ABSENT:</b>	COUNCILMEMBERS	_____

**WITNESS** my hand and the seal of the City of Suisun City this 15<sup>th</sup> day of May 2018.

\_\_\_\_\_  
Linda Hobson, CMC  
City Clerk

## AGENDA TRANSMITTAL

**MEETING DATE:** May 15, 2018

**CITY AGENDA ITEM:** Council Adoption of Resolution No. 2018-\_\_: Authorizing the City Manager to Amend the Contract Services Agreement (Amendment No. 3) on the City's behalf with First Carbon Solutions for Services Associated with Preparation of the Environmental Impact Report (EIR) for the Suisun Commerce and Logistics Center.

**FISCAL IMPACT:** There is no fiscal impact to the City. The costs associated with these actions are fully funded by the applicant (Suisun 355, LLC) through a land use processing agreement.

**BACKGROUND:** The City has been processing an application for the Suisun Commerce and Logistics Center (Project), a 355-acre industrial/commercial project located east of Walters Road and between Highway 12 and Petersen Road. Due to the significant effort and relatively unusual complexity of the project, it was necessary to assemble a project team (similar to the Walmart entitlement process) to carry the project forward in an efficient manner. In September of 2016 the City entered into a Contract Services Agreement with First Carbon Solutions for the preparation of an EIR.

In September 2017, the City and Contractor executed the first amendment to the Agreement to augment the scope due to work required for additional air emissions modeling (\$12,000), additional traffic analysis (\$35,178), and an analysis evaluating the environmental impacts of consumptive water use (\$42,455). The first amendment increased the compensation amount by \$89,633, for a total cost not to exceed \$351,253. The draft EIR is nearing completion and a second amendment to the Agreement is necessary due to additional work required that was not part of the original scope but necessary to complete the EIR.

In March 2018, the City and the Contractor executed the second Amendment to augment the scope to complete air quality analysis to comply with recently adopted state standards established under the SB 32 Scoping Plan (\$5,000), provide addition authorization to the City Manager to execute future amendments if needed (\$25,000) and extend the term of the contract to 3 years from date of execution. The second amendment increased the compensation amount by \$5,000 for air quality work and \$25,000 for as yet unidentified and unfunded work, for a total cost not to exceed \$381,253.

**STAFF REPORT:** Suisun 355 is not only the largest project undertaken by the City in recent years, it is a complex project from a traffic POV given the interface with Walters Road, Highway 12 and the close proximity of turning motions at Petersen Road/Walters and the Walmart entrance/Walters intersections. Given these realities, as part of staff's review of the latest Administrative draft EIR, a peer review of the traffic portion of the analysis was completed. This recent technical review identified several issues with the DEIR traffic analysis that require additional and currently unfunded work. In order to complete this additional work, while

**PREPARED BY:**  
**REVIEWED/APPROVED BY:**

Paul Junker, Senior Project Manager  
Suzanne Bragdon, City Manager

providing a contingency to address minor and unforeseen analysis as we get closer to finalizing the EIR and releasing it for public review, a third Amendment to the contract services agreement is needed in an amount not to exceed \$100,000.

The majority of this additional requested funding (upwards of 60%) would be allocated to W-Trans, the traffic consultant, with approximately 40% for First Carbon Solutions to complete revised air quality modeling, noise modeling and to update various sections of the DEIR. This results in a total not-to-exceed cost for the Suisun 355 EIR contract of \$481,253.

The City is in the process of negotiating the specific steps and appropriate costs for the additional required work. The additional work that is being negotiated is necessary for the following reasons:

- The project description that served as the basis for earlier project analysis has changed and this requires that previously completed work be redone to make sure that infrastructure requirements are sized appropriately to the project;
- While adequate for purposes of CEQA review, the previous analysis did not provide adequate detailed direction for the City to determine the specific timing of required road improvements; and
- With the current engineering team in place, certain assumptions and methodologies that were applied in the previous analysis need to be revisited and revised to better characterize how traffic flows actually function along Walters Road.

As previously mentioned, this contract is fully funded by the applicant (Suisun 355, LLC) through a land use processing agreement.

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**RECOMMENDATION:** It is recommended that the City Council:

1. Adopt Resolution No. 2018-\_\_: Authorizing the City Manager to Amend the Contract Services Agreement (Amendment No. 3) on the City's behalf with First Carbon Solutions for Services Associated with Preparation of the Environmental Impact Report (EIR) for the Suisun Commerce and Logistics Center.

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**ATTACHMENTS:**

1. Resolution No. 2018-\_\_: Authorizing the City Manager to Amend the Contract Services Agreement (Amendment No. 3) on the City's behalf with First Carbon Solutions for Services Associated with Preparation of the Environmental Impact Report (EIR) for the Suisun Commerce and Logistics Center.

**RESOLUTION NO. 2018-**

**AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT SERVICES AGREEMENT (AMENDMENT NO. 3) ON THE CITY'S BEHALF WITH FIRST CARBON SOLUTIONS FOR SERVICES ASSOCIATED WITH PREPARATION OF THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE SUISUN COMMERCE AND LOGISTICS CENTER**

**WHEREAS**, in November 2015, Suisun 355, LLC entered into a Land Use Processing Agreement associated with the Suisun Commerce and Logistics Center project proposal; and

**WHEREAS**, as Suisun 355, LLC agreed to pay all costs incurred by City employees action on the City's behalf with responsibility for review and processing of the project, including the City's cost of retaining independent contractors and consultants to assist in the processing of the application; and

**WHEREAS**, on September 7, 2016, the City Council adopted a resolution authorizing the City Manager to execute a contract with First Carbon Solutions to prepare an Environmental Impact Report (EIR) to move forward in processing the application; and

**WHEREAS**, on September 5, 2017, the City Council adopted a resolution authorizing the City Manager to execute the first Amendment to the Agreement due to additional work required that was not part of the original scope but necessary to complete the EIR which augmented the contract by a total of \$89,633, for a total cost not to exceed \$351,253; and

**WHEREAS**, on March 20, 2018, the City Council adopted a resolution authorizing the City Manager to execute the second Amendment to the Agreement due to additional work required to respond to changes in air quality regulations associated with SB 32 Scoping Plan and further granting to City Manager to approve additional amendments to the Agreement in an amount no to exceed \$25,000 if determined necessary to support the EIR, for a total not to exceed amount of \$381,253; and

**WHEREAS**, in the course of the review of the Suisun Commerce and Logistics Center Draft EIR the City determined that additional analysis of project traffic was required, that such analysis would require revisions to previously completed sections of the Draft EIR, and that it is reasonable and appropriate that First Carbon Solutions and their subconsultant request and be granted additional funding for such efforts.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Suisun City hereby authorizes the City Manager to amend the Contract Services Agreement (Amendment No. 3) on the City's behalf with First Carbon Solutions that would augment the contract by up to \$100,000, for a total not-to-exceed contract amount of \$481,253.

**PASSED AND ADOPTED** at a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 15<sup>th</sup> day of May 2018, by the following vote:

**AYES:** Councilmembers: \_\_\_\_\_  
**NOES:** Councilmembers: \_\_\_\_\_  
**ABSENT:** Councilmembers: \_\_\_\_\_  
**ABSTAIN:** Councilmembers: \_\_\_\_\_

**WITNESS** my hand and the seal of said City this 15<sup>th</sup> day of May 2018.

\_\_\_\_\_  
Donna Pock, CMC  
Deputy City Clerk

## AGENDA TRANSMITTAL

**MEETING DATE:** May 15, 2018

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**CITY AGENDA ITEM:** Adopting Ordinance No. 748: An Ordinance of the City Council of the City of Suisun City, California, Amending Title 18 “Zoning” with Minor Additions and Clarifications.

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**FISCAL IMPACT:** There would be no anticipated fiscal impact.

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**BACKGROUND:** At the regular meeting of April 17, the City Council waived the first reading and introduced an ordinance which reinserts previously adopted sections that were inadvertently excluded as well as provides clarifications to Title 18 “Zoning”.

On May 1, 2018, the ordinance was scheduled for adoption. At that time, questions arose regarding formatting and layout of how the ordinance was presented. Staff was directed to clarify how to address the concerns and bring back for adoption.

Staff will be working on an ordinance that addresses the interests of the City Council relative to front yard paving/parking. This process will include community outreach as well as public hearings before both the Planning Commission and City Council. This is expected to occur in the late summer.

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**STAFF REPORT:** The attached ordinance only includes those sections of the Zoning Code that have been amended. The main sections include:

- Inclusion of Special Sign Overlay District section (formerly adopted through Ordinance 723);
- Simplification of **Table 18.44.03** relative to signage standards;
- Clarification to Home Occupation section.

In addition, there were various internal reference and typographical changes. For example, a reference in Section 18.50 provided a reference to “Specific Use Standards” when it is actually supposed to be an internal reference in “Home Occupations”. The correction is simply the number itself.

The proposed ordinance uses ~~strikeouts~~, **bolds** and underlines to reflect the amendments. The ordinance provided only the sections that are changing versus the entire Zoning Code. This approach was taken since the Zoning Code is approximately 200 pages. When these amendments are approved, they will be codified and made a part of Title 18.

To help address the concerns that were raised at the last meeting, below is a link to the entire Zoning Ordinance:

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**PREPARED BY:**  
**REVIEWED/APPROVED BY:**

John Kearns, Senior Planner  
Suzanne Bragdon, City Manager

[https://library.municode.com/ca/suisun\\_city/codes/code\\_of\\_ordinances?nodeId=TIT18ZO](https://library.municode.com/ca/suisun_city/codes/code_of_ordinances?nodeId=TIT18ZO)

Moving forward with this Ordinance is important as staff is in receipt of a Sign District application. Following City Council adoption, the amended ordinance would take effect in 30 days.

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**RECOMMENDATION:** Adopt Ordinance No. 748: An Ordinance of the City Council of the City of Suisun City, California, Amending Title 18 “Zoning” with Minor Additions and Clarifications.

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**ATTACHMENTS:**

1. Ordinance No. 748: An Ordinance of the City Council of the City of Suisun City, California, Amending Title 18 “Zoning” with Minor Additions and Clarifications.

## **ORDINANCE NO. 748**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA AMENDING TITLE 18 “ZONING” WITH MINOR ADDITIONS AND CLARIFICATIONS.**

**WHEREAS**, the Development Services Department of the City of Suisun City initiated a Zoning Text Amendment to add and clarify language and references within Title 18 “Zoning”; and

**WHEREAS**, Title 18 “Zoning” of the Suisun City Code (hereinafter “Zoning Ordinance”) is proposing to amend certain sections and

**WHEREAS**, the proposed Zoning regulations include a greater level of development potential than does the previous Zoning regulations; and

**WHEREAS**, the resulting Zoning Ordinance amendments will act as the primary regulating document relative to zoning citywide; and

**WHEREAS**, the City of Suisun City previously adopted the 2035 General Plan (SCH # 2011102046) and certified an Environmental Impact Report (EIR) (SCH # 2011102046) for the 2035 General Plan in 2015; and

**WHEREAS**, the EIR certified for the 2035 General Plan analyzed the impacts of development anticipated under the Zoning Ordinance; and

**WHEREAS**, the impacts associated with the types of development accommodated under the zoning amendments, development density, and the locations where development would occur, were previously analyzed in the 2035 General Plan EIR.; and

**WHEREAS**, the City of Suisun City has conducted an environmental analysis of the Zoning Ordinance, which analysis has determined it to be a project consistent with the 2035 General Plan and EIR certified by the City for the General Plan; and

**WHEREAS**, on March 19, 2018, the Planning Commission conducted a noticed public hearing, received testimony and documents from staff and the City’s consultant, provided an opportunity for public comment, closed public comment, and made a recommendation the City Council adopt the subject Zoning Ordinance is consistent with the 2035 General Plan and EIR certified for the General Plan, and adopt Zoning Text Amendment Application No. ZTA 17/18-001 (Zoning Ordinance, Exhibit A); and

**WHEREAS**, on April 17, 2018 the City Council conducted a noticed public hearing, received testimony and documents from staff and the City’s consultant, provided an opportunity for public comment, closed public comment, and considered all documents relative to the subject Zoning Ordinance; and

**WHEREAS**, the City Council further desires to adopt Zoning Text Amendment Application No. ZTA 17/18-001.

**NOW THEREFORE**, the City Council of the City of Suisun City does ordain as follows:

**SECTION 1.** The above recitals are true and correct and incorporated herein by reference.

**SECTION 2.** All staff reports and analysis submitted in connection with this matter are hereby incorporated by this reference.

**SECTION 3.** Based upon substantial evidence in the record of proceedings, and based upon its independent judgment and analysis, the City Council adopts a Finding of Consistency for Zoning Text Amendment Application No. ZTA 17/18-001 with the following findings:

- a. The project is consistent with the 2035 General Plan and with the EIR certified for the 2035 General Plan. The 2035 General Plan and its EIR specifically contemplated the amendments to the Zoning Ordinance which would be subject to streamlining under CEQA based on consistency with those documents. The impacts associated with the types of development accommodated under the zoning amendments, development density, and the locations where development would occur, were previously analyzed in the 2035 General Plan EIR. Mitigation in the certified EIR applicable to the ZOU has been incorporated into the project. As such, the proposed project is consistent with the adopted 2035 General Plan and its EIR.
- b. There is no substantial new evidence in the record that this project may have additional significant impacts that were not analyzed as significant adverse effects in the EIR prepared for the 2035 General Plan.
- c. There is no substantial new evidence of potentially significant off-site impacts and cumulative impacts that were not discussed in the EIR certified for the 2035 General Plan, and no potentially significant adverse effects peculiar to the project.
- d. There are no previously identified significant effects, which as a result of substantial new information which was not known at the time the EIR was certified, determined to have a more severe adverse impact than discussed in the EIR for the 2035 General Plan.

In making the findings in this Ordinance, the City Council ratifies, adopts and incorporates in these findings the statements and findings for a Finding of Consistency which is incorporated by reference. The City Council further finds that the Finding of Consistency has been completed in compliance with the requirements of CEQA; all feasible mitigation measures in the certified EIR for the 2035 General Plan applicable to the Zoning Ordinance will be undertaken and are applicable to the project; and no additional environmental review is required by CEQA pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

**SECTION 4.** The City Council adopts Zoning Text Amendment No. ZTA 17/18-001, and finds that:

- a. Zoning Text Amendment Application No. ZTA 17/18-001 is consistent with and achieves the objectives prescribed in Suisun City Municipal Code; and
- b. Zoning Text Amendment No. ZTA 17/18-001 is consistent with California Government Code Section 65450.

**SECTION 5.** The location and custodian of the documents and any other material which constitute the record of proceedings upon which the City Council based its decision is as follows: The record of plan approval shall be kept in the office of the City Clerk, City of Suisun City, City Hall, 701 Civic Center Boulevard, Suisun City, California 94585 which shall be held by the City Clerk as the custodian of the documents; all other record of proceedings shall be kept with the Development Services Department and the Director of the Development Services Department shall be the custodian of the documents.

**SECTION 6.** This Ordinance shall be effective 30 days following its adoption by the City Council. A summary of this Ordinance shall, within fifteen (15) days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the City Councilmembers voting for and against it.

**PASSED, APPROVED, AND ADOPTED** as an Ordinance at a regular meeting of the City Council of the City of Suisun City, California, on this 15<sup>th</sup> day of May 2018.

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Pete Sanchez  
Mayor

#### **CERTIFICATION**

I, Linda Hobson, City Clerk of the City of Suisun City, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on April 17, 2018 and passed, approved, and adopted by the City Council of the City of Suisun City at a regular meeting held on the 15<sup>th</sup> day of May 2018 by the following vote:

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

**WITNESS** my hand and the seal of said City this 15<sup>th</sup> day of May 2018.

---

Linda Hobson, CMC  
City Clerk

**Exhibit A:** Title 18 Amendments

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**Exhibit A: Title 18 Amendments**

**18.04 Definitions**

**Yard, Front**

A yard, extending across the front of the lot, between the side lot lines and to a depth required by the district in which the lot is situated; provided, however, that if any building line or official plan line has been established for the street upon which the lot faces or if any future width line is specified, therefore in Chapter ~~18.46~~ 18.36, then such measurement shall be taken from such building line, official plan line, or such future width line to the nearest line of the building.

**18.06.40 Annexed Land**

- A. Any land within the incorporated limits of the City, now or in the future, and not designated or indicated on the zoning map, shall be placed in the proper zoning district by initiation of amendments procedure, as set forth in Chapter ~~18.82~~ 18.74 “Amendments by the Planning Commission.”

**18.22.40 Mixing of Uses**

- C. Multi-family housing may be eligible for a density bonus, per Section ~~18.54~~ 18.47, “Residential Density Bonus and Density Incentives.”

**18.30.220 Family Day Care Homes - Large**

A large family day care home shall be allowed in single family residential dwelling zones, upon the issuance of a family day care permit by the Zoning Administrator and in compliance with the following standards:

- A. Notice shall be given to properties within ~~300~~ 100 feet of the proposed family day care home at least 10 days prior to consideration of the permit.

**Table 18.44.03  
Allowed Permanent On-Site Signs by Land Use Type**

Land Use Type	Development Type	Building-Attached Signs	Freestanding Signs
Single-Family Land Use	Individual home	Not allowed	Not allowed
	Neighborhood	Not allowed	2 monument signs with a maximum area of 24 square feet each and a maximum height of 4 feet

Land Use Type	Development Type	Building-Attached Signs	Freestanding Signs
Multiple-Family Land Use		1 or more signs with a collective sign area of 16 square feet	1 monument sign per street frontage with a maximum area of 16 square feet and a maximum height of 4 feet
Nonresidential Uses in Residential Zoning Districts		1 or more signs with a collective sign area of 12 square feet	1 monument sign per street frontage with a maximum area of 12 square feet each and a maximum height of 4 feet
Nonresidential Uses	Individual Business	<p>1 or more signs with a collective sign area of 1 square foot per lineal foot of primary building frontage. <del>up to a maximum of:</del></p> <ul style="list-style-type: none"> <li><del>• 50 square feet for businesses between 0 and 5,000 square feet</del></li> </ul>	<p>1 monument sign per street frontage with a maximum area of <del>13</del>32 square feet. Maximum height is 12 feet; <del>for developments greater than 5 acres and/or 50,000 square feet in size, sign area may be increased to 16 square feet and height may be increased to a maximum of 20 feet.</del></p>
	Tenant	<ul style="list-style-type: none"> <li><del>• 100 square feet for businesses with between 5,001 and 25,000 square feet</del></li> <li><del>• 200 square feet for businesses between 25,001 and 50,000 square feet</del></li> <li><del>• 300 square feet for businesses between 50,001 and 100,000 square feet</del></li> <li><del>• 400 square feet for businesses over 100,000 square feet</del></li> </ul>	Not allowed except with nameplate on multi-tenant monument sign as part of an integrated development
	Integrated development	1 sign per street frontage with a maximum area of 24 square feet for integrated development identification	1 monument/pylon sign per street frontage with a maximum sign area of 32 square feet. Maximum sign height is 12 feet; for developments greater than 5

Land Use Type	Development Type	Building-Attached Signs	Freestanding Signs
			acres and/or 50,000 square feet in size, sign height may be increased to a maximum of 20 feet.

**18.44.090 (H) Off-Site Advertising in the Special Overlay District.**

**Special Sign Overlay District (SSOD) – The SSOD is an overlay zoning designation which amends the zoning map by applying the overlay zoning to commercially developed and zoned properties within and adjacent to the Highway 12 corridor.**

**Highway or Highway-Oriented – As applied to SSODs, the definition of the term “highway or highway-oriented” shall be consistent with the definition of a “primary highway” as provided in the California Business and Professions Code.**

**Highway-Oriented SSOD Sign – The highway-oriented SSOD sign is a highway-oriented, pylon-type sign that allows for displays which include off-premise advertising of businesses located within the SSOD.**

**SSOD Designation Application – As provided in this section, there are two methods applicable to the designation of an SSOD. In either case, an application must be submitted and processed consistent with that subsection and the Suisun City Code.**

**SSOD Sign Permit Application – An application for an SSOD sign permit shall be submitted and processed consistent with this section.**

**Concurrent Applications – An SSOD Designation Application and an SSOD Sign Permit Application may be submitted and processed concurrently consistent with this section.**

**1. Purpose. The special sign overlay district (SSOD) is established to increase the visibility and economic vitality of businesses within the Highway 12 corridor while at the same time ensuring public safety. The SSOD provides for the construction of one (1) highway-oriented SSOD sign within the district that, by definition, is allowed to include off-premise advertising.**

**2. Criteria for the Designation of a SSOD. The SSOD, upon application and approval as specified herein, shall be applied to commercially zoned properties within commercial areas adjacent or in proximity to Highway 12 and located on the same side of Highway 12. Up to five (5) SSODs may be designated within the Highway 12 corridor and the boundary of one SSOD may be adjacent and/or contiguous to another SSOD. However, no highway-oriented SSOD sign proposed for construction within an SSOD shall be within one hundred (100) feet of any existing highway-oriented SSOD sign in an adjacent SSOD.**

**3. Effect. The SSOD shall apply only to the allowed signage for establishments, uses, activities, or features within the SSOD. It shall not modify the regulations, permitting requirements, or other development standards for uses and structures otherwise imposed**

herein. It shall not modify or affect the law of fixtures, sign-related provisions in private leases, or the ownership of existing sign structures, without the express written consent of the parties to such leases or owners of such signs.

4. Other Governmental Approvals. Nothing provided for in this section shall waive or diminish any other local permitting requirements, or any state or federal permitting requirements.

5. Highway-Oriented SSOD Sign Development Standards.

a. The highway-oriented SSOD sign permitted by the establishment of the SSOD shall not exceed sixty (60) feet. However, in the event that the applicant, by means of a visual simulation and other evidence demonstrates that increased height is warranted, based upon particular circumstances within the SSOD, the City Council, upon the adoption of Findings, may approve a sign that exceeds sixty (60) feet. The height of any highway-oriented SSOD shall comply with the height limitations in the Travis AFB Land Use Compatibility Plan.

a. The highway-oriented SSOD sign shall be designed in a manner that is context-sensitive to its location within the City of Suisun City and within the existing commercial area, complementary to the materials and design of buildings in proximity to the sign, and landscaped to enhance the aesthetics of the sign. Removal of existing landscaping and vegetation shall require approval by the Community Development Director, in conformance with an approved landscaping plan submitted as part of the SSOD sign permit application.

b. Illumination shall be effectively shielded so as to prevent light from being directed at any portion of the traveled rights of way, to prevent glare, and to prevent impairment of driver vision or vehicle operation or airport flight operations at Travis AFB. Illumination shall not interfere with the effectiveness or obscure an official traffic sign, device, signal, or pavement marking.

c. The approved SSOD shall comply with the California Business and Professions Code. If the SSOD is located within a named business center, the name of the business center shall be included on the highway-oriented SSOD sign. An application for a highway-oriented SSOD sign permit shall include a proposed signage reduction plan that ensures that the installation of the sign will result in the consolidation of allowable signage within the business center, so that less signage will be erected as a result of the installation of the highway-oriented sign in the SSOD. The permittee shall be responsible for adherence to the approved signage reduction plan.

6. Design intent. The establishment of an SSOD and construction of a highway-oriented SSOD sign are intended to accomplish the following goals:

a. Increase the visibility and economic vitality of businesses within the Highway 12 corridor by providing the opportunity for off-premise advertising.

d. Result in quality design, character, and construction of signs that are both context-sensitive, as well as complementary to the materials and design of buildings in proximity to the sign.

e. Enhance overall property values in the City by discouraging signs which contribute to the visual clutter of the streetscape.

f. Improve traffic safety by ensuring that signage does not distract motorists, obstruct traffic circulation, or impede pedestrian or vehicular movement.

#### 7. Procedures for Establishment of an SSOD.

a. There are two application methods for the establishment of an SSOD:

i. Any applicant may file an application for the establishment of an SSOD concurrently with the filing of an application for a sign permit. The application for an SSOD shall be made on the forms and in the manner prescribed by the Development Services Department, shall be accompanied by fees as specified in the City's Master Fee Schedule for staff work on a full cost recovery basis.

ii. Alternatively, upon Discussion and Direction from the City Council to staff to initiate the process for the establishment of one or more sign districts, staff shall prepare an application and related materials. The matter shall be placed on a Planning Commission agenda for public hearing. In either case, the application shall be processed consistent with the procedures set forth in this Section.

iii. Regardless of the manner in which the application is filed, whether by an applicant or by the Development Services Director on behalf of the Planning Commission or City Council, the Planning Commission shall hold at least one public hearing on the matter. Within 30 days of the close of the public hearing, the Planning Commission shall make findings, and shall recommend to the City Council that the SSOD be approved, approved subject to specific written conditions, or to deny the application for cause. Such action shall be by Resolution.

iv. Where the Planning Commission has recommended approval, with or without conditions, the Development Services Director shall transmit the record of the Planning Commission action to the City Clerk for the purpose of setting a public hearing before the City Council. The hearing shall be set in the manner prescribed by Title 7, Section 65905 of the Government Code. The City Council shall hold at least one public hearing on the matter and shall render its decision to approve, approve subject to conditions, or deny the application for cause, within the time limits prescribed by Title 7, Section

65950 or Section 65952.1 of the Government Code. The Council's action shall be by Ordinance with such Findings as are required by law.

v. Where the Planning Commission has recommended denial of the application, the City Council may sua sponte direct the City Clerk to set a public hearing before the City Council. The hearing shall be set in the manner prescribed by Title 7, Section 65905 of the Government Code. The City Council shall hold at least one public hearing on the matter and shall render its decision to approve, approve subject to conditions, or deny the application for cause, within the time limits prescribed by Title 7, Section 65950 or Section 65952.1 of the Government Code. The Council's action shall be by Ordinance with such Findings as are required by law.

8. Procedures for the Issuance of a Permit for the Construction of a Highway-Oriented SSOD sign.

a. Any applicant may file an application for a permit to construct a highway-oriented SSOD sign. The application for such a permit shall be made on the forms and in the manner prescribed by the Development Services Department, shall be accompanied by fees as specified in the City's Master Fee Schedule for staff work on a full-cost recovery basis, and shall include an Affidavit providing full indemnification for the City and its agents and employees, as well as insurance in an amount specified by the City which lists the City as an additional insured. Failure to maintain said insurance in full force could subject the SSOD sign permittee to loss of his/her SSOD sign permit. If the applicant is not the owner of the property on which the proposed sign would be located, the application shall also be signed by the property owner. Such application shall require environmental review, site plan review, and design review of the proposed sign and its location, initially by the Planning Commission, in the manner in which other signs are reviewed, and subsequently by the City Council, due to the significant scale and multi-parcel purpose of the highway-oriented SSOD sign. Both the Planning Commission and the City Council shall make Findings prior to approving an SSOD sign permit. The following indemnification and insurance assurances shall be included in the application and agreed to and warranted by applicant:

i. Indemnification. Applicant agrees to indemnify and defend the City, its officers, employees, contractors, attorneys and agents against, and shall hold and save them and each of them harmless from, any and all petitions for writ of mandate, actions, lawsuits, claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities (herein "claims or liabilities") that may be asserted or claimed by any person, firm or entity arising out of or in connection with the Project. Applicant shall defend any action or actions filed in connection with any of said claims or liabilities and shall pay all costs and expenses, including legal costs and attorney's fees incurred in connection therewith, with the City having its choice of legal counsel for itself and for any above-referenced person or entity. Applicant

shall promptly pay any judgment rendered against the City, its officers, employees, contractors, attorneys and agents for any such petition for writ of mandate, lawsuit and action arising out of or in connection with the Project, the work, operations and/or activities of Applicant hereunder; and Applicant agrees to save and hold the City, its officers, agents, contractors, attorneys and employees harmless therefrom to the fullest extent provided by this indemnity provision.

ii. Insurance. Applicant warrants and represents that it carries at least \$2 Million in commercial general liability insurance and automobile insurance in forms that are acceptable to the City and that the Applicant, within three business days of approval of its application, shall cause the City to be named as an additional insured on said policies and further Applicant shall cause all contractors used by the Applicant to name the City as an additional insured on all insurance policies carried by said contractors.

b. The Planning Commission shall hold at least one public hearing on the matter. Within 30 days of the close of the public hearing, the Planning Commission shall make findings, and shall recommend to the City Council that the SSOD sign permit be approved, approved subject to specific written conditions, or to deny the application for cause. Such action shall be by Resolution.

a. Where the Planning Commission has recommended approval, with or without conditions, the Community Development Director shall transmit the record of the Planning Commission action to the City Clerk for the purpose of setting a public hearing before the City Council. The hearing shall be set in the manner prescribed by Title 7, Section 65905 of the Government Code. The City Council shall hold at least one public hearing on the matter and shall render its decision to approve, approve subject to conditions, or deny the application for cause, within the time limits prescribed by Title 7, Section 65950 or Section 65952.1 of the Government Code. The Council's action shall be by Resolution with such Findings as are required by law.

b. Where the Planning Commission has recommended denial of the application, the City Council may *sua sponte* direct the City Clerk to set a public hearing before the City Council. The hearing shall be set in the manner prescribed by Title 7, Section 65905 of the Government Code. The City Council shall hold at least one public hearing on the matter and shall render its decision to approve, approve subject to conditions, or deny the application for cause, within the time limits prescribed by Title 7, Section 65950 or Section 65952.1 of the Government Code. The Council's action shall be by Resolution with such Findings as are required by law.

#### 18. 46.040 Review Authority

A. Requests for reasonable accommodation shall be reviewed by the director of development services, or designee, if no approval is sought other than the request for reasonable accommodation.

- B. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application in accordance with Sections ~~18.59.050~~ **18.46.050** and ~~18.59.060~~ **18.46.060**.

#### **18.46.050 Review Procedure**

- A. The director of development services shall make a written determination within forty-five days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation in compliance with Section ~~18.59.060~~ **18.46.060** of this chapter.
- B. If the request for reasonable accommodation is submitted for concurrent review with a discretionary land use application, the written determination on whether to grant or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the discretionary land use application. The written determination to grant or deny the request for reasonable accommodation shall be made in compliance with Section ~~18.59.060~~ **18.46.060** of this chapter.

#### **18.46.070 Appeal of Determination**

A determination to grant or deny a request for reasonable accommodation may be appealed to the Planning Commission, in compliance with Chapter ~~18.76~~ **18.84** of the Suisun City Municipal Code.

#### **18.47.040 General Density Bonus Provisions**

Density bonuses shall be subject to the provisions in this section, in accordance with California Code Section 65915.

- A. **Application.** Any person that desires a density bonus must make an application on a form approved by the ~~director of development services~~ **Director of Development Services** at the time of submitting an entitlement application for the housing development for which a density bonus is requested. The density bonus provided by this chapter only applies to housing developments consisting of five or more dwelling units.
- C. **Available density bonus options.** The Planning Commission or City Council will grant one density bonus, the amount of which will be as specified in Section 18.47.060, and incentives or concessions as described in Section 18.47.050, when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that will contain at least one of the following:
1. Five percent (5%) of the total units of a housing development for very low-income households.
  2. Ten percent (10%) of the total units of a housing development for lower income households.

3. Ten percent (10%) of the total units in a common interest development for moderate-income households, provided that all units in the housing development are offered to the public for purchase.
  4. A senior citizen housing development;
  5. Donates land to the City of Suisun City for the construction of very low-income units.
  6. Includes a qualifying childcare facility, as described in section ~~18.46.080~~ **18.47.070**; in addition, to providing housing as described in paragraphs 1-3 of this section.
- D. **Applicant's election of basis for bonus.** For purposes of calculating the amount of the density bonus, pursuant to Section ~~18.65.050~~ **18.47.060**, the applicant who requests a density bonus pursuant to this section must elect whether the bonus will be awarded on the basis of paragraphs 1-6. of subsection C. of this section.

#### **18.47.050 Incentives and Concessions**

- C. The Planning Commission or City Council must grant the concession or incentive requested by the applicant, unless it make a written finding, based upon substantial evidence, that:
1. The concession or incentive is not required in order to provide for affordable housing costs, or for rents for the targeted units to be set as specified in Section ~~18.65.030(E)~~ **18.47.030**;
  2. The concession or incentive would have a specific, adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households; or
  3. The concession or improvement would be contrary to state or federal law.

#### **18.47.055 Waiver or Reduction of Development Standards**

- A. An applicant may submit to the city a proposal for the Waiver or reduction of development standards that the applicant believes will have the effect of physically precluding the construction of a housing development that meets the criteria of ~~Section 18.65.010(e)~~ **in this Section** at the densities or with the concessions or incentives permitted by this chapter, and may request a meeting with the director of development services. Such proposal may not increase the number of incentives of concessions that the applicant is entitled to under Section ~~18.65.020~~ **18.47.030**.

#### **18. 47.060 Calculation of Density Bonus**

- A. The applicant may elect to accept a lesser percentage of density bonus.
- B. The amount of density bonus to which the applicant is entitled will vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section ~~18.65.01(C)~~ **18.47.060**

- B. An applicant will be eligible for the increased density bonus described in this section if all of the following conditions are met:
1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map or parcel map or residential development application.
  2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households, in an amount not less than 10 percent of the number of residential units of the proposed development.
  3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure.
    - a. The land must have appropriate zoning and development standard to make the development of the affordable units feasible.
    - b. No later than the date of approval of the final subdivision map parcel map, or of the residential development, the transferred ~~H~~land must have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the local government may subject the proposed development to subsequent design review, to the extent authorized by California Government Code section 65583.2(i), if the design is not reviewed by the city prior to the time of transfer.
  4. The transferred land and the affordable units will be subject to a deed restriction ensuring continued affordability of the units consistent with this Section ~~18.65.01 O(E)(1) and (2)~~, which restriction will be recorded on the property at the time of the transfer.

**18.47.070 Additional Density Bonus or Concession or Incentive through Provision of Childcare Facility**

- A. When an applicant proposes to construct a housing development that conforms to the requirements of this Section ~~18.4.040.C~~, and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project, the Planning Commission or City Council must grant either of the following:

**18.48.060 Findings, Locational, and Operational Requirements**

- B. The adult business may only be permitted in the Commercial Service (CSE) zoning districts.

**18.48.090 Enforcement and Revocation**

- B. **Revocation Grounds.** The Director of Development Services may revoke an adult business permit when he or she discovers that any of the following have occurred:

**18.50.040 Permitted Home Occupations**

The following uses are considered permitted home occupations ~~and do not require a business license~~, provided the tests listed in Section ~~18.30.090.C~~ **18.50.030** are met:

- A. In-home sales, such as Tupperware, Avon, Fuller Brush and the like, provided there is no stock in trade kept at the licensed address;
- B. Contractors, provided no equipment of any kind is kept at the licensed address;
- C. Mail order services where no stock in trade is kept on the premises;
- D. Music lessons, tutoring and the like;
- E. Artist studios;
- F. Janitorial services;
- G. Laundry and mending services;
- H. Other uses not described herein that meet all tests listed in ~~18.350.0930.C~~.

**18.50.060 Home Occupations - Planning Commission Consideration**

The Development Services Director may refer to any request for a business license in a residential zoning district to the Planning Commission for their consideration and decision when in the opinion of the Development Services Director there is doubt that the proposed use or business can be conducted and still meet all of the tests required in ~~18.30.090.C~~ **18.50.030**.

**18.60.090 Solar Installations on Historic Buildings**

- A. Solar technologies may be installed on non-historic buildings in a historic district in accordance with ~~Sections 18.48.40-18.48.80 of this ordinance~~ **this section**, which seek to maximize the performance of solar installations while also minimizing the visibility of solar installations from the public right-of-way.
- B. Solar installations may be installed on historic buildings where they do not alter the character-defining features of the building. Solar installations on historic buildings may include:
  - 1. PV panels located on an area of a pitched roof, or on a flat roof, or behind a roof parapet, that is not visible from the public right-of-way and does not structurally alter the historic building, and/or
  - 2. Use of building integrated solar technologies that are selected and installed in a manner consistent with the visual character of the historic building (for example, solar tiles on a building that historically included the use of tiles as a roofing material).

**18.60.100 Ground-Mounted Solar Installations**

- A. Apply the same measures identified in ~~18.48.60.040~~ for high performance of ground-mounted

solar panels.

**18.62.030 Definitions**

See Section 18.60.30 and ~~18.61.030~~ for other definitions.

## AGENDA TRANSMITTAL

**MEETING DATE:** May 15, 2018

**CITY AGENDA ITEM:** Adopting Ordinance No. \_\_: Amending the Definitions of Smoking, Tobacco Products, & Tobacco Paraphernalia in Section 12.12 of the Suisun City Code (Introduced and Reading Waived on May 1, 2018).

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

**BACKGROUND:** In April 2017, City Council adopted Ordinance No. 744: Amending Section 12.12 of the Suisun City Code to Prohibit Smoking in Parks and Recreation Facilities.

In June 2016, the State of California updated its definitions of smoking and tobacco products. The Recreation Department accepted a grant with Solano County Public Health (SCPH) and funded by California Proposition 56 in July 2017 to start a youth group focused on tobacco prevention and education and to assist SCPH with its 4-year mission of updating the definitions of “smoking,” “tobacco products,” and “tobacco paraphernalia” in each Solano County jurisdiction to align with the state law standard.

**STAFF REPORT:** At the May 1, 2018 City Council meeting, the City Council held a public hearing on an amendment to section 12.12 of the Suisun City Code to update the definitions of smoking, tobacco products, & tobacco paraphernalia.

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

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

**STAFF RECOMMENDATION:** Adopt Ordinance No. \_\_: Amending the Definitions of Smoking, Tobacco Products, & Tobacco Paraphernalia in Section 12.12 of the Suisun City Code.

### ATTACHMENTS:

1. Ordinance No. \_\_: Amending the Definitions of Smoking, Tobacco Products, & Tobacco Paraphernalia in Section 12.12 of the Suisun City Code.

**PREPARED BY:** Kris Lofthus, Recreation & Community Services Director  
**REVIEWED AND APPROVED BY:** Suzanne Bragdon, City Manager

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**ORDINANCE NO \_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY,  
CALIFORNIA, AMENDING THE DEFINITIONS OF SMOKING, TOBACCO  
PRODUCTS, & TOBACCO PARAPHERNALIA IN SECTION 12.12 OF THE SUISUN  
CITY CODE**

**WHEREAS**, several reliable studies, including a June 27, 2007 report by the Surgeon General of the United States entitled "The Health Consequences of Involuntary Exposure to Tobacco Smoke," have shown that secondhand smoke is a significant health hazard, particularly to elderly people; individuals with cardiovascular disease; individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and to children who suffer increased risk of sudden infant death syndrome, asthma attacks and respiratory and ear infections when exposed to secondhand smoke; and

**WHEREAS**, since 1992, the United States Environmental Protection Agency ("EPA") has classified secondhand smoke as a Class A carcinogen; and

**WHEREAS**, health hazards induced by breathing secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction and bronchospasm; and

**WHEREAS**, according to the U.S. Department of Health and Human Services, 480,000 people die prematurely in the United States from smoking-related diseases every year, making tobacco use the nation's leading cause of preventable death; and

**WHEREAS**, according to the EPA and the Surgeon General, there is no safe level of exposure to secondhand smoke; and

**WHEREAS**, the American Lung Association (ALA) wants to help California cities and counties limit tobacco use and unwanted exposure to secondhand smoke indoors and outdoors; and

**WHEREAS**, the State of California expanded its definitions of smoking and tobacco products in June 2016 to account for the newer products on the market, such as e-cigarettes, atomizers, hookah, and vape pens; and

**WHEREAS**, according to the Surgeon General, e-cigarettes are now the most commonly used tobacco product among middle school and high school youth, surpassing conventional cigarettes in 2014; and

**WHEREAS**, the purpose of this ordinance is to protect the public health, safety and welfare, regarding the public health hazards relating to secondhand smoke and access of minors to tobacco or other products and cigarettes. It is within the city's authority under its police power to implement and enforce the provisions of this chapter.

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

**Section 1.** The above recitals are all true and correct and are hereby adopted as findings.

**Section 2.** The Suisun City Municipal Code, at Section 12.12.005, entitled “Definitions,” shall be amended to include the additional definitions to its existing definitions as follows:

A. Definitions. For the purposes of this section, the following definitions shall govern:

“Smoke” or “Smoking” shall mean inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

“Tobacco product” shall mean any of the following:

(i) A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.

(ii) An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.

(iii) Any component, part, or accessory of a tobacco product, whether or not sold separately.

“Tobacco paraphernalia” shall mean cigarette papers or wrappers, blunt wraps as defined in Section 308 of the Penal Code, pipes, holders of smoking materials of all types, cigarette rolling machines, or other instruments or things designed for the smoking or ingestion of tobacco products.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## AGENDA TRANSMITTAL

**MEETING DATE:** May 15, 2018

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

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**FISCAL IMPACT:** No fiscal impact; informational only.

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

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**STAFF REPORT:** The total cash and investments (par amount) equaled to \$41,554,210 for the period ending March 31, 2018, for which \$3,122,581 is restricted for debt service and \$8,311,131 represents the remaining proceeds from 2016 Suisun/Solano Water Authority water revenue bonds.

In terms of return on our investment, managed by PFM Asset Management LLC, the current yield to maturity at cost is 1.59% with an average life of 763 days. The average LAIF return for the current quarter is 1.51%. As can be seen in the Pie Chart on the last page of the attached Investment Report, nearly 72% of the cash is invested in federally insured CD's, US Treasuries or Agency Notes, all of which generate higher yields.

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

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**ATTACHMENTS:**

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

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**PREPARED BY:**

Elizabeth N. Luna, Accounting Services Mgr.

**REVIEWED/APPROVED BY:**

Scott Corey, Acting Dir. Of Admin Services  
Suzanne Bragdon, City Manager

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

March 31, 2018

Category of Investment	Name of Institution	Maturity Date	Par Amount	Market Value*	Amortized Cost	Curr Yield At Market	Est Annual Income
Checking Account	West America Bank	Demand Deposit	\$ 7,617,809	\$ 7,617,809	\$ 7,617,809	0.000%	-
State Investment-CITY	LAIF	Demand Deposit	\$ 3,229,971	\$ 3,229,971	\$ 3,229,971	1.524%	49,225
Total Cash Equivalents			\$ 10,847,781	\$ 10,847,781	\$ 10,847,781	0.454%	49,225
First American Government	31846V203	Demand Deposit	\$ 352,984	\$ 352,984	\$ 352,984	1.230%	4,342
First American Government	31846V203	Demand Deposit	\$ 43,332	\$ 43,332	\$ 43,332	1.230%	533
JP Morgan Securities	46640QGW5	07/30/2018	\$ 450,000	\$ 446,336	\$ 447,075	1.986%	8,865
Bank of Tokyo Mitsubishi Comm. Paper	06538CGW5	07/30/18	\$ 450,000	\$ 446,381	\$ 447,090	1.976%	8,820
BNP Paribas NY Branch Commercial Paper	09659CGW2	07/30/18	\$ 450,000	\$ 446,521	\$ 447,255	1.864%	8,325
Canadian Imperial Holding Commercial Paper	13607FDD5	04/13/18	\$ 400,000	\$ 399,700	\$ 399,810	1.441%	5,760
ING Funding LLC Commercial Paper	4497W1E10	05/01/18	\$ 400,000	\$ 399,278	\$ 399,487	1.563%	6,240
Bank of Montreal Chicago Commercial Paper	06366HF44	06/04/18	\$ 400,000	\$ 398,528	\$ 398,952	1.496%	5,960
Credit Agricole Cib NY Comm Paper	22533UH71	08/07/2018	\$ 400,000	\$ 396,703	\$ 397,212	1.996%	7,920
BNP Paribas NY Branch Commercial Paper	09659CKK3	10/19/2018	\$ 400,000	\$ 394,365	\$ 395,444	2.100%	8,280
JP Morgan Securities	46640QL25	11/02/01	\$ 400,000	\$ 394,000	\$ 394,936	2.183%	8,600
Total Commercial Paper			\$ 4,146,316	\$ 4,118,127	\$ 4,123,576	1.788%	\$ 73,645
Federal Agency Coll. Mort. Oblgtn	FNMA #3136ANJY4	04/01/18	\$ 807	\$ 805	\$ 807	1.614%	13
Federal Agency Coll. Mort. Oblgtn	FNMA #3136AMTM1	09/01/18	\$ 15,750	\$ 15,736	\$ 15,750	1.798%	283
Federal Agency Coll. Mort. Oblgtn	FNMA #3136ANMF1	11/01/18	\$ 36,656	\$ 36,631	\$ 36,656	1.758%	644
Federal Agency Coll. Mort. Oblgtn	FNMA #3136ASPX8	06/01/19	\$ 31,451	\$ 31,298	\$ 31,545	1.792%	561
Fannie Mae Series 2015-M13 ASQ2	FNMA #3136AQDQ0	09/01/19	\$ 76,767	\$ 76,290	\$ 76,980	1.657%	1,264
FNA 2010-M6 A2	FNA #31398SKA0	09/25/20	\$ 168,310	\$ 169,764	\$ 172,550	3.286%	5,578
Total Federal Agency Collateralized Mortgage Obl.			\$ 329,741	\$ 330,525	\$ 334,289	2.524%	\$ 8,343
Federal Agency/Bond Note	FNMA#3135G0H63	01/28/19	\$ 1,225,000	\$ 1,218,020	\$ 1,225,543	1.383%	16,844
Federal Agency/Bond Note	FHLB #3130AAXX1	03/18/19	\$ 1,225,000	\$ 1,215,618	\$ 1,225,061	1.386%	16,844
Federal Agency/Bond Note	FHLB #3130A9AE1	10/01/18	\$ 300,000	\$ 298,319	\$ 299,951	0.880%	2,625
Federal Agency/Bond Note	FHLMC #3137EAED7	10/12/18	\$ 300,000	\$ 298,330	\$ 299,967	0.880%	2,625
Federal Agency/Bond Note	FNMA #313G0YT4	11/27/18	\$ 300,000	\$ 299,222	\$ 300,467	1.629%	4,875
Federal Agency/Bond Note	FHLB #3130AAE46	01/16/19	\$ 330,000	\$ 327,776	\$ 329,995	1.258%	4,125
Federal Agency/Bond Note	FNMA #3135G0J53	02/26/19	\$ 600,000	\$ 593,712	\$ 599,570	1.011%	6,000
Federal Agency/Bond Note	FHLBA #3130AAXX1	03/18/19	\$ 350,000	\$ 347,319	\$ 349,610	1.386%	4,813
Federal Agency/Bond Note	FHLBA #3130ABF92	05/28/19	\$ 225,000	\$ 222,929	\$ 224,757	1.388%	3,094
Federal Agency/Bond Note	FHLMC #3137EAEB1	07/19/19	\$ 600,000	\$ 589,695	\$ 599,365	0.890%	5,250
Federal Agency/Bond Note	FHLB #3130A8Y72	08/05/19	\$ 600,000	\$ 589,215	\$ 599,480	0.891%	5,250
Federal Agency/Bond Note	FM #3137EAEH8	08/15/19	\$ 470,000	\$ 464,528	\$ 469,542	1.391%	6,463
Federal Agency/Bond Note	FHLB #3130ACM92	10/21/19	\$ 700,000	\$ 691,942	\$ 698,925	1.517%	10,500
Federal Agency/Bond Note	FMAN #3137EAE55	01/17/20	\$ 75,000	\$ 73,930	\$ 74,947	1.522%	1,125
Federal Agency/Bond Note	FHLB #3130ADN32	02/11/20	\$ 110,000	\$ 109,544	\$ 109,813	2.134%	2,338
Federal Agency/Bond Note	FNMA #3135G0T29	02/28/20	\$ 305,000	\$ 300,396	\$ 304,875	1.523%	4,575
Federal Agency/Bond Note	FHLB #3130ADUJ9	03/30/20	\$ 420,000	\$ 420,055	\$ 419,924	2.375%	9,975
Federal Agency/Bond Note	FHLMC #3137EAFF2	04/20/20	\$ 295,000	\$ 289,374	\$ 294,305	1.402%	4,056
Federal Agency/Bond Note	FNMA #3135G0T60	07/30/20	\$ 980,000	\$ 960,354	\$ 977,679	1.531%	14,700
Federal Agency/Bond Note	FHLB #3130ACE26	09/28/20	\$ 155,000	\$ 151,200	\$ 154,592	1.409%	2,131
Federal Agency/Bond Note	FHLMC #3137EAEK1	11/17/20	\$ 420,000	\$ 413,818	\$ 419,646	1.903%	7,875
Federal Agency/Bond Note	FMN #3137EAEI9	02/16/21	\$ 200,000	\$ 199,434	\$ 199,493	2.382%	4,750
Federal Agency/Bond Note	FFCBN #3133EJJD2	04/05/21	\$ 300,000	\$ 299,875	\$ 299,652	2.541%	7,620
Federal Agency/Bond Note	FM #3135G0T45	04/05/22	\$ 100,000	\$ 97,378	\$ 99,635	1.925%	1,875
Total Federal Agency Bond/Note			\$ 10,585,000	\$ 10,471,984	\$ 10,576,796	1.436%	150,328
US Treasury Notes	#912828Q94	04/30/18	\$ 1,545,000	\$ 1,543,991	\$ 1,544,887	0.751%	11,588
US Treasury Notes	#912828S68	07/31/18	\$ 195,000	\$ 194,307	\$ 194,440	0.753%	1,463
US Treasury Notes	#91282T42	09/30/18	\$ 1,225,000	\$ 1,217,871	\$ 1,222,319	0.754%	9,188
US Treasury Notes	#912828U99	12/31/18	\$ 300,000	\$ 298,184	\$ 298,791	1.258%	3,750
US Treasury Notes	#912828RH5	09/30/18	\$ 400,000	\$ 398,906	\$ 399,533	1.379%	5,500
US Treasury Notes	#912828WD8	10/31/18	\$ 280,000	\$ 278,808	\$ 279,859	1.255%	3,500
US Treasury Notes	#912828A34	11/30/18	\$ 225,000	\$ 223,866	\$ 224,761	1.257%	2,813
US Treasury Notes	#912828C65	03/31/19	\$ 105,000	\$ 104,471	\$ 104,501	1.633%	1,706
US Treasury Notes	#912828TR1	09/30/19	\$ 205,000	\$ 201,308	\$ 203,770	1.018%	2,050
US Treasury Notes	#912828TR1	09/30/19	\$ 250,000	\$ 245,498	\$ 248,850	1.018%	2,500
US Treasury Notes	#912828F62	10/31/19	\$ 700,000	\$ 691,824	\$ 701,398	1.518%	10,500
US Treasury Notes	#912828357	01/31/20	\$ 130,000	\$ 129,380	\$ 129,650	2.010%	2,600
US Treasury Notes	#912828VP2	07/31/20	\$ 50,000	\$ 49,619	\$ 50,953	2.015%	1,000
US Treasury Notes	#912828L32*	08/31/20	\$ 212,793	\$ 207,922	\$ 214,883	1.407%	2,926
US Treasury Notes	#912828N48	12/31/20	\$ 250,000	\$ 245,850	\$ 254,950	1.780%	4,375
US Treasury Notes	#912828B90	02/08/21	\$ 150,000	\$ 148,330	\$ 153,616	2.023%	3,000

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

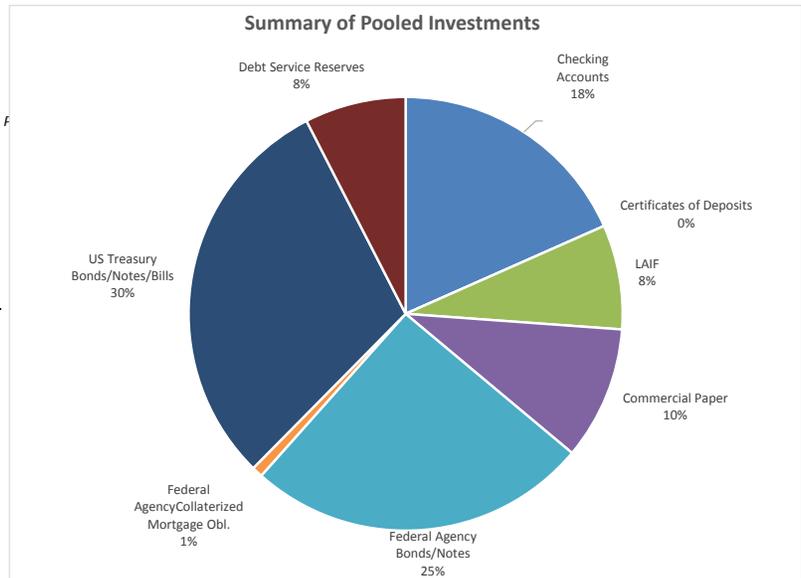
March 31, 2018

Category of Investment	Name of Institution	Maturity Date	Par Amount	Market Value*	Amortized Cost	Curr Yield At Market	Est Annual Income
US Treasury Notes	#912828Q78	04/30/21	\$ 390,000	\$ 378,041	\$ 384,340	1.419%	5,363
US Treasury Notes	#912828Q78	04/30/21	\$ 465,000	\$ 450,741	\$ 458,320	1.419%	6,394
US Treasury Notes	#912828S76	07/31/21	\$ 600,000	\$ 574,711	\$ 586,640	1.175%	6,750
US Treasury Notes	#912828D72	08/31/21	\$ 700,000	\$ 689,473	\$ 701,543	2.031%	14,000
US Treasury Notes	#912828D72	08/31/21	\$ 700,000	\$ 689,473	\$ 707,520	2.031%	14,000
US Treasury Notes	#912828T67	10/31/21	\$ 195,000	\$ 186,888	\$ 191,607	1.305%	2,438
US Treasury Notes	#912828T67	10/31/21	\$ 285,000	\$ 273,143	\$ 276,708	1.304%	3,563
US Treasury Notes	#912828T67	10/31/21	\$ 750,000	\$ 718,799	\$ 739,835	1.304%	9,375
US Treasury Notes	#912828F96	10/31/21	\$ 450,000	\$ 442,758	\$ 452,185	2.033%	9,000
US Treasury Notes	#912828H86	01/31/22	\$ 100,000	\$ 96,375	\$ 98,234	1.556%	1,500
US Treasury Notes	#912828H86	01/31/22	\$ 400,000	\$ 385,500	\$ 394,441	1.556%	6,000
US Treasury Notes	#912828P4	07/31/22	\$ 325,000	\$ 316,278	\$ 322,965	1.927%	6,094
US Treasury Notes	#912828P4	07/31/22	\$ 400,000	\$ 389,266	\$ 394,362	1.927%	7,500
US Treasury Notes	#912828L57	09/30/22	\$ 140,000	\$ 135,324	\$ 138,831	1.810%	2,450
US Treasury Notes	#912828L57	09/30/22	\$ 400,000	\$ 386,641	\$ 394,211	1.810%	7,000
Total US Treasury Bond/Note			\$ 12,522,793	\$ 12,293,545	\$ 12,468,903	1.382%	\$ 169,886
<b>TOTAL POOLED INVESTMENTS</b>			\$ 38,431,629.52	\$ 38,061,961.27	\$ 38,351,344.26	1.186%	\$ 451,427

Reserved for Bond/Debt Service							
SSWA Bonds =Series 2016 #265092000	First Amer Treas Oblig	#31846V302	\$ 5	\$ 5	\$ 5	1.040%	0
Govt Sec Money Market-RDA/SA	First Amer Treas Oblig	#31846V302	\$ 836,666	\$ 836,666	\$ 836,666	1.090%	9,120
Govt Sec Money Market-RDA/SA	First Amer Treas Oblig	#31846V302	\$ 925,375	\$ 925,375	\$ 925,375	1.090%	10,087
Govt Sec Money Market-RDA/SA	First Amer Treas Oblig	#31846V302	\$ 83	\$ 83	\$ 83	1.090%	1
Savings Acct-RDA Marina	West America Bank	Demand Deposit	\$ 398,245	\$ 398,245	\$ 398,245	0.071%	282
Marina Debt Service	Federal Agency/Bond	#912828L32*	\$ 962,207	\$ 940,181	\$ 971,658	0.725%	7,045
Total Debt Service Reserve Funds			\$ 3,122,581	\$ 3,100,555	\$ 3,132,032	0.856%	\$ 26,535

<b>Grand Total</b>			\$ 41,554,210	\$ 41,162,516	\$ 41,483,376	1.161%	\$ 477,962
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Summary of Pooled Investments	Amount	Percentage
Checking Accounts	\$ 7,617,809	18%
Certificates of Deposits	\$ -	0%
LAIF	\$ 3,229,971	8%
Commercial Paper	\$ 4,123,576	10%
Federal Agency Bonds/Notes	\$ 10,576,796	25%
Federal Agency Collateralized Mortgage Obl.	\$ 334,289	1%
US Treasury Bonds/Notes/Bills	\$ 12,468,903	30%
Debt Service Reserves	\$ 3,132,032	8%
<b>Total</b>	\$ 41,483,376	



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

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

Attest by:

Michael J. McMurry, City Treasurer

Date

Submitted by:

Elizabeth Luna, Accounting Services Mgr.

Date

## AGENDA TRANSMITTAL

**MEETING DATE:** May 15, 2018

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**CITY AGENDA ITEM:** PUBLIC HEARING: Council Introduction and Waive Reading of Ordinance No \_\_: An Ordinance of the City Council of the City of Suisun City, California, Adding a New Chapter 18.49 (Cannabis Regulatory Program) to, and Repealing Chapter 5.42 (Marijuana Uses and Activities Prohibited) and Chapter 18.59 (Prohibited Businesses) of, the Suisun City Code to Regulate Commercial Cannabis Operations and Personal Cannabis Cultivation in the City of Suisun City, and Finding an Exemption from the California Environmental Quality Act.

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**FISCAL IMPACT:** If the City moves forward with adoption of the Ordinance, subsequent actions will be required to establish fees for application reviews and expectations for local revenue, the latter of which requires placing a tax measure on the November 2018 ballot.

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**ENVIRONMENTAL REVIEW:** The proposed project (“Project”) is adoption of an ordinance that would establish regulations related to personal use cannabis cultivation and commercial cannabis uses. Changes to City regulations for personal use cannabis cultivation would be consistent with State law and would not grant any rights to cultivation beyond those rights established under state law. The proposed ordinance also establishes standards and regulations related to commercial cannabis operations. However, approval of the ordinance would not allow commercial cannabis activities, as these activities would be subject to subsequent review and approval of a Cannabis Business Permit. Under the proposed regulations, a single cannabis dispensary could be allowed in the Commercial Services and Fabrication (CSF) zone and such a dispensary would be consistent in character, traffic and potential environmental impacts to uses that are currently allowed in the CSF zone. All other commercial cannabis uses, including cultivation, manufacture, distribution and testing could only be conducted within approved Cannabis Business Zones and no such Cannabis Business Zones are proposed at this time. The ordinance includes procedures for the establishment of Cannabis Business Zones subject to discretionary review and approval by the City Council and such future action would be subject to review under CEQA. Thus, approval of the proposed ordinance would not result in any changes to the physical environment that would not be allowed by State law or without additional discretionary approvals from the City that establish a Cannabis Business Zone and/or grant permits for operation of commercial cannabis businesses.

Based on the above, adoption of the proposed ordinance does not have the potential to cause a significant effect on the environment. Therefore, pursuant to CEQA Guidelines Section 15061, the Project is exempt from CEQA. Additional details of the Project’s CEQA analysis are provided within Attachment 2, Notice of Exemption.

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**PREPARED BY:**

Paul Junker, Senior Project Manager

**REVIEWED/APPROVED BY:**

Suzanne Bragdon, City Manager

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**BACKGROUND:****Project Overview:**

The City of Suisun City has engaged in discussions related to the regulation of cannabis uses since early 2017. Discussions have explored both the potential benefits and concerns associated with commercial cannabis uses. Comments received have ranged from interest in exploring commercial uses as long as issues and concerns are addressed, to comments that some commercial cannabis uses simply are not appropriate for Suisun City. Public forums in which cannabis regulations have been discussed include:

- March 21, 2017 – First City Council Briefing and Policy Discussion
- April 4, 2017 – Second City Council Policy Discussion
- April 11, 2017 – Planning Commission Briefing and Policy Discussion
- June 7, 2017 – Cannabis Policy Community Meeting
- December 12, 2017 - Planning Commission Hearing
- January 16, 2018 – City Council Hearing
- February 20, 2018 – City Council Hearing
- March 6, 2018 – City Council Hearing
- April 30, 2018 – Planning Commission Hearing

The City Council conducted three hearings in early 2018 that addressed many aspects of the proposed ordinance and provided staff direction in two primary areas: 1) revise the personal cultivation regulations to allow outdoor personal use cultivation and remove restrictions on personal use cultivation that the City Council believed were unenforceable; and 2) consider further whether a cannabis dispensary should be allowed within Suisun City. The City Council did not take formal action on the proposed ordinance, but did provide the following direction regarding dispensaries:

- One cannabis dispensary will be allowed in Suisun City.
- The dispensary will be authorized to sell both adult use and medical cannabis.
- The dispensary will be allowed to conduct on site (store front) sales and delivery sales.
- Deliveries would be limited to medical cannabis and related products.
- Location is limited to the Commercial Service & Fabrication (CSF) Zone.
- Approval of the dispensary will require a discretionary action by the City Council – this would be approval of a Cannabis Business Permit.
- The City will accept applications for dispensaries and select the most qualified operator.

Provisions for allowing a cannabis dispensary consistent with City Council direction have been incorporated into the proposed ordinance and provisions related to personal use cultivation have been amended consistent with City Council direction. Additionally, staff has incorporated minor technical revisions related to administering development agreements.

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**STAFF REPORT:** This section includes a general discussion of the Project’s adherence to all applicable local requirements, as well as detailed descriptions of the requested Project approvals and a review of key issues that have been addressed through the Project review.

## **Cannabis Regulations**

### **General Commercial Regulations**

The proposed ordinance establishes operating standards applicable to all cannabis businesses, such as measures to assure safety and minimize potential for crime. Additionally, for each of the various use types, the proposed ordinance establishes specific regulations applicable to the individual business type that are intended to minimize or eliminate the potential for adverse effects on the community.

### **Cannabis Business Zone:**

The proposed ordinance establishes procedures and guidelines for the review of commercial cannabis uses. As previously noted, the City Council has directed that up to one cannabis dispensary may be located within Suisun City and that such a dispensary could only be located in the Commercial Services and Fabrication zone. All other commercial cannabis use, including cultivation, manufacture, distribution and testing facilities could only be located within a Cannabis Business Zone.

Establishment of a Cannabis Business Zone would require a zoning amendment and therefore would be subject to Planning Commission review and City Council approval. The proposed ordinance establishes procedures, regulations and guidelines regarding the location and planning of future Cannabis Business Zones. Once a Cannabis Business Zone is established, then individual businesses could apply for City Cannabis Business Permits. All commercial cannabis businesses would be required to secure a Cannabis Business Permit and such permits would be subject to Planning Commission and City Council review.

### **Retailer and Non-Storefront Retailer**

Under the proposed ordinance, a single Storefront Retailer (cannabis dispensary) could be allowed within the Commercial Services and Fabrication (CSF) district. The attached ordinance has been updated to allow such a use, establish operating standards and restrictions for Storefront Retailers, and establish the process by which a Storefront Retailer will be selected.

In order to assure the most qualified company or individual is selected to operate a cannabis dispensary within Suisun City, the proposed ordinance establishes a Request for Applications (RFA) process for selecting a cannabis dispensary operator. Following adoption of the proposed ordinance, City staff will develop detailed set procedures and criteria for the selection of the most qualified operator. These procedures and criteria will ensure that the selection of the operator is conducted in a fair and transparent manner. Following submittal and review of applications, staff will provide a recommendation to the City Council and the City Council will then select the Storefront Retailer (cannabis dispensary operator).

The ordinance also establishes regulations for Non-Storefront Retailer (cannabis deliveries). Under the proposed ordinance, Non-Storefront Retailers are allowed within a Cannabis Business Zone without limitation regarding number of businesses. Such businesses would take orders via appropriate methods (no onsite sales) and deliver medicinal cannabis and medicinal cannabis products only, which could be within Suisun City or to customers outside Suisun City. All cannabis deliveries would be subject to permit fees and taxes as established by Suisun City.

Allowed and Prohibited Uses

Under the proposed ordinance, the following cannabis businesses would not be allowed within Suisun City:

1. Type 1= Cultivation; Specialty Outdoor; Small.
2. Type 1C = Cultivation; Specialty Cottage; Small.
3. Type 2 = Cultivation; Outdoor; Small.
4. Type 3= Cultivation; Outdoor; Medium.
5. Type 5 = Cultivation; Outdoor; Large.
6. Type 12 = Microbusiness.

As currently drafted, the following businesses could be allowed within Suisun City subject to establishment of a Cannabis Business Zone and/or approval of a Cannabis Business Permit:

1. Type 1A = Cultivation; Specialty Indoor; Small.
2. Type 1B = Cultivation; Specialty Mixed-Light; Small.
3. Type 2A = Cultivation; Indoor; Small.
4. Type 2B = Cultivation; Mixed-Light; Small.
5. Type 3A = Cultivation; Indoor; Medium.
6. Type 3B = Cultivation; Mixed-Light; Medium.
7. Type 4 = Cultivation; Nursery.
8. Type 5A = Cultivation; Indoor; Large.
9. Type 5B = Cultivation; Mixed-Light; Large.
10. Type 6 = Manufacturer 1.
11. Type 7 = Manufacturer 2.
12. Type 8 = Testing Laboratory.
13. Type 9 = Non-Storefront Retailer.
14. Type 10 = Retailer.
15. Type 11 = Distributor.

Personal Cultivation Regulations

Personal use cultivation regulations in the proposed ordinance has been amended based on City Council direction provided January 16, 2018. Generally, the Council directed two changes: 1) personal use cultivation is allowed outdoors (previously personal use was limited to indoor cultivation); and, 2) certain restriction on personal use cultivation were removed because the requirement is already established under current regulations (primarily building codes) or because the regulations were considered unenforceable.

Repeal of Existing Regulations

Adoption of the ordinance to enact Chapter 18.49 (Personal Cultivation and Commercial Cannabis Regulation) would also repeal in their entirety Chapters 5.42 (Marijuana Uses and Activities) and 18.59 (Prohibited Businesses) of the Suisun City Code.

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**FUNDING AND REVENUE:** If the City moves forward with adoption of the draft ordinance, subsequent actions will establish fees for application reviews and expectations for local revenue. Generally, there are two primary options for establishing an ongoing revenue stream for the City: excise tax and permit fees. These revenue sources will be evaluated and appropriate action will be taken by the City once the proposed ordinance is adopted.

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**PLANNING COMMISSION ACTION:** The Planning Commission conducted a duly notice public hearing on April 30, 2018 to review the new Chapter 18.49 (Cannabis Regulatory Program). Comments from the Planning Commission included:

- Interest in increasing the allowed cannabis dispensaries within Suisun City from the proposed single dispensary to up to three dispensaries.
  - The Commission expressed concern that limiting to a single dispensary would not provide adequate opportunities for potential business operators and that making a fair selection of only a single dispensary operator could be difficult. Most ordinances provide a maximum number of dispensaries that rely on a competitive process. That City Council always has the prerogative to increase the number of dispensaries in the future.
- Request to require background checks for cannabis business owners and applicants, as well as for business employees.
  - Upon review of the ordinance staff has confirmed that background checks are required for employees, but not for owners or applicants. Staff recommends that references to background checks in Section 18.49.090, 18.49.130 and 18.49.150 be amended as appropriate to require background checks for “owners and parties with a financial interest” as well as employees.

Following discussion and deliberation, the Planning Commission voted (6-0. 1 absent) to adopt a resolution recommending that the City Council:

1. Determine that enactment of the Chapter 18.49 (Cannabis Regulatory Program) is exempt from the California Environmental Quality Act.
2. Enact the proposed Chapter 18.49 (Cannabis Regulatory Program), subject to the following revisions:
  - Increase allowed dispensaries from one (1) to up to three (3).
  - Require background checks for owners and applicants associated with commercial cannabis uses
3. Repeal Chapters 5.42 (Marijuana Uses and Activities Prohibited) and 18.59 (Prohibited Business) in their entirety.

The Planning Commission’s recommended revisions have not been incorporated into the proposed Ordinance before the City Council.

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**CITY COUNCIL OPTIONS:** The City Council has several options in considering the proposed Ordinance. Actions that the City Council may take within this review include:

- Adopt the Ordinance as proposed;
- Adopt the Ordinance with specific modifications as determined appropriate by the City Council;
- Disapprove the Ordinance with specific concerns identified;
- Continue the item for further discussion.

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**STAFF RECOMMENDATION:** Introduction and Waive Reading of Ordinance No - \_\_\_\_; An Ordinance of the City Council of the City of Suisun City, California, adding a New Chapter 18.49 (Cannabis Regulatory Program) to, and Repealing Chapter 5.42 (Marijuana Uses and Activities Prohibited) and Chapter 18.59 (Prohibited Businesses) of, the Suisun City Code to Regulate Commercial Cannabis Operations and Personal Cannabis Cultivation in the City of Suisun City, and Finding an Exemption from the California Environmental Quality Act (**as modified to include background checks for owners and applicants, in addition to employees**).

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**ATTACHMENTS:**

1. Ordinance No. \_\_\_\_: An Ordinance of the City Council of Suisun City, California, Adding a New Chapter 18.49 (Cannabis Regulatory Program) to; and Repealing Chapter 5.42 (Marijuana Uses and Activities Prohibited) and Chapter 18.59 (Prohibited Businesses) of, the Suisun City Code to Regulate Commercial Cannabis Operations and Personal Cannabis Cultivation in the Suisun City Code to Regulate Commercial Cannabis Operations and Personal Cannabis Cultivation in the City of Suisun City, and Finding an Exemption from the California Environmental Quality Act.
2. Notice of Exemption – Cannabis Regulatory Program Ordinance

**ORDINANCE NO. \_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, ADDING A NEW CHAPTER 18.49 (CANNABIS REGULATORY PROGRAM) TO, AND REPEALING CHAPTER 5.42 (MARIJUANA USES AND ACTIVITIES PROHIBITED) AND CHAPTER 18.59 (PROHIBITED BUSINESSES) OF, THE SUISUN CITY CODE TO REGULATE COMMERCIAL CANNABIS OPERATIONS AND PERSONAL CANNABIS CULTIVATION IN THE CITY OF SUISUN CITY, AND FINDING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, in 1996 California voters approved Proposition 215, the Compassionate Use Act (“CUA”), codified as Health and Safety Code §11362.5, to exempt certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of cannabis for medical purposes; and

**WHEREAS**, in 2003 the California legislature enacted Senate Bill 420, the Medical Marijuana Program Act (“MMPA”), codified as Health & Safety Code §§ 11362.7, *et seq.*, and as later amended, to clarify the scope of the Compassionate Use Act of 1996 relating to the possession and cultivation of cannabis for medical purposes, and to authorize local governing bodies to adopt and enforce laws consistent with its provisions; and

**WHEREAS**, in 2015, the State of California adopted AB 266, AB 243, and SB 643, collectively referred to as the Medical Cannabis Regulation and Safety Act (“MCRSA”), which established a comprehensive regulatory and licensing scheme for commercial medical cannabis operations; and

**WHEREAS**, at the November 8, 2016 general election, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”) was approved by California voters as Proposition 64, which established a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, and which also legalized limited personal recreational cannabis use, possession, and cultivation; and

**WHEREAS**, on June 27, 2017, Governor Brown signed Senate Bill 94, the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), which merged the regulatory regimes of the MCRSA and the AUMA; and

**WHEREAS**, pursuant to the MAUCRSA, the State of California began issuing licenses late 2017 and early 2018 for both medical and adult-use cannabis businesses in over 20 different categories, which are found in Business & Professions Code § 26050 and the regulations promulgated pursuant thereto, and which categories include cannabis cultivator, manufacturer, testing, retailer, distributor, and microbusiness; and

**WHEREAS**, the MAUCRSA, at Business & Professions Code § 26200(a)(1), provides that local jurisdictions may completely prohibit the establishment or operation of any or all of the different medical and recreational business operations to be licensed by the state under Business & Professions Code § 26050; and

**WHEREAS**, the MAUCRSA, at Business & Professions Code § 26055(d), provides that a State commercial cannabis license may not be issued to an applicant whose operations would violate the provisions of any local ordinance or regulation; and

**WHEREAS**, the MAUCRSA, at Business & Professions Code Section 26200(a)(1), provides that local jurisdictions may adopt and enforce local ordinances to regulate any or all of the 20 different medical and recreational business operations to be licensed by the state under Business & Professions Code Section 26050, including, but not limited to, local zoning and land use requirements; and

**WHEREAS**, the MAUCRSA, at Business & Professions Code Section 26201, provides that any standards, requirements, and regulations regarding health and safety, environmental protection, testing, security, food safety, and worker protections established by the state for the different medical and recreational business operations to be licensed by the state under Business & Professions Code Section 26050, shall be the minimum standards, and a local jurisdiction may establish additional standards, requirements, and regulations; and

**WHEREAS**, the AUMA, Health & Safety Code § 11362.1(a)(3), makes it lawful for any person 21 years of age or older to “[p]ossess, plant, cultivate, harvest, dry, or process not more than six living cannabis plants and possess the cannabis produced by the plants”; and

**WHEREAS**, the AUMA, Health & Safety Code § 11362.2(b), explicitly allows a city to “enact and enforce reasonable regulations to reasonably regulate” the cultivation of cannabis permitted under Health & Safety Code § 11362.1(a)(3), so long as the city does not completely prohibit the cultivation of up to six plants; and

**WHEREAS**, on November 16, 2017, the California Bureau of Cannabis Control (“BCC”), Department of Food and Agriculture (“CDFA”), and Department of Public Health (CDPH) released proposed emergency regulations pursuant to the MAUCRSA, which specify the process and requirements for obtaining state licenses to engage in all types of commercial medicinal and adult-use cannabis activities in the State of California (“Regulations”); and

**WHEREAS**, the Regulations establish multiple new state license classifications, additional to those specified in Business & Professions Code § 26050, including one for “Non-Storefront Retailers,” or commercial cannabis operations which conduct sales of cannabis solely by delivery; and

**WHEREAS**, the Regulations were submitted to the State Office of Administrative Law (“OAL”) for review on November 28, 2017, and were subject to a public comment period that ended on December 4, 2017; and

**WHEREAS**, the Regulations were approved by the OAL on December 7, 2017; and

**WHEREAS**, the BCC began accepting applications for temporary state licenses for commercial cannabis retailers, distributors, microbusinesses, testing laboratories, and cannabis events in December, 2017, and is now accepting annual state licenses for such activities; and

**WHEREAS**, the CDPH began accepting applications for temporary state licenses for commercial cannabis manufacturers in December, 2017, and is now accepting applications for annual state licenses for such activities; and

**WHEREAS**, the CDFA began accepting applications for temporary state licenses for commercial cannabis cultivators, nurseries and processors in December, 2017, and is now accepting applications for annual state licenses for such activities; and

**WHEREAS**, the City of Suisun City (“City”) is a general law city and a political subdivision of the State of California; and

**WHEREAS**, Article XI, Section 7 of the California Constitution grants the City authority to make and enforce all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

**WHEREAS**, the City Council of Suisun City now desires to permit and regulate various types of commercial medicinal and adult-use cannabis activities, and to prohibit others, within the City of Suisun City; and

**WHEREAS**, pursuant to the above-described express statutory authority and the City’s police power, the City now desires to regulate all commercial cannabis activities (whether not-for-profit or for-profit) that may otherwise be permitted by the State of California under the AUMA and the MAUCRSA, by adding a new Chapter 18.49 (“Cannabis Regulatory Program”) to the Suisun City Code to regulate commercial medicinal and adult-use cannabis activities and the cultivation of cannabis for personal use; and

**WHEREAS**, this ordinance is enacted, consistent with the CUA, MCRSA, MAUCRSA, AUMA and all other applicable state laws, to protect the public health, safety, and welfare of the public in relation to commercial medicinal and adult-use cannabis activities and to cultivation of cannabis for personal use; and

**WHEREAS**, the City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”), pursuant to both Section 26055(h) of the Business & Professions Code and Section 15061(b)(3) of the CEQA Guidelines; and

**WHEREAS**, nothing in this Ordinance shall be construed to allow any person to engage in conduct that endangers others or causes a public nuisance; and

**WHEREAS**, in November of 2017, the City adopted Ordinance No. 745, which added Chapter 5.42 (“Marijuana Uses and Activities Prohibited”) to the Suisun City Code to prohibit all commercial cannabis activities in the City, and which provided that it shall expire on July 1, 2018; and

**WHEREAS**, Chapter 18.59 (“Prohibited Businesses”) of the Suisun City Code prohibits the establishment and operation of businesses involving the cultivation, sale, delivery or distribution of cannabis other than personal cultivation and use of cannabis for medicinal purposes as permitted by the Compassionate Use Act of 1996 (“CUA”) and the AUMA; and

**WHEREAS**, the subject matter of Suisun City Code Chapters 5.42 and 18.59 is superseded by this Ordinance, and the City Council therefore sees fit to repeal Chapters 5.42 and 18.59 of the Suisun City Code in their entirety in order to avoid conflicts and inconsistencies in the Suisun City Code; and

**WHEREAS**, the Planning Commission of the City of Suisun City did hold a duly noticed public hearing on April 30, 2018 and, following discussion, consideration and public comment, voted 6-0 (one absent) in favor of recommending that the City Council adopt this Ordinance; and

**WHEREAS**, all legal pre-requisites to adoption of this Ordinance have occurred; and

**WHEREAS**, nothing in this Ordinance shall be construed to allow any person to engage in conduct that endangers others or causes a public nuisance.

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

**SECTION 1. THE CITY COUNCIL OF THE CITY OF SUISUN CITY HEREBY MAKES THE FOLLOWING FINDINGS:**

- A. The recitals set forth above are all true and correct and are incorporated herein.
- B. The regulation of, and prohibitions on, commercial cannabis activities established by this ordinance are necessary to protect the public health, safety and welfare, and are enacted pursuant to the authority granted to the City of Suisun City by state law.
- C. The regulations of personal cultivation of cannabis established by this Ordinance are reasonable and necessary to protect the public health, safety and welfare, and are enacted pursuant to the authority granted to the City of Suisun City by state law.

**SECTION 2. A new chapter 18.49, “CANNABIS REGULATORY PROGRAM,” is hereby added to the SUISUN City Code to read in its entirety as follows:**

<b>Chapter 18.49</b>	<b>CANNABIS REGULATORY PROGRAM</b>
Section 18.49.010	Purpose and Intent.
Section 18.49.020	Definitions.
Section 18.49.030	Commercial Cannabis Operations Prohibited without Permit.
Section 18.49.040	Prohibited Types of Commercial Cannabis Operations.
Section 18.49.050	Permitted Types of Commercial Cannabis Operations.
Section 18.49.060	Cannabis Business Zone; Establishment and Criteria.
Section 18.49.070	Cannabis Business Zone Development Agreements.
Section 18.49.080	Commercial Cannabis Business Permit Required for All Permitted Uses.
Section 18.49.090	Application for Commercial Cannabis Business Permit.

Section 18.49.100	Director Review of Application for Commercial Cannabis Business Permit.
Section 18.49.110	Planning Commission Review of Application for Commercial Cannabis Business Permit.
Section 18.49.120	City Council Review of Application for Commercial Cannabis Business Permit.
Section 18.49.130	Continuing Obligations of Commercial Cannabis Operations.
Section 18.49.140	Renewal of Commercial Cannabis Business Permit.
Section 18.49.150	General Operating Standards and Restrictions.
Section 18.49.160	Commercial Cannabis Retailer (Storefront and Non-Storefront): Establishment, Operating Standards and Restrictions.
Section 18.49.170	Commercial Cannabis Distribution Operating Standards and Restrictions.
Section 18.49.180	Commercial Cannabis Manufacturing Operating Standards and Restrictions.
Section 18.49.190	Commercial Cannabis Testing Operating Standards and Restrictions.
Section 18.49.200	Commercial Cannabis Cultivation Operating Standards and Restrictions.
Section 18.49.210	Application Fees.
Section 18.49.220	Commercial Cannabis Business Permit Suspension and Revocation.
Section 18.49.230	Cultivation of Cannabis for Personal Use.
Section 18.49.240	Administration.
Section 18.49.250	Violations and Penalties.
Section 18.49.260	Prohibitions.
Section 18.49.270	Nonconforming Use.

**Section 18.49.010 Purpose and Intent.**

The purpose and intent of this chapter is to protect and promote the public health, safety and welfare of residents and visitors of the City by establishing a comprehensive set of regulations and prohibitions regarding various types of commercial medicinal and adult-use cannabis activities and the cultivation of cannabis for personal use in the City, in a manner that is consistent with the Compassionate Use Act of 1996, the Medical Marijuana Program Act of 2003, the Medical Cannabis Regulation and Safety Act of 2015, the Adult-Use of Marijuana Act of 2016, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) and other applicable state laws governing cannabis activities.

**Section 18.49.020 Definitions.**

As used in this chapter, the following words and phrases shall have the following meanings:

- A. “Adult use” (or non-medicinal) refers to an activity involving cannabis or cannabis products that is restricted to adults 21 years of age and over and who do not possess physician’s recommendations, in contrast to activities involving medicinal cannabis or medicinal cannabis products.

- B. “Applicant” means a person applying for any City permit or approval pursuant to this chapter.
- C. “Application” means an application for a commercial cannabis business permit pursuant to this chapter.
- D. “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- E. “Cannabis Business Zone” or “CBZ” refers to an overlay zoning designation that is intended to facilitate the use and development of property for commercial cannabis activities on non-residential-zoned land within the City, subject to section 18.49.060 and other applicable provisions of this chapter.
- F. “Cannabis concentrate” means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this chapter. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health & Safety Code, or a drug, as defined by Section 109925 of the Health & Safety Code.
- G. “Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.
- H. “CDTFA” means the California Department of Tax and Fee Administration, formerly known as the Board of Equalization.
- I. “City Manager” means the City Manager of the City of Suisun City, or his or her designee(s).
- J. “Commercial cannabis activity” or “commercial cannabis operation” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale (including retail and wholesale) of cannabis and cannabis products, except cultivation and possession of cannabis for personal use as set forth in this chapter or as preempted by state law.

- K. “Commercial cannabis business permit” means a permit issued by the City pursuant to this Chapter which authorizes the permittee to operate a specific type of commercial cannabis operation in the City subject to the requirements of this chapter, state law, and the specific terms and conditions of the permit.
- L. “CSF” means the City’s Commercial Services Fabrication Zone.
- M. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis.
- N. “Cultivation site” means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of these activities occurs.
- O. “Day care center” means, as the term is understood in Business & Professions Code Section 26001(o), as may be amended, any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers.
- P. “Delivery” means the commercial transfer of cannabis or cannabis products to a customer, and includes the use by a retailer of any technology platform.
- Q. “Director” means the Development Services Director of the City of Suisun City, or his or her designee(s).
- R. “Distribution” means the procurement, sale and transport of cannabis and cannabis products between persons possessing state licenses.
- S. “Employee” means any person, whether paid or unpaid, who provides regular labor or regular services for a commercial cannabis operation, including, but not limited to, at the location of a commercial cannabis operation. The term “employee” includes managers and owners as used in this chapter.
- T. “Extraction” means the process of obtaining cannabis concentrates from cannabis plants, including but not limited to through the use of solvents such as butane, alcohol or carbon dioxide.
- U. “Ground lease” means a real property lease whereby the lessee is authorized to undertake significant development or make significant improvements to the leased property.
- V. “Indoor,” in the context of cultivation, refers to cultivation using exclusively artificial lighting and no natural lighting.

- W. “License” or “State license” means a State of California commercial cannabis operation license, as provided for in Division 10 of the Business and Professions Code (and attendant state regulations), and as may be amended.
- X. “Live scan” means a system for inkless electronic fingerprinting and the automated background check developed by the California Department of Justice (DOJ) which involves digitizing fingerprints and electronically transmitting the fingerprint image data along with personal descriptor information to computers at the DOJ for completion of a criminal record check; or such other comparable inkless electronic fingerprinting and automated background check process as determined by the City Council.
- Y. “Manager” means an employee responsible for management and/or supervision of a commercial cannabis operation or its employees.
- Z. “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.
- AA. “Manufacturer” means a licensee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or re-labels its container; “Manufacturer” includes the activity of manufacturing.
- BB. “Medicinal cannabis” or “medicinal cannabis product” means cannabis or a cannabis product used in compliance with state law for medical/medicinal purposes, pursuant to the Compassionate Use Act (Health and Safety Code § 11362.5), the Medical Marijuana Program Act (Health and Safety Code §§ 11362.7, et seq.), and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Business and Professions Code §§ 26000, et seq.).
- CC. “Minor” means a person under twenty-one (21) years of age.
- DD. “Mixed-light” refers to cultivation using a combination of natural and supplemental artificial lighting.
- EE. “Non-storefront retailer” means a retailer operating pursuant to a Type 9 State license and which engages in the retail sale of medicinal cannabis and medicinal cannabis products exclusively by delivery.
- FF. “Owner” means an owner of a commercial cannabis operation.
- GG. “Person” includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and includes the plural as well as the singular.

- HH. “Physician’s recommendation” means a determination from a physician that a patient’s medicinal cannabis use is deemed appropriate and is recommended by the physician on the basis of the physician has determined that the patient’s health would benefit from the use of cannabis in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which cannabis provides relief, in strict accordance with the Compassionate Use Act of 1996 (Proposition 215), and as understood by Section 11362.5 of the Health and Safety Code.
- II. “Premises” means the designated structure or structures and the surrounding land that is owned, leased, or otherwise held under the control of an applicant or permittee where commercial cannabis activity will be or is conducted.
- JJ. “Primary caregiver” has the same meaning as in Section 11362.7 of the Health and Safety Code, as may be amended.
- KK. “Private residence” has the same meaning as in 11362.2(b)(5) of the Health and Safety Code, as may be amended, which provides that private residence “means a house, an apartment unit, a mobile home, or other similar dwelling.”
- LL. “Qualified patient” has the same meaning as in Section 11362.7 of the Health and Safety Code, as may be amended.
- MM. “Retailer” means a cannabis business that engages in the retail sale of cannabis or cannabis products to customers, whether by delivery or from a storefront. “Retailer” includes “storefront retailer” and “non-storefront retailer.”
- NN. “RFA” means “request for applications.”
- OO. “School” means, as the term is understood in Business & Professions Code Section 26054(b), as may be amended, as a place of instruction in kindergarten or any grades 1 through 12.
- PP. “Simple lease” means a real property lease which does not authorize the lessee to undertake significant development of, or make significant improvements to, the leased property.
- QQ. “State” means the State of California.
- RR. “Storefront retailer/dispensary” means a retailer operating pursuant to a Type 10 State License and engaging in the retail sale of cannabis and cannabis products to walk-in customers from a storefront, commonly referred to as a dispensary. Storefront retailers may also engage in the retail sale of medicinal cannabis and medicinal cannabis products by delivery.

SS. “Testing laboratory” or “testing” means a laboratory, facility, or entity in the State that offers or performs tests of cannabis or cannabis products; includes the activity of laboratory testing.

TT. “Youth center” means, as the term is understood in Business & Professions Code Section 26001(av), as may be amended, any public or private facility that is primarily used to host recreational or social activities for minors, including but not limited to private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

**Section 18.49.030 Commercial Cannabis Operations Prohibited without Permit.**

It shall be unlawful to own, establish, operate, use or permit the establishment or activity of a commercial cannabis operation, or to participate in commercial cannabis operations as an employee, contractor, agent, volunteer, or in any manner or capacity, unless such operation is: (1) pursuant to a current and valid City of Suisun City commercial cannabis business permit issued pursuant to this chapter; (2) pursuant to an equivalent State license for the type of commercial cannabis operation being conducted, pursuant to Division 10 of the Business & Professions Code, as amended, and applicable State regulations promulgated pursuant thereto; and (3) in compliance all the other applicable requirements of this chapter. The prohibition of this section shall include renting, leasing, or otherwise permitting a commercial cannabis operation to occupy or use a location, vehicle, or other mode of transportation.

**Section 18.49.040 Prohibited Types of Commercial Cannabis Operations.**

A. Commercial cannabis operations (including non-profit operations) within the City which involve the activities of outdoor cultivation, microbusiness and non-storefront retailer (adult-use) are prohibited in the City. This prohibition includes, but is not limited to, commercial cannabis activities licensed by the State license classifications listed below, as provided for in Business & Professions Code Section 26050 and applicable State regulations:

1. Type 1= Cultivation; Specialty Outdoor; Small.
2. Type 1C = Cultivation; Specialty Cottage; Small.
3. Type 2 = Cultivation; Outdoor; Small.
4. Type 3= Cultivation; Outdoor; Medium.
5. Type 5 = Cultivation; Outdoor; Large.
6. Type 9 = Non-Storefront Retailer (adult-use) (pursuant to 16 CCR § 5414, and as may be amended).
7. Type 12 = Microbusiness.

B. Except as otherwise expressly provided in this chapter, the prohibition provided by subsection (A) includes any similar activities authorized under new or revised State licenses, or any other State authorization, for any type, category, or classification of commercial cannabis activities which involve the above-referenced activities or similar operations (including non-profit, collective or cooperative operations.)

**Section 18.49.050 Permitted Types of Commercial Cannabis Operations.**

- A. Commercial cannabis operations (including non-profit operations) within the City, which comprise the activities of indoor cultivation, mixed-light cultivation, retailer, non-storefront retailer (i.e., sale by delivery of medicinal cannabis and/or medicinal cannabis products to a qualified patient), manufacturer, testing or distributor are allowed subject to issuance and maintenance of a valid and current City-issued commercial cannabis business permit, continuing compliance with this chapter and all other applicable City and State laws and regulations, and issuance and maintenance of a valid and current State license of a type listed below, as provided for in Business & Professions Code Section 26050 and applicable State regulations:
1. Type 1A = Cultivation; Specialty Indoor; Small.
  2. Type 1B = Cultivation; Specialty Mixed-Light; Small.
  3. Type 2A = Cultivation; Indoor; Small.
  4. Type 2B = Cultivation; Mixed-Light; Small.
  5. Type 3A = Cultivation; Indoor; Medium.
  6. Type 3B = Cultivation; Mixed-Light; Medium.
  7. Type 4 = Cultivation; Nursery.
  8. Type 5A = Cultivation; Indoor; Large.
  9. Type 5B = Cultivation; Mixed-Light; Large.
  10. Type 6 = Manufacturer 1 (extractions using mechanical methods or nonvolatile solvents).
  11. Type 7 = Manufacturer 2 (extractions using volatile solvents).
  12. Type N = Manufacturer (no extractions, pursuant to 17 CCR § 40118, and as may be amended).
  13. Type P = Manufacturer (packaging and labeling only, pursuant to 17 CCR § 40118, and as may be amended).
  14. Type 8 = Testing Laboratory.
  15. Type 9 = Non-Storefront Retailer (medicinal only) (by delivery only, pursuant to 16 CCR § 5414, and as may be amended).
  16. Type 10 = Retailer.
  17. Type 11 = Distributor.
  18. Type 13 = Distributor (transport only, pursuant to 16 CCR § 5315, and as may be amended).
  19. Cultivation License Types for Indoor or Mixed-Light pursuant to 3 CCR § 8201, and as may be amended).
- B. The requirements provided by above subsection (A) apply to any similar activities authorized under new or revised State licenses, or any other State authorization, to allow any type, category, or classification of commercial cannabis activities which involve the above-referenced activities or similar operations (including non-profit, collective or cooperative operations.)
- C. All permitted commercial cannabis uses, with the exception of Type 10 Retailer, must operate within a Cannabis Business Zone pursuant to Sections 18.49.060 and

18.49.070. Storefront retailer/dispensary uses (Type 10 Retailer) are limited to one within the City limits and restricted to the CSF Zone pursuant to Section 18.49.160.

**Section 18.49.060 Cannabis Business Zone; Establishment and Criteria.**

- A. No commercial cannabis operation or activity, other than a storefront retailer pursuant to Section 18.49.160, shall be permitted to operate anywhere in the City other than in a Cannabis Business Zone.
- B. The Cannabis Business Zone is an overlay zoning designation that is intended to facilitate the use and development of property for commercial cannabis activities on non-residential-zoned land within the City.
- C. Establishment of a Cannabis Business Zone does not limit, reduce, or alter the uses allowed pursuant to the base zoning designation of any property or area to which it applies.
- D. Under no circumstances shall any property or area located within any residential zone of the City receive a Cannabis Business Zone designation.
- E. Under no circumstances shall any area located within 600 feet of a school, day care center or youth center receive a Cannabis Business Zone designation. If a property or area is located within 1,000 feet of an established Cannabis Business Zone, the property or area shall not be designated as a separate Cannabis Business Zone. Distances shall be measured as the shortest horizontal distance measured in a straight line from the property line of one site to the property line of another site.
- F. A Cannabis Business Zone shall be a contiguous area and shall be at least 10 acres in size, with the exception that the City Council may approve a Cannabis Business Zone of less than 10 acres in size upon a finding that the smaller area is in the best interests of the public health, safety and welfare of the residents of the City.
- G. Application Submittal and Review
  - 1. CBZ designations and modifications shall be initiated, and review and action related to CBZ designations shall be conducted, in accordance with the procedure set forth in Chapter 18.82 (Amendments) of the Suisun City Code.
  - 2. Notwithstanding the foregoing, for CBZ designations or modifications initiated by one or more property owners, the initiating document shall be in the form of a City-provided application, in lieu of a verified petition as provided for in section 18.82.020(A). The application for designation or modification of a CBZ shall be accompanied by a fee set by resolution of the City Council.
  - 3. For CBZ designations or expansions initiated by application, if there is more than one holder of a legal or equitable ownership interest in property located in the area subject to the proposed CBZ designation or expansion, each such property owner

shall consent to the CBZ designation or expansion over his or her property. If such property owner does not so consent, his or her property shall not become subject to the CBZ. Consent shall be evidenced by a property owner's status as a joint applicant for the CBZ designation or expansion, or via submission of a signed and notarized consent form from a non-applicant property owner, submitted with the application, consenting to inclusion of his or her property within a CBZ.

4. In addition to all submittal requirements identified within Chapter 18.82 of the Suisun City Code, applicants shall provide information as requested to facilitate City review of the CBZ, as determined by the Director. Such information may include, but not be limited to:
  - a. Conceptual layout of development within the CBZ.
  - b. Description of proposed uses, including but not limited to the percentage of use or development by the various permitted cannabis business types described in Section 18.49.050.
  - c. Anticipated number of jobs to be created.
  - d. General statement of design, including perimeter security, landscaping and typical architectural character.

#### H. Criteria for Review

1. It is the City's expectation that development and operation of businesses within Cannabis Business Zones will be designed and operated in a manner that generally benefits the residents of Suisun City. Such benefits may arise from direct creation of new jobs, creation of ancillary and related jobs, contributions toward the construction of key infrastructure projects, contributions of revenue to the City to support key community priorities, or other measures as proposed and determined appropriate by the applicant.
  2. In reviewing an application for a CBZ, the City Council shall find that the proposed cannabis uses will not adversely impact the existing community. Potential adverse impacts include, but are not limited to, increases in criminal activity and the creation of nuisances, including but not limited to detrimental odors and emissions.
- I. Development Agreement. Due to the complexity of implementing development within a Cannabis Business Zone, in order to define the interests of the City, Cannabis Business Zone applicants, and commercial cannabis business permit applicants, and to further the overall public health, safety and welfare of the residents of the City, holders of legal or equitable interests in land located within the Cannabis Business Zone are subject to development agreement obligations as set forth in Section 18.49.070.

**Section 18.49.070 Cannabis Business Zone Development Agreements.**

**A. Development Agreement Requirements.**

1. Each applicant for establishment of a Cannabis Business Zone pursuant to Section 18.49.060, concurrently with CBZ application review, shall apply for and negotiate, in good faith, terms of a development agreement to guide subsequent development and operation of cannabis-related uses within the CBZ. Prior to commencement of any commercial cannabis operations or issuance of any certificate of occupancy for such operations within the CBZ, the City and the CBZ applicant shall execute an appropriate development agreement pursuant to this section. All real property located within the CBZ in which the CBZ applicant holds a legal or equitable interest, greater than a simple lease, shall be subject to the development agreement.
2. The development agreement shall set forth the terms and conditions under which the subject commercial cannabis operation(s) will operate, which may, in addition to the requirements of this chapter, include, but not be limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety, and welfare of the residents of the City. The procedures for development agreements shall comply with this chapter, Suisun City Code Chapter 18.70, and Article 2.5 of Chapter 4 of Division 1 of Title 7 of the California Government Code.
3. If any real property located within a CBZ is at any time owned by persons other than the CBZ applicant, such owners shall be subject to the same obligations, set forth in subparagraph (A)(1), as the CBZ applicant, except as otherwise stated in this section. Notwithstanding the foregoing, if such owners do not operate or propose to operate or authorize the operation of a commercial cannabis business exceeding 10,000 square feet or involving significant development or improvement of their CBZ-zoned property (as determined by the Director in his or her sole discretion), such owners shall not be obligated to apply for or enter into a development agreement unless and until such an operation is proposed.
4. **Term Limits; Renewal.** The maximum term for any development agreement entered into pursuant to this section shall be two years. A development agreement may remain in effect for an unlimited number of consecutive terms, provided that the development agreement is subject to renewal on an annual or biennial basis. All renewals shall be subject to approval the City Council.
5. Notwithstanding subparagraph (A)(4) or any renewal provision in a development agreement, all development agreements shall be subject to compliance with the periodic review requirements of Government Code Section 65865.1. However, the timing of any renewal may be made to coincide with a successful periodic review.

**B. Development Agreement Filing Requirements.**

1. Only qualified applicants may apply to enter into a development agreement pursuant to this section. A qualified applicant is any person who holds a legal or equitable interest, greater than a simple lease, in real property located within a Cannabis Business Zone. Qualified applicants shall provide proof of their legal or equitable interests in the real property subject to the proposed agreement, and proof of the authority of the agent or representative to act for the applicant, if applicable. Said proof of ownership interest and proof of authority shall be subject to review and approval by the City Attorney.
2. The Director shall prescribe the form for each application, notice and other documents provided for or required under this section for the preparation and implementation of development agreements. The applicant shall complete and submit such an application form to the Director, along with a deposit for the estimated direct and indirect costs of processing the development agreement. The applicant shall deposit any additional amounts for all costs and fees to process the development agreement, including all legal fees, within fifteen (15) days of request by the Director. Upon either completion of the application process or withdrawal of the application, the City shall refund any remaining deposited amounts in excess of the costs of processing.
3. The Director shall require an applicant to submit such information and supporting data as the Director considers necessary to process the application, including but not limited to a community benefit assessment to evaluate the benefits the development agreement will provide to the community.

#### C. Processing and Requirements.

1. The Director shall endorse on the application the date it is received. An application or related document shall not be complete until an estimated deposit (as estimated by the City) for the cost of processing has been paid to the City. If within thirty (30) days of receiving the application the Director finds that all required information has not been submitted or the application is otherwise incomplete or inaccurate, the processing of the application and the running of any time limits shall be suspended upon written notice to the applicant and a new thirty (30) day period shall commence once the required material is received by the Director. If the Director finds that the application is complete for filing, it shall be accepted for filing and the applicant so notified. The Director shall review the application and determine the additional requirements necessary to complete final processing of the agreement. After receiving the required information and determining the application to be complete for processing, the Director shall prepare a staff report and recommendation to the Planning Commission and City Council stating whether or not the agreement as proposed or in an amended form would be consistent with policies of the City, this chapter, and any applicable general or specific plan.
2. Notice of a hearing regarding the development agreement shall be given by the Director and shall comply with the requirements of Section 65867 of the California

Government Code, as may be amended, as well as in the manner set forth in Suisun City Code Section 18.70.110.

3. The Planning Commission shall review the proposed development agreement and provide a recommendation to the City Council to approve, approve with modifications or deny the proposed development agreement. If the Planning Commission fails to take action within sixty (60) days of opening the hearing on the matter, such failure shall be deemed to constitute a recommendation of denial to the City Council unless the applicant has requested an extension of time, either in writing or on the record, which has been approved by the Planning Commission prior to the running of the sixtieth day.
4. The proposed development agreement shall be set for hearing and consideration before the Council within sixty (60) days of the recommendation of the Planning Commission, unless the applicant agrees in writing to an extension of time with the Director prior to the matter being heard by the Council.
5. Within ten (10) calendar days after the City enters into the development agreement, the City Clerk shall have the agreement recorded with the County Recorder. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Section 65868 of the California Government Code, or if the City terminates or modifies the agreement as provided in Section 65865.1 of the California Government Code for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall have notice of such action recorded with the County Recorder.

D. Required Findings for Approval Development Agreement.

After the City Council completes the public hearing, the Council may not approve the development agreement unless it finds that the provisions of the agreement:

1. Are consistent with the goals, objectives, and policies of the general plan and any applicable specific plan;
2. Are compatible with the uses authorized in and the regulations prescribed for the zoning district in which the real property is located;
3. Are beneficial to the residents of the City so as to promote the health, safety and welfare of City residents. Such benefits may arise from, without limitation, direct creation of new jobs, creation of ancillary and related jobs, contributions toward the construction of key infrastructure projects, contributions of revenue to the City to support key community priorities, or other measures as proposed by the applicant and determined appropriate by the City;
4. Are not detrimental to the public health, safety, or general welfare;
5. Comply with the California Environmental Quality Act;

6. Will not adversely affect the orderly development of property or the preservation of property values in the City; and
7. Provide for a reasonable penalty for any violation of the development agreement.

E. Transfer of Development Agreements.

1. If a party to a development agreement pursuant to this section transfers title to any real property that is subject to the development agreement or any term or obligation thereof, then the transferor shall assign, and the transferee shall assume, the terms and obligations of the development agreement that are applicable to the transferred real property, unless the transferor, by the terms of the transfer, agrees to retain such obligations.
2. No assignment or assumption of any development agreement, or any term or obligation thereof, shall be valid without the prior written consent of the City Council, and then only upon presentation of evidence demonstrating that the transferee has the experience, expertise, financial strength, and resources to perform its obligations under the agreement, in addition to compliance with any transfer conditions or obligations set forth in the agreement.
3. No permit or entitlement authorizing the transferee to engage in commercial cannabis activity on the transferred real property shall issue until such assignment and assumption has been executed and consented to by the City in accordance with subparagraph (E)(2), unless the transferor has agreed to retain the obligations under the development agreement by the terms of the transfer, and the transferee has demonstrated the same to the City.
4. Exceptions to Transferee Obligations. Notwithstanding any other provision of this section:
  - a. If the transferee will not engage in or authorize commercial cannabis activity on the property, the transferee shall be exempt from all provisions of the development agreement that accrue specific benefits to the City and its residents such as requiring payment of funds to the City by commercial cannabis operations, to the extent such requirements are based on the nature of such operations as commercial cannabis operations. Subject to the foregoing, the assignment and assumption pursuant to subparagraphs (E)(1)-(3) shall be required, but upon expiration of the then-existing term of the development agreement, the transferee shall not be obligated to apply for or enter into a new or renewed development agreement pertaining to the transferred real property.
  - b. If the transferee will engage in or authorize commercial cannabis activity on the transferred property, but the area of the real property to which title is being transferred is less than 10,000 square feet, the assignment and assumption pursuant to subparagraph (E)(1) shall be required, but upon expiration of the

then-existing term of the development agreement, the transferee shall not be obligated to apply for or enter into a new or renewed development agreement pertaining to the transferred real property.

- c. If the transferee will engage in or authorize commercial cannabis activity on the transferred property, but such activity will not involve significant new or ongoing development or improvement thereof, as determined by the Director in his or her discretion, the assignment and assumption pursuant to subparagraph (E)(1) shall be required, but upon expiration of the then-existing term of the development agreement, the transferee shall not be obligated to enter into a new or renewed development agreement pertaining to the transferred real property.
5. Leases. In the event that real property subject to a development agreement pursuant to this section is leased:
    - a. If the lease is a simple lease, the lessee shall not be subject to the development agreement, and the obligations under the development agreement shall remain with the lessor.
    - b. If the lease is a ground lease, the lessor and lessee may negotiate between them as to which party shall bear the obligations under the development agreement during the life of the lease, except that the lessor shall not be relieved of any obligations under the development agreement without the prior written consent of the City pursuant to subparagraph (E)(2).
  6. Each assignment and assumption of a development agreement pursuant to this section shall provide for the transferee to be bound by and comply with all terms and conditions of the development agreement, for the remainder of the term thereof, or until the transferee no longer retains a legal or equitable interest in the subject property (except as stated in subparagraph (E)(4)).
  7. The assignment and assumption shall be signed, with notary acknowledgment, by a person who is duly authorized to bind the transferor and the transferee. The assignment and assumption shall also be approved by the City Council and executed by a duly authorized representative of the City, acknowledging that the assignment and assumption complies with this section and consenting thereto. Upon full execution and approval of the assignment and assumption, the transferee shall be deemed a party to the development agreement pursuant to this section for all purposes. The fully executed assignment and assumption shall be recorded on the subject property within 10 days after its approval and execution.

F. Modifications and Extensions.

1. The provisions of Section 65868 of the California Government Code shall apply for all modifications, extensions or other amendments of the terms of a development agreement subject to this chapter.

2. Either party may propose an amendment or termination of an approved development agreement subject to the following:
  - a. The procedure for amending or terminating the development agreement is the same as the procedure for entering into an agreement in the first instance.
  - b. The development agreement may be amended or cancelled only by the mutual consent of the parties, as provided in Section 65868 of the California Government Code.
3. Nothing herein shall limit the City's ability to terminate or modify the agreement consistent with Section 65865.1 or 65865.3 of the California Government Code as may be amended.

**Section 18.49.080 Commercial Cannabis Business Permit Required for All Permitted Uses.**

- A. Prior to commencing any commercial cannabis operation and as a continuing requisite to conducting operations, the owner of a commercial cannabis operation shall obtain a commercial cannabis business permit from the City under the terms and conditions set forth in this chapter in addition to an equivalent, valid and current State license issued pursuant to Division 10 of the Business & Professions Code, as amended.
- B. Commercial cannabis business permits issued pursuant to this chapter shall automatically expire one year after their date of issuance, unless otherwise expressly provided.
- C. The issuance of a commercial cannabis business permit shall constitute a revocable privilege and shall not create or establish any vested rights for the development or use of any property.
- D. Conditions necessary for the continuing validity of a commercial cannabis business permit include:
  1. Strict adherence to each and every applicable requirement of this chapter and Code, as well as any further applicable requirements, including administrative regulations, adopted by the City.
  2. Maintaining an equivalent, current and valid State license issued pursuant to Division 10 of the Business & Professions Code, as amended. Revocation, suspension or expiration of a required State license shall automatically invalidate the commercial cannabis business permit.
  3. Allowing City code enforcement and police officers to conduct reasonable inspections, at the discretion of the City, of the location of the commercial cannabis operation, including but not limited to inspection of security, inventory, and written

and electronic records, recordings and files pertaining to the commercial cannabis operation, for the purposes of ensuring compliance with this Code and State law.

4. Maintaining valid and current contact information on file with the City for the owner(s) and manager(s) of the commercial cannabis operation, and that of the legal representative of the operation, if applicable.
- E. Commercial cannabis business permits are transferable only if the transferee satisfies all of the requirements for issuance of a new commercial cannabis business permit.

**Section 18.49.090 Application for Commercial Cannabis Business Permit.**

- A. The owner of a proposed commercial cannabis operation, prior to commencing operation, shall file an application for a commercial cannabis business permit with the Director upon a form provided by the City, and shall pay a filing fee as established by resolution adopted by the City Council, as may be amended.
- B. An application for a commercial cannabis business permit shall include, but not be limited to, the following information:
1. The full name, address, e-mail address, and phone number of the applicant.
  2. The street address, assessor's parcel number, and total square footage of the premises where the commercial cannabis operation will be located, and a description of the characteristics of the area surrounding the premises.
  3. If the applicant is not the property owner, the full name, address, e-mail address, and phone number of the owner and any sub-lessor of the premises of the proposed commercial cannabis operation.
  4. If the applicant is not the property owner, a notarized acknowledgment from the property owner consenting to the operation of the proposed commercial cannabis operation on the premises.
  5. The full names, addresses, e-mail addresses, and phone numbers of all persons who will be responsible for or who will participate in the management of the proposed commercial cannabis operation.
  6. A list of the full names of all individuals who are current or prospective employees of the proposed commercial cannabis operation, along with any other identifying information requested by the Director.
    - a. For each current or prospective employee identified, a color photocopy of either a valid California Driver's license or equivalent identification approved by the Director.

- b. For each current or prospective employee identified, and for all owners of the proposed operation, a written and signed consent form provided by the City whereby the employee consents to fingerprinting and a State and federal criminal history background check. At the discretion of the City and in compliance with State law, the City may use live scan to perform criminal background checks.
  - c. For each current or prospective employee identified, a check for payment of the appropriate fees to the City to cover the costs of performing the required criminal history background check.
7. The name, e-mail address and phone number of an employee designated as Community Outreach Manager, who shall be responsible for outreach and communication with the surrounding community.
8. A description of the statutory entity or business form that will serve as the legal structure for the proposed applicant, the ownership structure of the applicant as filed with the California Secretary of State, (e.g. S-corporation, limited liability company, limited liability partnership, etc.), and a copy of all applicable formation and organizing documents for the entity. An applicant that is a foreign corporation shall provide a certificate of qualification issued by the California Secretary of State.
9. The proposed days and hours of operation of the commercial cannabis operation.
10. A scaled site plan, prepared by a licensed civil engineer or architect, of the premises, including at minimum all buildings, structures, driveways, parking lots, landscape areas, and boundaries.
11. A scaled floor plan, prepared by a licensed civil engineer or architect, for each level of each building on the premises, including the entrances, exits, walls and operating areas.
12. A security plan satisfactorily addressing all required security measures identified in Section 18.49.150(H).
13. A transportation plan describing the procedures for safely and securely transporting cannabis and cannabis products and currency to and from the premises.
14. A description of the odor control devices and techniques that will be used to prevent odors from cannabis or cannabis products from becoming detectable off of the premises, in compliance with Section 18.49.150(G).
15. Procedures for identifying, managing, and disposing of litter, waste, and contaminants and hazardous materials pursuant to Section 18.49.150(M)-(N).

16. A business plan, reflecting the capitalization of the proposed business and the degree of training, professionalism and experience of the owner, managers and employees of the proposed business.
17. An operations plan, detailing the operating procedures of the proposed commercial cannabis business, tailored to the specific type of business proposed. Such procedures shall address, without limitation, storage, handling and use of cannabis, cannabis products, and any other materials to be used or contained in the proposed operation, handling of cash, equipment and methods to be used, inventory procedures, lighting, signage and quality control procedures, as applicable.
18. Written authorization to the City to conduct reasonable unannounced inspections of the premises at the discretion of the City, including but not limited to inspection of security, inventory, and written records and files pertaining to the commercial cannabis operation, for the purposes of ensuring compliance with this Code and State law.
19. Evidence of compliance with all operating standards and requirements applicable to the proposed commercial cannabis operation, including but not limited to as provided for by this chapter.
20. Evidence of compliance with all applicable insurance requirements under State and local law, including but not limited to those established by the Director pursuant to Section 18.49.130(A)(1) and 18.49.150(I). Endorsements reflecting the City's status as an additional insured on all required policies shall be provided by the applicant.
21. A copy of a valid and current seller's permit issued by the CDTFA to the applicant, or confirmation from the CDTFA that a seller's permit is not required. If the applicant has not yet received a seller's permit, an attestation that the applicant is currently applying for a seller's permit.
22. Identification of any and all other licenses and/or permits for commercial cannabis operations issued by any licensing or permitting authority:
  - a. held currently by the applicant;
  - b. pending approval for the applicant; or
  - c. denied to, suspended for, or revoked from the applicant.
23. Signed authorization for the Director to seek verification of the information contained in the application.
24. A written statement, signed under penalty of perjury by the applicant, certifying that all of the information contained in the application is true and correct.

25. Evidence of compliance with State laws and regulations applicable to the proposed commercial cannabis operation.
26. Any additional information as is deemed necessary by the Director to administer this chapter.

**Section 18.49.100 Director Review of Application for Commercial Cannabis Business Permit.**

- A. Upon receipt of a commercial cannabis business permit application, the Director shall review the application for completeness, including payment of the required fees.
- B. If the Director determines that the application is incomplete, the Director shall notify the applicant of such fact within thirty (30) days of receipt of the application. If the applicant, after receiving such notice, re-submits an incomplete application to the City, the application shall be deemed abandoned. The applicant may then submit a new application for review pursuant to the requirements of this chapter.
- C. Upon receipt of a completed application, the Director shall investigate the information contained in the application to determine whether the application is in compliance with the requirements of this chapter for potential issuance of a commercial cannabis business permit.
- D. Upon completing his or her investigation of a completed application, the Director shall deem the application a qualified application, unless the Director finds any of the following:
  1. The applicant has made one or more false or misleading statements or omissions, either on the written application form or during the application process;
  2. The applicant has not satisfied each and every requirement of this chapter and code;  
or
  3. The applicant is not in compliance with applicable State law.
- E. Upon deeming an application a qualified application, the Director shall set the application for review by the City's Planning Commission and shall make a recommendation to the Planning Commission as to whether it should recommend approval or denial of the application based on satisfaction of the criteria set forth in Section 18.49.110(B)-(C). The Director may also recommend the imposition of reasonable conditions on the approval and maintenance of the permit, in addition to the requirements of this chapter, to ensure the safe operation of the commercial cannabis operation, and to ensure the health, safety and welfare of the residents and visitors of the City.

**Section 18.49.110 Planning Commission Review of Application for Commercial Cannabis Business Permit.**

- A. The Planning Commission shall review a qualified application at a duly noticed public meeting of the Planning Commission within a reasonable time after the application is deemed qualified by the Director, and shall provide a written recommendation on the application to the City Council.
  
- B. The Planning Commission shall recommend approval of a qualified application to the City Council only upon making a positive finding that the proposed operation will promote the overall health, safety and welfare of the City's residents, based on consideration of the following factors:
  - 1. The proposed operating procedures are detailed, comprehensive, and consistent with best practices and industry standards.
  - 2. The proposed security plan is thorough and establishes high standards for public safety, and for protection of cannabis and cannabis products against theft and diversion to unlawful uses.
  - 3. The exterior appearance of the premises of the proposed operation is aesthetically pleasing and architecturally consistent with surrounding uses.
  - 4. The proposed operation is compatible with surrounding land uses.
  - 5. The proposed operation will provide economic benefits to the City.
  - 6. The proposed operation will provide employment opportunities for City residents.
  - 7. The proposed operation will positively impact the community, based on factors such as, without limitation, whether and to what extent the proposed operation will offer or engage in community service, education, outreach and engagement programs.
  - 8. The proposed operation will be sensitive to community concerns and is not likely to result in negative or nuisance impacts on the community.
  - 9. The proposed operation will maintain best practices with regards to sanitation, cleanliness, and handling, treatment and disposal of waste, contaminants and hazardous materials.
  - 10. The proposed operation will make efficient and safe use of energy, water and other resources.
  - 11. The proposed operation is in compliance with the California Environmental Quality Act.

12. The proposed operation is adequately capitalized.
  13. The owner, managers and employees of the proposed operation possess a high degree of training, professionalism and experience.
  14. The proposed operation meets all applicable requirements of this chapter, this code and State law.
  15. The proposed operation will be within an established Cannabis Business Zone.
  16. The proposed operation satisfies any additional criteria that the Planning Commission determines is of benefit to making a determination of the applicant's commitment to the health, safety and welfare of the residents and visitors of the City.
- C. In evaluating a qualified application pursuant to above subsection (B), the Planning Commission shall consider the information contained in the application as well as any additional information submitted by the applicant at or prior to the hearing. If the Planning Commission finds that the applicant fails to satisfy three or more of the factors set forth in above subsection (B), the Planning Commission shall recommend denial of the application to the City Council.

**Section 18.49.120 City Council Review of Application for Commercial Cannabis Business Permit.**

- A. Within a reasonable time after the Planning Commission has made a recommendation to the City Council regarding a qualified application, the City Council shall make a final written determination on the qualified application at a properly noticed public meeting of the City Council. Factors to be considered by the City Council include the findings and recommendation of the Planning Commission as well as all pertinent evidence timely submitted to the City Council by the applicant, the public, and other interested parties.
- B. The City Council shall not be bound by the findings or recommendation of the Planning Commission, and shall be entitled, but not required, to conduct an independent review of the application. If, upon review, the City Council makes an affirmative finding that the proposed operation will promote the overall health, safety and welfare of the City's residents pursuant to section 18.49.110(B), and does not find that the applicant fails to satisfy three or more of the factors set forth in Section 18.49.110(B), the City Council shall grant the applicant a commercial cannabis business permit.
- C. The City Council may impose reasonable terms and conditions upon the use of the commercial cannabis business permit that it deems necessary to ensure compliance with this chapter and applicable State law, and/or to ensure the safe operation of the proposed operation and the health, safety and welfare of the residents and visitors of the City.

**Section 18.49.130 Continuing Obligations of Commercial Cannabis Operations.**

- A. Upon receiving a commercial cannabis business permit pursuant to this chapter, the permit holder shall:
1. Prior to commencing operations, execute an agreement to indemnify, defend and hold harmless (at the commercial cannabis business permit holder's sole expense, the ability to do so demonstrated through proof of sufficient insurance coverage to the satisfaction of the Director) the City, its elected officials, employees, agents, officers, and representatives, and each and all of them individually, from all liability or harm arising from or in connection with all claims, damages, attorney's fees, costs and allegations arising from or in any way related to the operation of the commercial cannabis operation; and, to reimburse the City for any costs and attorney's fees that the City may be required to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action.
  2. Maintain continuing compliance with all applicable insurance requirements imposed pursuant to local and State law at all times while operating pursuant to the commercial cannabis business permit.
  3. Maintain a valid seller's permit issued by the CDTFA, to the extent required by the CDTFA under State law.
  4. Maintain continuing compliance with the criminal history background check requirements of Section 18.49.150 at all times while operating pursuant to the commercial cannabis business permit by ensuring that, immediately upon hiring or association by the commercial cannabis operation of an employee who has not undergone the required background check, the permit holder provides the Director the authority to obtain:
    - a. The results of a live scan or other criminal history background check, as determined by the City, for the employee which was performed no earlier than ninety (90) days prior to the date of hiring or association of the employee (or as soon as is practicable as determined by the Director); and
    - b. A color photocopy of either a valid California Driver's License for the employee, or equivalent identification of the employee approved by the Director.
  5. Immediately update the Director in writing with correct and current contact information when there is a change in the information previously provided to the City relating to the individuals associated with the permit holder.
- B. Failure to perform the requirements of this section shall render the permit holder's commercial cannabis operation unlawful.

**Section 18.49.140 Renewal of Commercial Cannabis Business Permit.**

- A. The following procedure shall govern the process for renewal of a commercial cannabis business permit:
1. A permit holder may apply to the Director for renewal of an existing permit no less than 60 days, but no more than 90 days, prior to the permit's expiration date.
  2. Application for renewal shall be made through submittal of a commercial cannabis business permit renewal application form provided by the City.
  3. Applications for renewal shall contain all information and documentation required by Section 18.49.090 for applications for new commercial cannabis permits, except as may be waived by the Director based on a finding that certain required information is already possessed by the City, and upon receipt of a certification from the permit holder to the effect that the information remains up to date and has not changed since it was submitted to the City. A storefront retailer permitted pursuant to an RFA process shall be treated the same as all other commercial cannabis business permit holders for purposes of renewal.
  4. If a permit holder files a renewal application less than 60 days prior to permit expiration, the holder must provide a written explanation detailing the circumstances surrounding the late filing.
  5. The Director may, but is not required to, accept the late-filed application for renewal. If the Director accepts the application, then the Director may elect to administratively extend the permit beyond the expiration date pending the Director's review and decision upon the renewal application.
  6. An application for renewal shall not be accepted unless it is accompanied by payment of the required fee for the renewal application set pursuant to resolution of the City Council.
- B. If the Director, upon review of a completed application for renewal of a commercial cannabis business permit, determines that the commercial cannabis operation remains in compliance with all applicable requirements of this chapter, all terms of any applicable development agreements, and other applicable City and State laws and regulations, the Director shall approve the application and renew the permit. If the Director determines that the commercial cannabis operation has not remained in compliance, the Director shall deny the application. Decisions of the Director may be appealed to the City Council for review in accordance with the provisions of Section 18.49.220(E) of this chapter.
- C. A commercial cannabis business permit is immediately invalid upon its expiration date if it is not renewed by such date (with the exception of extensions pursuant to Section 18.49.140(A)(5)). In the event the permit is not renewed prior to expiration, the affected

commercial cannabis operation shall be required to cease operation, and any continued operation after expiration is unlawful.

**Section 18.49.150 General Operating Standards and Restrictions.**

The following operating standards and restrictions shall apply to all commercial cannabis operations and activities in the City, and shall be deemed conditions of issuance and use of all commercial cannabis business permits:

- A. Commercial cannabis operations shall comply with all applicable State laws and regulations as well as the requirements of this chapter and other applicable City laws and regulations.
- B. All commercial cannabis activities shall be conducted within a fully enclosed building or structure which shall be closed to the general public (except that the one permitted storefront retailer may be open to the public during normal business hours pursuant to Section 18.49.160). Neither cannabis nor cannabis products shall be visible from the public right-of-way.
- C. No person under twenty-one (21) years of age shall be allowed access to any portion of the premises of any commercial cannabis operation at any time.
- D. Signs shall be posted conspicuously on the premises indicating that the site is not open to the public (except that the one permitted storefront retailer need not post such signs) and that minors are prohibited from entering the site.
- E. Notwithstanding any other provision of this Code, all commercial cannabis operation premises (except the one permitted storefront retailer) shall be screened to a height of seven feet with fencing consisting of materials permitted by Suisun City Code Chapter 18.34, as may be amended.
- F. All premises must maintain the required lot setbacks pursuant to the City standards applicable to the underlying zoning district in which the premises are located.
- G. All premises must be equipped with an air treatment system sufficient to ensure that off-site odors shall not result from its activities. The premises shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the location of the commercial cannabis operation is not detected outside the building, on adjacent properties or public rights-of-way, or within any other unit located within the same building as the commercial cannabis operation, if the use occupies a portion of a building.
- H. All commercial cannabis operations shall maintain the following security standards:
  - 1. If the premises are available for public access, such access must be through a single secured vestibule area designed to allow for identification confirmation prior to entry into the main lobby area.

2. All areas of the premises where cannabis or cannabis products are cultivated, tested, manufactured, or stored shall be separated from any areas which are available to public access, and shall be secured by lock accessible only to authorized personnel of the commercial cannabis operation.
3. All authorized personnel of commercial cannabis operations shall wear badges or other identification issued by the owner of the operation at all times while on the premises.
4. All premises shall be equipped with high definition security surveillance cameras, which shall be installed and maintained in good condition at all times. The security surveillance camera system shall be in continuous use 24 hours per day, seven days per week, and shall be capable of monitoring all doors, windows, parking lots, areas where cannabis or cannabis products are located, areas adjacent to the exterior walls of all buildings and structures on the premises, and other areas as deemed necessary by the Director. Recordings generated by the security surveillance camera system shall be maintained by the commercial cannabis operation for a minimum of 90 days. The recording system must be capable of exporting the recorded video in standard MPEG formats (or other formats approved or required by the Director) to a common medium such as a USB drive, DVD or other medium approved by the Director. Recordings shall be made available to the City immediately upon request. Additionally, remote log-in information shall be provided to the City's Police Department to allow City police officers and/or other City officers and employees to view live and recorded security camera images remotely at any time.
5. The premises shall have sufficient lighting such that all areas subject to monitoring by the security surveillance camera system shall be visible to all cameras of the system at all times.
6. Sensors shall be installed to detect entry and exit from all secured areas.
7. The premises shall be equipped with a centrally-monitored fire and burglar alarm system and monitored by an alarm company properly licensed by the State of California Department of Consumer Affairs Bureau of Security and Investigative Services in accordance with Business & Professions Code Sections 7590 *et seq.*, and whose agents are properly licensed and registered under applicable law, all subject to approval by the Director.
8. The premises shall have one or more secured transport areas from which all vehicular transportation of cannabis and cannabis products to and from the premises shall occur.
9. At least one security guard licensed by and in good standing with the Bureau of Security and Investigative Services shall be on the premises at all times. The number of security personnel required to be present on any premises at any time,

or at all times, may be adjusted as deemed necessary by the Director in consultation with the City's Chief of Police.

10. If security bars for doors or windows are used, such security bars shall be placed on the interior side of such doors and windows, and must comply with applicable State building standards.
11. Commercial cannabis operations must designate an employee to act as a liaison to the City and its Police Department and must provide the City and its Police Department with the phone number and email address of the liaison. The liaison shall be reasonably available to meet with City or Police Department officials representatives as requested by the City or its Police Department.
12. Commercial cannabis operations must report any of the following occurrences to the Police Department within twenty-four (24) hours of discovery thereof:
  - a. Suspected theft of inventory or equipment, or significant unexplained discrepancies relating thereto;
  - b. Security breaches, including but not limited to burglaries;
  - c. Loss or unauthorized alteration of records subject to City inspection pursuant to this chapter; and
  - d. Any criminal activity or suspected criminal activity taking place on the premises.
13. Commercial cannabis operations shall have the capacity to remain secure during a power outage. Access doors with locks shall not be controlled solely by an electronic access panel.
- I. Commercial cannabis operations shall maintain insurance coverage in amounts satisfactory to the Director which evidence compliance with all applicable insurance requirements as provided for by this chapter, local law and State law. Minimum insurance levels shall be determined by the Director after an assessment of the risks posed by the commercial cannabis operation, including provision for meeting the requirements of Section 18.49.130(A)(1). The City shall be named as an additional insured on all required policies.
- J. Commercial cannabis operations shall maintain on-site the following records in paper or electronic form:
  1. The full name, address, and telephone number of the owner and any lessee of the property.

2. The name, date of birth, and telephone number, and job title or position of each employee of the commercial cannabis operation.
  3. Copies of all required State licenses.
  4. An inventory record documenting the dates and amounts of cannabis and cannabis products received at the site, the daily amounts of cannabis and cannabis products on the site, and the daily amounts of cannabis and cannabis products leaving the site for any reason, including but not limited to sale, delivery and distribution.
  5. A written accounting of all expenditures, costs, revenues and profits of the commercial cannabis operation, including but not limited to cash and in-kind transactions.
  6. A copy of all insurance policies held by or related to the commercial cannabis operation.
  7. A copy of the commercial cannabis operation's financial statement and tax return for the most recent previous year.
  8. A copy of the required valid and current State license and City-issued commercial cannabis business permit.
- K. All records required to be maintained by commercial cannabis operations pursuant to this chapter shall be maintained for three years and are subject to immediate inspection upon request by the City, subject to applicable State and federal law requirements relating to medical confidentiality or other applicable privacy restrictions.
- L. Employees; Background Checks; Identification.
1. All employees must submit to fingerprinting and criminal background checks by the City.
    - a. No individual convicted within the last ten years of a felony substantially related to the qualifications, functions or duties of an employee of a commercial cannabis operation (such as a felony conviction for distribution of controlled substances, money laundering, racketeering, etc.) shall be involved in the operation or ownership of a commercial cannabis business, unless such employee has obtained a certificate of rehabilitation (expungement of felony record) under California law or under a similar federal statute or state law where the expungement was granted.
    - b. At the request of the commercial cannabis operation, the Director and Police Chief shall determine the applicability of a waiver of this section to a potential employee for good cause within a reasonable period of time after a written request has been made to the Director and Police Chief for such determination.

2. All employees and owners must possess a valid government issued (or equivalent) form of identification containing an identifying photograph of the employee, the name of the employee, the date of birth of the employee, and the residential address of the employee or owner. Color copies of such identification shall be maintained at the location of the commercial cannabis operation. A valid California Driver's license will satisfy this requirement.
- M. Commercial cannabis operations shall ensure at all times that all cannabis and cannabis products on-site remains free of harmful contaminants, including but not limited to pesticides, mold and fungus. Commercial cannabis operations shall establish, implement, and at all times maintain written procedures to ensure compliance with this subsection.
- N. Commercial cannabis operations shall ensure that litter and waste, including chemical and organic waste, are properly and regularly removed from the premises, that waste disposal operating systems are maintained in an adequate manner so as not to constitute a source of contamination in areas where cannabis is exposed, and that hazardous materials and waste are properly stored, handled and disposed of in accordance with applicable law. Commercial cannabis operations shall establish, implement, and at all times maintain written procedures to ensure compliance with this subsection.
- O. Commercial cannabis operations shall not result in a nuisance or adversely affect the health, welfare, or safety of nearby persons by creating dust, glare, heat, noise, noxious gases, odors, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or waste. The permittee shall promptly and diligently both prevent as well as eliminate conditions on the site of the commercial cannabis operation that constitute a nuisance.
- P. Notwithstanding any provision of this Code to the contrary, commercial cannabis business permittees shall remove all graffiti from the site and parking lots under the control of the commercial cannabis business permittee within twenty-four (24) hours of its application.

**Section 18.49.160 Commercial Cannabis Retailer (Storefront and Non-Storefront): Establishment, Operating Standards and Restrictions.**

- A. Storefront retailers (State license Type 10) shall be subject to the general operating standards and restrictions set forth in section 18.49.150 and to the following minimum standards and restrictions, all of which shall be deemed conditions of any commercial cannabis business permit for a storefront retailer operation:
1. No more than one commercial cannabis business permit for a storefront retailer shall be active or valid in the City at any one time. In the event no such permits are active and valid in the City at any given time, the Director, in his or her discretion, may initiate an RFA process to accept applications in accordance with Section

18.49.160(B). Applications for commercial cannabis business permits for storefront retailers shall not be accepted other than pursuant to the RFA process.

2. Storefront retailers may be permitted to operate only in the CSF (Commercial Service Fabricating) Zone.
3. Storefront retailers may be open to the public only during normal operating hours. Normal operating hours are limited to 8:00 a.m. to 10:00 p.m., Monday through Sunday.
4. Storefront retailers shall have an operable electronic point-of-sale system, which produces historical transactional data available for review by the Director upon request, on the premises of the storefront retailer at all times during operating hours. All retail sales of cannabis and cannabis products transacted by the storefront retailer shall be entered into or otherwise recorded by the electronic point-of-sale system.
5. A manager must be present on the premises of the storefront retailer at any time that any person, other than security personnel, is on the premises.
6. Smoking, ingesting or consuming cannabis or cannabis products at or within 20 feet of the premises of a storefront retailer is prohibited.
7. Storefront retailers shall not provide free cannabis or cannabis products, except in accordance with Title 16, Section 5411 of the California Code of Regulations, and as may be amended.
8. Storefront retailers shall not cultivate or sell cannabis plants, whether or not such plants are mature or flowering.
9. Storefront retailers shall not sell or dispense alcohol from their premises, and no alcohol shall be consumed on the premises.
10. Odor control devices and techniques shall be used to prevent odors from cannabis or cannabis products from becoming both detectable off of the premises, in compliance with Section 18.49.150(G), and from becoming detectable beyond reasonable levels (as determined by the Director) inside the premises.
11. Proof of the required State license and City-issued commercial cannabis business permit, and a copy of all requests/orders for deliveries being made, shall be carried at all times in vehicles being used to make deliveries on behalf of a non-storefront retailer, and shall be immediately available upon request from law enforcement officers.
12. Storefront retailers shall take reasonable steps to discourage and correct activities or conditions that are illegal or that constitute a nuisance in parking areas,

sidewalks, alleys and other areas surrounding or adjacent to the premises of the storefront retailer during operating hours, if such conduct is related to the storefront retailer operation or any of its owners, managers, employees, agents, representatives, contractors, or customers. Reasonable steps shall include immediately calling the police upon observation of any such activity, and requesting that any person engaging in such activity immediately cease the activity, unless personal safety would be at risk in making the request.

13. An approved and permitted storefront retailer/dispensary may also deliver cannabis and cannabis products for retail sale subject to the limitations and operating regulations of Section 18.49.160(C).

**B. Storefront Retailers/Dispensaries: Request for Applications (RFA) Process.**

1. Applications for storefront retailers (State license Type 10) may only be accepted pursuant to a Request for Applications (RFA) process conducted pursuant to this subsection. Notwithstanding Sections 18.49.100, 18.49.110, and 18.49.120, applications for storefront retailers shall be reviewed and approved in accordance with this subsection.
2. Whenever there is no existing commercial cannabis permit for a storefront retailer in the City (including after a previously-issued permit has been permanently revoked or voluntarily forfeited, or expired without being renewed), the Director, in his or her discretion, may initiate and conduct an RFA process. The Director may promulgate regulations to guide the RFA process, subject to compliance with this subsection.
3. Upon initiating an RFA process, the Director shall prepare an RFA for the purpose of soliciting applications for establishment of a storefront retailer/dispensary in the City. 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 permits for storefront retailers, pursuant to Sections 18.49.080 and 18.49.090. In the event generally applicable procedures and requirements of this chapter conflict with Sections 18.49.080 and/or 18.49.090, this subsection (B) and section 18.49.160(A) shall govern.
4. The City Manager shall develop, for Council approval, a process for reviewing and selecting a recommended operator of a Storefront Retailer from applications received through the RFA process. The recommended operator for a commercial cannabis permit to operate a Storefront Retailer/Dispensary shall be approved for issuance of a commercial cannabis permit by the City Council.
5. Notwithstanding any provision of this subsection (B), the City Council shall not be obligated at any time to approve any application for issuance of a commercial cannabis business permit for a storefront retailer/dispensary.

6. Renewal of commercial cannabis business permits issued pursuant to this subsection (B) shall be conducted in accordance with Section 18.49.140.
- C. Non-storefront retailers shall be subject to the general operating standards and restrictions set forth in section 18.49.150 and to the following minimum standards and restrictions, all of which shall be deemed conditions of any commercial cannabis business permit for a non-storefront retailer operation:
1. Non-storefront retailers based within Suisun City that are not directly associated with and co-located with a permitted storefront retailer/dispensary must be located within an approved Cannabis Business Zone and must obtain a Suisun City cannabis business permit.
  2. Non-storefront retailers may sell only medicinal cannabis and medicinal cannabis products and such sales shall be by delivery only.
  3. Only qualified patients who possess a physician's recommendation that complies with Article 25 of Chapter 5 of Division 2 of the Business and Professions Code and their primary caregivers may purchase or receive deliveries of cannabis or cannabis products, regardless of whether the delivery originates within or outside of Suisun City.
  4. Deliveries of cannabis and cannabis products shall only occur within the City by a commercial cannabis operation properly licensed or permitted to engage in cannabis deliveries by both the State of California as well as the originating jurisdiction of the delivery.
  5. Operators delivering cannabis and cannabis products within Suisun City shall have a valid Suisun City business license. Operators based outside of Suisun City are not required to obtain a Suisun City cannabis business permit.
  6. No cannabis or cannabis products shall be sold directly from the premises of a non-storefront retailer.
  7. The premises of non-storefront retailers shall be closed to the general public at all times, and shall be accessible only to employees and persons with a bona fide business or regulatory purpose for accessing the premises.
  8. A manager must be present on the premises of the non-storefront retailer at any time that any person other than security personnel is on the premises.
  9. No employee or other person acting on behalf of a non-storefront retailer may possess during deliveries, or deliver, more than \$5,000 total worth of cash, cannabis and/or cannabis products at any given time.

10. No delivery of cannabis or cannabis products shall be made to any person other than the person who requested the delivery, except when the person requesting the delivery is a qualified patient and the person receiving the delivery is his or her primary caregiver, or vice versa.
11. Any person who is present on the premises of the non-storefront retailer who is not an employee, officer, agent, or representative of the non-storefront retailer must sign in and wear a “visitor” identification badge at all times while on the premises.
12. Proof of the required State license and City-issued commercial cannabis business permit, and a copy of all requests/orders for deliveries being made, shall be carried at all times in vehicles being used to make deliveries on behalf of a non-storefront retailer, and shall be immediately available upon request from law enforcement officers.

**Section 18.49.170 Commercial Cannabis Distribution Operating Standards and Restrictions.**

Commercial cannabis operations involving the distribution of cannabis and cannabis products in the City shall be subject to the general operating standards and restrictions set forth in section 18.49.150 and to the following minimum standards and restrictions, all of which shall be deemed conditions of any commercial cannabis business permit for a distribution operation:

- A. Distribution may be conducted only by commercial cannabis operations possessing a valid and current Type 11 (Distributor) State license issued pursuant to Division 10 of the Business & Professions Code, or a Type 13 (Distributor – Transport Only) State license pursuant to 16 CCR §5315, as well as a City-issued commercial cannabis business permit.
- B. Distribution operations shall distribute cannabis and cannabis products only between licensed commercial cannabis operations.
- C. Distribution operations shall not conduct retail sales of cannabis or cannabis products.
- D. Distribution operations shall not distribute any cannabis or cannabis products to retail operations unless such cannabis or cannabis products has been properly tested and approved for retail sale pursuant to State law.
- E. Upon demand by any City law enforcement officer, a distributor shall make immediately available copies of any required shipping manifests as understood by Section 26070(f) of the Business and Professions Code.

**Section 18.49.180 Commercial Cannabis Manufacturing Operating Standards and Restrictions.**

Commercial cannabis operations involving the manufacturing of cannabis and cannabis products in the City shall be subject to the general operating standards and restrictions set forth in section 18.49.150 and to the following minimum standards and restrictions, all of which shall be deemed conditions of any commercial cannabis business permit for a manufacturing operation:

- A. Manufacturing may be conducted only by commercial cannabis operations possessing a valid and current manufacturing State license issued pursuant to Division 10 of the Business & Professions Code (or pursuant to State regulations) as well as a City-issued commercial cannabis business permit.
- B. Manufacturer 1 (Type 6) permittees (as defined by Division 10 of the Business and Professions Code) shall utilize only manufacturing processes that are either solventless or that employ only nonflammable, nontoxic solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 *et seq.*).
- C. Manufacturer 2 (Type 7) permittees shall utilize only manufacturing processes that use solvents exclusively within a closed-loop system that meets all of the following requirements:
  1. The system uses only solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 *et seq.*).
  2. The system is designed to recapture and contain solvents during the manufacturing process, and otherwise prevent the off-gassing of solvents into the ambient atmosphere to mitigate the risks of ignition and explosion during the manufacturing process.
  3. A licensed engineer certifies that the system is commercially manufactured, safe for its intended use, and built to codes of recognized and generally accepted good engineering practices, including, but not limited to, the American Society of Mechanical Engineers (ASME), the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or OSHA Nationally Recognized Testing Laboratories (NRTLs).
  4. The system has a certification document that contains the signature and stamp of a professional engineer and the serial number of the extraction unit being certified.
- D. Fire Safety Plan.
  1. Manufacturing operations shall not commence until written approval is received from the Director for a completed Fire Safety Plan for the operation.

2. An application for a renewal of a Commercial Cannabis Operation Permit for manufacturing shall not be approved until an inspection of the site occurs by the Director which affirms that both the operation remains in compliance with the approved Fire Safety Plan (or an amended Fire Safety Plan as determined by the Director) and that any further actions that need to be taken in the determination of the Director are taken to ensure that all applicable and necessary health and safety requirements are met.
- E. The premises shall be equipped with an automatic fire sprinkler system, in accordance with NPFA 13, the California Fire Code (including but not limited to Section 903), as adopted by the City, and the Suisun City Code.
- F. Certified Industrial Hygienist (CIH).
1. The permittee must provide for, maintain, and follow a detailed plan prepared by a CIH, and approved by the Director, to ensure the appropriate health and safety procedures including, but not limited to, procedures necessary to control hazards, for use of proper protective equipment, product safety, compliance with Cal OSHA limits, to provide specifications for ventilation controls, and ensure environmental protections, are adopted and used by the operation on a continuing basis.
  2. The Director may establish further written requirements for the plan, including but not limited to required inspections by the CIH and a hazardous materials management plan. Upon reasonable determination by the Director, the permittee shall be required to update or amend the approved plan to the satisfaction of the Director.
- G. All processing and analytical testing devices used by the operation must be UL listed, or otherwise approved for the intended use by the Director. Any processing devices using only non-pressurized water are exempt from such approval.
- H. All chemical waste and hazardous material used, generated or associated with the operation must be disposed of in a manner which is approved by the Director before disposal occurs, and which is compliant with all local, State and federal guidelines for the disposal of hazardous materials.
- I. The permittee must provide for and maintain a waste treatment system which is approved by the Director so as to prevent contamination in areas where cannabis or cannabis products may be exposed to waste or waste by-products.

**Section 18.49.190 Commercial Cannabis Testing Operating Standards and Restrictions.**

Commercial cannabis operations involving the testing of cannabis and cannabis products in the City shall be subject to the general operating standards and restrictions set forth in section 18.49.150 and to the following minimum standards and restrictions, all of which

shall be deemed conditions of any commercial cannabis business permit for a testing operation:

- A. Testing may be conducted only by commercial cannabis operations possessing a valid and current Type 8 (Testing Laboratory) State license issued pursuant to Division 10 of the Business & Professions Code as well as a City-issued commercial cannabis business permit.
- B. Testing operations shall be and remain at all times independent from all other persons and entities involved in commercial cannabis operations other than testing operations.
- C. Fire Safety Plan.
  - 1. Testing operations shall not commence until written approval is received from the Director for a completed Fire Safety Plan for the operation.
  - 2. An application for a renewal of a Commercial Cannabis Operation Permit for testing shall not be approved until an inspection of the site occurs by the Director which affirms that both the operation remains in compliance with the approved Fire Safety Plan (or an amended Fire Safety Plan as determined by the Director) and that any further actions that need to be taken in the determination of the Director are taken to ensure that all applicable and necessary health and safety requirements are met.
- D. The premises shall be equipped with an automatic fire sprinkler system, in accordance with NPFA 13, the California Fire Code (including but not limited to Section 903), as adopted by the City, and the Suisun City Code.
- E. Certified Industrial Hygienist (CIH).
  - 1. The permittee must provide for, maintain, and follow a detailed plan prepared by a CIH, and approved by the Director, to ensure the appropriate health and safety procedures including, but not limited to, procedures necessary to control hazards, for use of proper protective equipment, product safety, compliance with Cal OSHA limits, to provide specifications for ventilation controls, and ensure environmental protections, are adopted and used by the operation on a continuing basis.
  - 2. The Director may establish further written requirements for the plan, including but not limited to required inspections by the CIH and a hazardous materials management plan. Upon reasonable determination by the Director, the permittee shall be required to update or amend the approved plan to the satisfaction of the Director.
- F. All processing and analytical testing devices used by the operation must be UL listed, or otherwise approved for the intended use by the Director. Any processing devices using only non-pressurized water are exempt from such approval.

G. Operation Requirements. The testing operation shall be comply with the following requirements:

1. Conduct all testing in a manner pursuant to Section 26100 of the Business and Professions Code, and as amended, subject to State and local laws and regulations.
2. Conduct all testing in a manner consistent with general requirements for the competence of testing and calibration activities, including sampling using verified methods.
3. Obtain and maintain ISO/IEC 17025 accreditation as required by the State.
4. Destroy the remains of the sample of cannabis or cannabis products upon the completion of analysis as determined by the State through regulations.
5. Dispose of any waste byproduct resulting from testing operations in the manner required by State and local laws and regulations.

**Section 18.49.200 Commercial Cannabis Cultivation Operating Standards and Restrictions**

Commercial cannabis operations involving the cultivation of cannabis in the City shall be subject to the general operating standards and restrictions set forth in section 18.49.150 and to the following minimum standards and restrictions, all of which shall be deemed conditions of any commercial cannabis business permit for a cultivation operation:

- A. Cultivation may be conducted only by commercial cannabis operations possessing a valid and current State license authorizing indoor or mixed-light (but not outdoor) cultivation issued pursuant to Division 10 of the Business & Professions Code (or State regulations), as well as a City-issued commercial cannabis business permit.
- B. Applications for a City-issued commercial cannabis business permit for cultivation operations require a detailed description of the proposed operation's energy and water usage plan, providing for best practices and leading industry practices in efficient utilization of energy and water.
- C. Water.
  1. The water supply shall be sufficient for the operations intended, shall comply with all State regulations, and shall be derived from a source that is a regulated water system. Private water supplies shall be derived from a water source that is capable of providing a safe, potable, and adequate supply of water to meet the facility's needs.

2. Plumbing shall be of adequate size and design and adequately installed and maintained to carry sufficient quantities of water to required locations throughout the plant and that shall properly convey sewage and liquid disposable waste from the facility. There shall be no cross-connections between the potable and waste water lines.
- D. Cannabis cultivation shall take place inside fully enclosed structures, and cannabis cultivation areas shall be secured at all times and shall be separated from all other portions of the premises.
- E. Each building with a cultivation area shall have adequate storage space for cannabis that has completed the cultivation process or is otherwise not being cultivated. The storage areas shall be separated from the main entrance and lobby, and shall be secured by a lock accessible only to employees of the permittee.
- F. Electricity used for cannabis cultivation shall not exceed the rated wattage and capacity of the circuit breaker.
- G. Sufficient lighting must be used in all areas where cannabis is cultivated and stored, and where equipment or utensils are cleaned, so that at all times the items and activities in these areas are fully visible to both any security cameras covering the areas as well as the naked eye. All lighting shall be shielded so as to completely confine light and glare to the interior of the cannabis cultivation area.
- H. Floors, walls, and ceilings in cultivation areas shall be constructed in such a manner that they may be adequately cleaned and kept clean and kept in good repair.
- I. All chemical waste and hazardous material used, generated or associated with the operation must be disposed of in a manner which is approved by the Director before disposal occurs, and which is compliant with all local, State and federal guidelines for the disposal of hazardous materials.
- J. The permittee must provide for and maintain a waste treatment system which is approved by the Director so as to prevent contamination in areas where cannabis or cannabis products may be exposed to waste or waste by-products.

**Section 18.49.210 Application Fees.**

An application fee set by resolution of the City Council shall be required for formal processing of every application made under this chapter. 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 upon commercial cannabis operations.

**Section 18.49.220 Commercial Cannabis Business Permit Suspension and Revocation.**

- A. The Director is authorized to suspend and/or revoke any commercial cannabis business permit issued pursuant to this chapter upon the determination through written findings of a failure to comply with any provision of this chapter, any permit condition, or any agreement or covenant as required pursuant to this chapter.
- B. Prior to suspension or revocation of a commercial cannabis business permit, the permittee shall be provided with a written notice which details the violation(s). The permittee shall have seven (7) days to cure the violation to the satisfaction of the Director. The seven (7) day cure period may be extended by the Director or the City Council for reasonable cause.
- C. The Director may suspend or revoke a commercial cannabis business permit if he or she determines that any of the following have occurred:
  - 1. The Director determines that the permit holder has failed to comply with any provision of this chapter, any permit condition, or any agreement or covenant as required pursuant to this chapter;
  - 2. The permit holder's equivalent State license has been suspended or revoked by the State of California;
  - 3. The permit holder has ceased operations for more than 180 calendar days (including during any change of ownership, if applicable);
  - 4. Ownership is changed without securing a new commercial cannabis business permit.
  - 5. The permit holder has failed to maintain required security camera recordings; or
  - 6. The permit holder has failed to allow inspection of the security recordings, the activity logs, the records, or the premises of the site by authorized City officials pursuant to this chapter.
  - 7. The permit holder has failed to comply with the terms of an applicable Development Agreement.
- D. Conditions (if any) of suspension or revocation are at the discretion of the Director and may include, but are not limited to, a prohibition on all owners, operators, managers and employees of the suspended or revoked Commercial Cannabis Operation from operating within the City for a period of time set forth in writing and/or a requirement (when operations may resume, if at all, pursuant to the Director's determination) for the holder of the suspended or revoked permit to resubmit an application for a commercial cannabis business permit pursuant to the requirements of this chapter.

- E. Decisions of the Director made pursuant to this section may be appealed to the City Council by filing a notice of appeal with the City Clerk within ten (10) days of receiving notice of the permit suspension or revocation. The notice of appeal shall specify the grounds for the appeal. The Council shall fix a time and place for hearing the appeal, and the City Clerk shall give written notice to the appellant of the time and place of the hearing via certified mail, return receipt requested, addressed to the address specified in the appellant's permit. The appeal shall be heard by the City Council within forty-five days following the date the appeal is filed with the City Clerk. The findings and decision of the Council shall be final and conclusive, and shall be served upon the applicant, in the manner prescribed in this subsection for service of notice of hearing, within thirty days of the hearing date. The provisions of Sections 1094.5 and 1094.6 of the Code of Civil Procedure set forth the procedure for judicial review of any final determination.

**Section 18.49.230 Cultivation of Cannabis for Personal Use.**

The following regulations shall apply to the cultivation of cannabis for personal use within the City:

- A. Total cultivation is limited to no more than six (6) living cannabis plants per private residence at any one time.
- B. Only persons who are twenty-one (21) years of age or older may participate in any part of the cultivation process.
- C. Cultivation shall not take place at any place other than private residences.
- D. Persons who cultivate cannabis for personal use shall reside full-time on the premises where the cannabis cultivation occurs.
- E. None of the cannabis plants, nor any cannabis produced by the plants in excess of 28.5 grams, shall be visible by normal unaided vision from any place regularly accessible to the general public.
- F. All cannabis produced by cannabis plants in excess of 28.5 grams shall be kept in a fully enclosed and locked structure located on the residential premises of the person(s) cultivating the cannabis.
- G. Structures in which cannabis is cultivated shall comply with all applicable State and local health, safety, buildings and fire standards, including but not limited to the California Buildings Standards Code, as adopted by the City of Suisun City.
- H. Use of gasses (such as carbon dioxide, butane, propane and natural gas) for personal cannabis cultivation is prohibited.
- I. Private residences used for cannabis cultivation (whether such cultivation occurs within the main residence or an accessory structure) shall maintain fully functional kitchen,

- bathroom and bedroom facilities, and shall not be used primarily or exclusively for cannabis cultivation.
- J. Cannabis cultivation areas shall be locked when not in use by authorized persons.
  - K. Cannabis cultivation areas shall not be readily accessible to persons under twenty-one (21) years of age, regardless of whether such persons reside at the private residence used for cultivation.
  - L. If the person(s) engaging in cannabis cultivation are not the property owners of the private residence being used for cultivation, such person(s) must obtain express consent of the property owner(s) prior to engaging in cannabis cultivation.
  - M. The odor resulting from cannabis cultivation shall not be detectable by human senses from any neighboring property or public right-of-way. If deemed necessary by the Director to ensure that no odor resulting from cannabis cultivation shall be detectable by human senses from any neighboring property or public right-of-way, a personal cannabis cultivator shall install and continuously operate a functioning ventilation and filtration system which complies with all applicable building code regulations, including obtaining all required permits and approvals.
  - N. Cannabis cultivation shall not result in emission of dust, glare, heat, gases, smoke, odors, fumes, particles, hazardous waste, or other impacts which constitute a nuisance or adversely affect the health, safety or welfare of any occupants of the subject property or of the surrounding area.

**Section 18.49.240 Administration.**

Further rules, regulations, procedures and standards for the administration and implementation of this chapter may be adopted from time to time either by resolution or ordinance of the City Council, by the Director (pursuant to authorization by resolution of the City Council), or as further provided by this chapter.

**Section 18.49.250 Violations and Penalties.**

- A. Any violation of the provisions of this chapter is punishable as a misdemeanor or an infraction, at the discretion of the city prosecutor, pursuant to Chapter 1.08 of the Suisun City Code.
- B. Any violation of the provisions of this chapter is grounds for issuance of an administrative compliance order pursuant to Chapter 1.16 of the Suisun City Code and/or issuance of an administrative citation pursuant to Chapter 1.20 of the Suisun City Code.
- C. Any violation of this chapter constitutes a public nuisance which may be abated in accordance with the procedures set forth in Chapter 8.12 of the Suisun City Code. All costs to abate such public nuisance, including attorneys' fees and court costs, shall be

- paid by the person causing the nuisance, including the property owner where the nuisance is occurring.
- D. The remedies prescribed in this chapter are cumulative of one another and of any other legal or equitable remedies which are or may be available to the City to enforce the provisions of this chapter. The use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing this chapter.
- E. Any violation of the provisions of this chapter shall constitute a separate offense for each and every day during which such violation is committed or continued.

**Section 18.49.260 Prohibitions.**

- A. Any commercial cannabis operation in violation of the MAUCRSA, this chapter, or any other applicable State or local law or regulation is expressly prohibited.
- B. It is unlawful for any commercial cannabis operation in the City, or any agent, employee, or representative of such commercial cannabis operation, to permit any breach of peace or any disturbance of public order or decorum by any tumultuous, riotous, or disorderly conduct at the site of the commercial cannabis operation.
- C. It is unlawful for any cannabis or cannabis products originally produced for personal use, pursuant to Section 18.49.230, to be sold in any manner.

**Section 18.49.270 Nonconforming Use.**

No use which purports to have engaged in a commercial cannabis activity of any nature prior to the enactment of this chapter shall be deemed to have been a legally established use under the provisions of this Code, or any other local ordinance, rule or regulation, and such use shall not be entitled to claim legal nonconforming status.

**SECTION 3.** Chapter 5.42, “MARIJUANA USES AND ACTIVITIES PROHIBITED,” of the Suisun City Code is hereby repealed in its entirety.

**SECTION 4.** Chapter 18.59, “PROHIBITED BUSINESSES,” of the Suisun City Code is hereby repealed in its entirety.

**SECTION 5.** **SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**SECTION 6.** **EFFECTIVE DATE.** This ordinance shall be in full force and effect thirty (30) days after its passage.

**SECTION 7. CERTIFICATION.** The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council of the City of Suisun City, California, on this \_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
Pete Sanchez, Mayor

**ATTEST:**

\_\_\_\_\_  
Linda Hobson, City Clerk

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

\_\_\_\_\_  
Anthony R. Taylor, City Attorney

**CERTIFICATION:**

I, Linda Hobson, City Clerk of the City of Suisun, California, do hereby certify that Ordinance \_ was adopted by the City Council of the City of Suisun City at a regular meeting held on the \_ day of \_, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Linda Hobson, City Clerk  
City of Suisun City, California



**CITY OF SUISUN CITY, 701 Civic Center Blvd., Suisun City, California 94585**

## NOTICE OF EXEMPTION

To:  Office of Planning and Research  
P.O. Box 3044, 1400 Tenth Street, Room 22  
Sacramento, CA 95812-3044

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

County Clerk-Recorder  
Solano County  
675 Texas Street, Suite 2700  
Fairfield, CA 94533-6338

[Stamp here]

**Project Title:** Cannabis Regulatory Program Ordinance

**Project Location:** In residential zones (personal cultivation), in the Commercial Services and Fabrication (CSF) zone (storefront retailer) and in specific Cannabis Business Zones (commercial cannabis businesses including cultivation, manufacture, distribution and testing uses) that would be established at a future date, in the City of Suisun City in Solano County, California.

**Assessor's Parcel Number(s):** N/A

**Project Description:** The proposed project (an ordinance amending the Suisun City Code) establishes land use regulations and standards for personal cultivation of cannabis, as defined under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) and the Adult Use of Marijuana Act (AUMA) and other applicable laws. The ordinance also establishes local laws that permit and regulate, or prohibit, the various types of commercial cannabis operations, including cultivation, manufacturing, testing, transportation, delivery and distribution (including storage) of cannabis and cannabis-related products, and provides for the City to enforce its provisions consistent with State law. The ordinance allows for the establishment of Cannabis Business Zones, but does not designate any such zones at this time. The ordinance provides that no commercial cannabis use can be established outside of a cannabis business zone, which shall be approved prior to commencement of the use. As an exception to this rule, the ordinance allows the establishment of cannabis storefront retailer within the CSF zone. All commercial cannabis land uses would be subject to issuance of a City Commercial Cannabis Business Permit.



**Lead Agency:** City of Suisun City

**Lead Agency Contact Person and Phone Number:** Paul Junker, Senior Project Manager, 916 838-8384

**Applicant:** City of Suisun City  
701 Civic Center Blvd.  
Suisun City, CA 94585

**Exemption Status:**

- Consistent with a Community Plan or Zoning [CEQA Guidelines § 15183; PRC § 21083.3]
- Emergency Project
- General Rule [CEQA Guidelines § 15061]
- Categorical Exemption [CEQA Guidelines § 15301; PRC § 21084]
- Statutory Exemption [California Business & Professions Code § 26055(h)]

**REASONS WHY THIS PROJECT IS EXEMPT:**

1. The California Environmental Quality Act (Section 21000 *et seq.* of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed project is a project under CEQA. The proposed project is exempt from CEQA under CEQA Guidelines Section 15061(b)(3), which states "[a] project is exempt from CEQA if... [t]he activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

The proposed project is an ordinance, adoption of which would, among other things (discussed below), establish local laws to regulate the cultivation of cannabis for personal use in the City of Suisun City. The proposed ordinance is consistent with existing State law with respect to the right to cultivate cannabis for personal use. The ordinance would merely add provisions to the Suisun City Code to impose certain standards to ensure that personal cultivation is conducted in a manner that does not create nuisance conditions or pose a threat to public health and safety, such as providing that personal cultivation may only be conducted indoors in private residences by residents over the age of 21.

The proposed ordinance would also allow for the permitting and establishment of the use of cannabis storefront retailer within the CSF zone. Such a use would be limited to retail sales of cannabis and cannabis products and would be similar in character to non-cannabis retail uses already allowed within the City. The proposed ordinance establishes operational requirements to address and eliminate the potential for nuisance impacts associated with the cannabis storefront retailer use. The proposed ordinance also requires the discretionary approval of a Commercial Cannabis Business Permit that will allow the City to assure the storefront retailer use will be operated in a manner that is compatible with surrounding land uses and the overall community.



The proposed ordinance also establishes standards to permit and regulate, or prohibit, various types of commercial cannabis land uses, including commercial cannabis cultivation, manufacturing, distribution and testing operations. Specifically, the ordinance would provide for the permitting and regulation of all commercial cannabis uses except for the outdoor cultivation and microbusiness state license classifications, which would be prohibited. However, approval of the ordinance would not immediately allow such uses, as these activities would only be eligible to be permitted within an approved Cannabis Business Zone, and no such Cannabis Business Zones are proposed at this time. The ordinance includes procedures for the establishment of one or more Cannabis Business Zones subject to the discretionary review and approval by the City Council, and such future actions would be subject to review under CEQA. Until such time as a Cannabis Business Zone is established, commercial cultivation, manufacture, distribution or testing cannabis activities cannot be conducted within Suisun City. Additionally, all such commercial cannabis uses would be required to obtain and maintain a Commercial Cannabis Business Permit, issued as a discretionary approval by the City Council, in addition to the required state license, prior to commencing operation. Thus, approval of the proposed ordinance would not result in any changes to the physical environment that will not be addressed on an entitlement-specific basis by additional discretionary approvals from the City to establish a Cannabis Business Zone and/or issue Commercial Cannabis Business Permits to authorize the operation of commercial cannabis businesses.

Based on the above, it can be seen with certainty that the project (the proposed ordinance) will not have a significant effect on the environment. Therefore, pursuant to CEQA Guidelines Section 15061 (b)(3), the proposed project is exempt from CEQA.

2. The proposed ordinance is also exempt from CEQA pursuant to the statutory exemption set forth in California Business & Professions Code Section 26055(h), which provides that CEQA does not apply to the adoption of an ordinance by a local jurisdiction that requires discretionary review and approval of permits or other authorizations to engage in commercial cannabis activity. To qualify for this exemption, the discretionary review in any such ordinance shall include any applicable environmental review pursuant to CEQA.

The proposed ordinance requires discretionary review and approval of all permits to engage in commercial cannabis activity, and the discretionary review provided for in the ordinance includes applicable environmental review pursuant to CEQA. Therefore, the ordinance is exempt from CEQA pursuant to Business & Professions Code Section 26055(h).

By \_\_\_\_\_

Paul Junker, Senior Project Manager  
City of Suisun City

\_\_\_\_\_

Date

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## AGENDA TRANSMITTAL

**MEETING DATE:** May 15, 2018

**CITY AGENDA ITEM:** Council Adoption of Resolution No. 2018-\_\_\_: Authorizing the City Manager to enter into a Construction Contract on the City's Behalf with Graham Contractors, Inc. for the 2018 Street Cape and Slurry Seal Project.

**FISCAL IMPACT:** There would be no impact to the General Fund. The Street Improvement Projects Program (Program) is a three-year Capital Improvement Program for street improvements that will utilize Measure S and State Senate Bill 1 (SB 1) funding as included in the Fiscal Year (FY) 2017-18 and 2018-19 budgets. Planned funding are estimated to be as follows:

	<b>Estimated Total</b>	Measure S	SB1
<b>FY 2017-18</b>	<b>\$476,300</b>	\$308,500	\$167,800
<b>FY 2018-19</b>	<b>\$863,000</b>	\$363,000	\$500,000
<b>FY 2019-20</b>	<b>\$1,151,200</b>	\$621,200	\$530,000
<b>TOTAL OVER 3 FY's</b>	<b>\$2,490,500</b>	\$1,292,700	\$1,197,800

To date, the Program has encumbered \$68,761.10 for the Street Patching Project from the FY 2017-18 budget. This Cape Seal and Slurry Seal Project (Project) will use the unencumbered FY 2017-18 balance of \$407,538.90 and combine it with the starting FY 2018-19 balance of \$863,000. The combined balances total \$1,270,538.90.

**BACKGROUND:** On September 5, 2017, the City Council approved Council Resolution No. 2017-70 which approved the FY 2017-18 Street Improvement Projects Program (Program), funded by Measure S and Senate Bill 1 (SB 1) Funds. On February 20, 2018, the City Council approved an amended project's street list for FY 2017-18.

On April 3, 2018, the contract for the 2018 Street Patching Project, which will provide asphalt patches in preparation of the Cape Seal and Slurry Seal Project, which is the subject of this staff report, was approved by City Council. Said Projects will provide pavement treatments on all the streets listed for Cape Seals in the amended project street list for FY 2017-18.

**STAFF REPORT:** This item addresses the award of the long awaited Cape Seal and Slurry Seal Project. This Project will treat 32 streets with a preventative maintenance treatment with either a Cape or Slurry Seal. The state of California mandates that any street receiving a maintenance treatment of any kind besides a Slurry Seal must install or upgrade to current standards all ADA accessibility structures within the work area. This

**PREPARED BY:**  
**REVIEWED BY:**  
**APPROVED BY:**

Steve Tyler, Interim Public Works Superintendent  
Michael Kashiwagi, Interim Public Works Director  
Suzanne Bragdon, City Manager

will require the upgrading of forty two (42) existing curb ramps to ADA compliant curb ramps.

Bids for this Project were opened on May 8, 2018, at 2:00 PM, at which time six (6) bids were received. Staff has reviewed the low bidder's proposal and bid documents. Staff has determined that the bid submitted by Graham Contractors, Inc. of San Jose is the lowest responsive bid.

The bid results were as follows:

<u>Company</u>		<u>Base Bid</u>
<i>Engineer's Estimate</i>		<i>\$610,000.00</i>
<b>Graham Contractors</b>	<b>San Jose</b>	<b>\$613,684.75</b>
Ca. Highway Construction Grp	Walnut Creek	\$647,835.00
Telfer Pavement Tech. LC	McClellan	\$675,293.15
VSS International	W. Sacramento	\$682,000.00
Intermountain Slurry		\$729,000.00
Northwest Paving Inc.	Redding	\$849,408.00

Staff recommends awarding the construction contract in the amount of \$613,684.75 to Graham Contractors, Inc. for the 2018 Street Cape and Slurry Seal Project. Adding a 10% contingency of \$61,368.00 to said amount results in a total construction cost of up to \$675,052.75. This results in a remaining FY 2018-19 budget of \$595,486.15 for the upcoming 2018-19 Cape Seal and Slurry Seal Project. This project will be advertised in January 2019 with the anticipation of bid award at a February 2019 City Council meeting with work to be completed by the end of the 2018-19 fiscal year.

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**RECOMMENDATION:** It is recommended that the City Council adopt Resolution No. 2018-\_\_\_: Authorizing the City Manager to enter into a Construction Contract on the City's behalf with Graham Contractors, Inc. for the 2018 Street Cape and Slurry Seal Project.

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**ATTACHMENTS:**

1. Council Resolution No. 2018-\_\_\_: Authorizing the City Manager to enter into a Construction Contract on the City's Behalf with Graham Contractors, Inc. for the 2018 Street Cape and Slurry Seal Project.
2. List of streets to be included in the 2018 Street Cape and Slurry Seal Project.

**RESOLUTION NO. 2018 - \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY  
AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION  
CONTRACT ON THE CITY'S BEHALF WITH GRAHAM CONTRACTORS, INC. FOR  
THE 2018 STREET CAPE AND SLURRY SEAL PROJECT**

**WHEREAS**, this 2018 Street Cape and Slurry Seal Project is part of the City's Street Improvement Projects Program, which is a three-year program for street improvements that will utilize Measure S and State SB 1 funding as included in the Fiscal Year (FY) 2017-18 and 2018-19 Budgets; and

**WHEREAS**, staff has prepared plans, specifications, and an Engineer's Estimate for the Project bid documents; and

**WHEREAS**, the Notice to Contractors for this Project was advertised in the Daily Republic on April 16, 2018 and April 26, 2018; and

**WHEREAS**, six (6) bid proposals were received by the City on May 8, by 2:00 pm, and bids were opened and read aloud; and

**WHEREAS**, Graham Contractors, Inc. provided the lowest responsive bid of \$613,684.75 for the base project for a total contract price of \$613,684.75; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Suisun City authorizes the City Manager to enter into a construction contract on behalf of the City with Graham Contractors, Inc. for the 2018 Street Cape and Slurry Seal Project in the amount of \$613,684.75 and to take any and all necessary and appropriate actions to implement this contract. The City Council further authorizes the City Manager to approve changes for contingencies not to exceed 10% of the contract amount.

**PASSED AND ADOPTED** at a Regular Meeting of the City Council of the City of Suisun City duly held on Tuesday, the 15<sup>th</sup> day of May, 2018, by the following vote:

<b>AYES:</b>	Councilmembers:	_____
<b>NOES:</b>	Councilmembers:	_____
<b>ABSENT:</b>	Councilmembers:	_____
<b>ABSTAIN:</b>	Councilmembers:	_____

**WITNESS** my hand and the seal of the City of Suisun City this 15<sup>th</sup> day of May 2018.

\_\_\_\_\_  
Linda Hobson, CMC  
City Clerk

2018 Street Cape and Slurry Seal Project

	Location
1	Canary Court
2	Crested Drive
3	Hacienda Lane
4	Heron Drive
5	Jeanne Court
6	Lemonwood Way
7	Michael Court
8	Ricky Court
9	Swallow Court
10	Steller Way
11	Westwind Way
12	Westwind Court
13	Whipporwill Way
14	Yuba Court
15	Birchwood Court
16	Bottlebrush Court
17	Brookside Court
18	Camellia Court
19	Dawn Rose Court
20	Dawn Rose Way
21	Driftwood Court
22	Flagstone Circle
23	Hibiscus Lane
24	Hillborn Court
25	Keyes Court
26	Kinsmill Court
27	Limewood Drive
28	Marston Court
29	McCoy Creek Court
30	McNabe Court
31	Peytonia Court
32	Spence Court