



MINUTES
REGULAR MEETING OF THE
DIXON CITY COUNCIL

OCTOBER 25, 2011

1. **CALL TO ORDER**

The Regular Meeting of the Dixon City Council was called to order at 7:00 p.m. in the Council Chambers by Mayor Jack Batchelor, Jr.

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Jack Batchelor, Jr.

3. **ROLL CALL**

Present: Councilmembers Dane Besneatte, Thom Bogue, Rick Fuller
Vice Mayor Michael Ceremello, Mayor Jack Batchelor, Jr.

Absent: None

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

4.1 Proclamation honoring Ira (Red) Finney and declaring Friday, October 28, 2011, as Ira (Red) Finney day in the City of Dixon.

Mayor Batchelor read the Proclamation honoring Ira (Red) Finney and presented it to Cindy Duncan and Pam Gilfisher who spearheaded the project to honor Ira Finney and name the Dixon High School field after him.

Ms. Gilfisher noted what a great inspiration and mentor Mr. Finney the high school sign will be named at a ceremony on Friday, October 28, 2011 in his honor, and the sign had been paid for through donations collected within four weeks.

5. **AUDIENCE/PUBLIC COMMENT (NON-AGENDA ITEMS)**

5.1 Byron Chapman discussed a commercial dumpster located in the center of the City parking lot at Mayes and Jackson and asked who uses and pays for the dumpster that is marked for cardboard only. Mayor Batchelor said the question would be referred to Public Works.

6. **ITEMS FROM THE CITY COUNCIL**

- 6.1 Councilmember Besneatte reported on the success of the Epicurean Fete that raised a good sum of money for next year's parade.

He also relayed a phone call received about water running at Gretchen Higgins School for three hours and asked that the appropriate person be contacted to adjust timer be adjusted.

Train museum on highway 12 is the last weekend to the pumpkin patch provides a really fun entertainment form 9:00 a.m. to 5:00 p.m.

- 6.2 Reported about attending a fund-raising dinner for CASA (Court Appointed Special Advocates) where money was raised for the program which advocates and assists children through their court process.

- 6.3 Vice Mayor Ceremello spoke about attending a Special Board Meeting of the Solano Irrigation District (SID) along with Councilmember Bogue, where attendees were not allowed to speak and staff recommended the Board simply review the contents of their packets. He noted a form was being prepared by SID to opt-out of providing water services for the City of Dixon that states only SID's position and recommended that the City provide an opinion letter to the Department of Public Health stating the City's position. He requested that a copy of SID's request form be provided to other Council members.

He also spoke about attending a Special Meeting of the Petaluma City Council regarding a wastewater rate study Bob Reed had prepared which recommended rates to balance the budget without looking at expenses. He noted at the end of the meeting, a motion for adjournment was correctly made, noted our Mayor took it upon himself to end the last meeting without calling for motion of adjournment, and he felt motions for adjournment should be made at future meetings.

He thanked Steve Johnson and Suellen Johnston for hanging United States Constitution documents in the Council Chambers.

- 6.4 Mayor Batchelor reported that Caltrans is taking bids for repaving of Interstate 80 between Meridian Road to Pitt School Road to begin March 2012, and noted he attended the Annual Rotary Solano County Evening of Honor where Dixon officer Nate Giovanetti was named Officer of the Year,

Vice Mayor Ceremello asked if bond sales would impact the Caltrans work this year. Mayor Batchelor reported no bonds would be necessary.

7. **ITEMS FROM THE CITY TREASURER**

James Slaughter reported on attending the Epicurean Fete and congratulated the Chamber of Commerce on a great event. He encouraged everyone to attend the Dixon Teen Center Haunted House and Family Night on Saturday night from 6:00-9:00 p.m.

8. **APPROVAL OF AGENDA**

There was no discussion on this item.

A motion was made by Councilmember Fuller, seconded by Councilmember Besneatte, to approve the agenda as submitted. Roll call was taken as follows:

AYES: Besneatte, Bogue, Ceremello, Fuller, Batchelor
NOES: None
ABSTAIN: None
ABSENT: None

9. **CONSENT CALENDAR**

There was no discussion on this item.

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to approve the Consent Calendar. Roll call was taken as follows:

AYES: Besneatte, Bogue, Ceremello, Fuller, Batchelor
NOES: None
ABSTAIN: None
ABSENT: None

9.1 Matters relating to City Council Minutes:

- 1. Approved the September 27, 2011 Minutes of the Regular City Council Meeting.**
- 2. Approved the October 3, 2011 Minutes of the Special City Council Meeting.**

9.2 Adopted Resolution No. 11-156 approving the Enumeration of Claims.

9.3 Adopted Resolution No. 11-157 accepting the North Adams Bike Lane project #2011-03 as complete and authorizing the City Clerk to file a notice of completion.

9.4 By Minute Action, approved the Mayor's appointments to City Commissions as follows:

- 1. Appointed Douglas Uhlik and Kevin Johnson to the Transportation Advisory Commission with terms expiring June 30, 2015.**
- 2. Appointed Anthony McDermott to the Parks and Recreation as Student Representative with a term expiring June 30, 2012.**

10. **PUBLIC HEARINGS**

10.1 Continue Public Hearing regarding the proposed Mitigated Negative Declaration of environmental impacts associated with the proposed wind turbine at the City of Dixon's Wastewater Treatment Plant at 6915 Pedrick Road to November 8, 2011.

Mayor Batchelor reported that this public hearing was being continued to November 8, 2011.

Mayor Batchelor opened the public hearing. Seeing no one present to speak, Mayor Batchelor continued the public hearing to November 8, 2011.

10.2 Matters relating to the Hall Park Well Improvements Project:

- 1. Conduct a public hearing to discuss adoption of a Negative Declaration for the Hall Park Well Improvements Project; and**
- 2. Resolution:**
 - a. Approving the Negative Declaration for the Hall Park Well Improvements Project;**
 - b. Amending the City of Dixon Fiscal Year 2012 Budget to transfer \$86,251.40 from Fund 820, Equipment Replacement, to Fund 480, Hall Park Phase III Construction, resulting in a total construction budget of \$411,251.40;**
 - c. Accepting the \$354,774 bid by Abide Builders, Inc. of Vacaville, California, as the lowest responsive and responsible bidder; and**
 - d. Authorizing the City Manager to execute a construction agreement with Abide Builders, Inc.**

Chris Gioia, Associate Civil Engineer, displayed photos of Hall Park, the area serviced by the existing well, and the location of the well to be replaced, noted improvement of irrigation and well capacity is a component of the Master Plan, discussed current and future irrigation costs, and reported the costs of well replacement are expected to be recovered in 5.9 years and would eliminate the need to purchase water from Cal Water. He provided options, recommended approval of a contract with the low bidder, Abide Builders of Vacaville, in the amount of \$354,774 and a budget adjustment of approximately \$83,000 and responded to Council questions.

Morrie Barr, Interim City Engineer and Director of Public Works discussed pump size alternatives and running efficiency.

Janet Koster confirmed the General Fund pays for Cal Water bills and the Parks Capital Improvement Fund includes development impact fees.

Mayor Batchelor asked for public comments.

Byron Chapman asked about the life expectancy of the well and pump warranty. Staff responded the pump has a life expectancy of 25 to 30 years and has a one year warranty.

A motion was made by Councilmember Besneatte, seconded by Councilmember Fuller, to adopt Resolution No. 11-158 approving the Negative Declaration for the Hall Park Well Improvements Project; amending the City of Dixon Fiscal Year 2012 Budget to transfer \$86,251.40 from Fund 820, Equipment Replacement, to Fund 480, Hall Park Phase III Construction, resulting in a total construction budget of \$411,251; accepting the \$354,774 bid by Abide Builders, Inc. of Vacaville, California, as the lowest responsive and responsible bidder; and authorizing the City Manager to execute a construction agreement with Abide Builders, Inc. (AG 11-051). Roll call was taken as follows:

AYES: Besneatte, Bogue, Ceremello, Fuller, Batchelor
NOES: None
ABSTAIN: None
ABSENT: None

11. UNFINISHED BUSINESS

11.1 Council consideration of options relating to revocation of the Dixon Social Host Ordinance:

1. Waive reading, read by title only and adopt an ordinance repealing Title 11, Chapter 11.04 of the Dixon Municipal Code known as the Social Host Ordinance; or
2. Direct staff to bring back the Social Host Ordinance with modifications.

Police Captain Tony Welch discussed the 3-2 vote for revocation of the Social Host Ordinance at the October 22, 2011 City Council meeting, noted that Council could again vote for revocation and adopt the ordinance at this meeting or alternatively direct staff to bring back the ordinance for consideration with modifications.

Jon Cox, Acting City Manager, noted Fourth Amendment rights appeared to be the main focus of concern expressed by Council and proposed staff be given the opportunity to strengthen preservation of Fourth amendment rights to alleviate the concerns and bring the ordinance back for a new first reading.

Mayor Batchelor asked for public comments.

Pastor Stephen Rost felt the ordinance should remain in place and recommended revisiting language that poses potential for violation of Fourth Amendment rights and providing re-training for officers to ensure against infringement.

Robin Cox, Substance Abuse Director for Solano County Health Department, cited data indicating 44% of Dixon 11th graders acknowledged using alcohol in the last thirty days, noted prevention is a set of interwoven policies and just

because an ordinance is not used doesn't mean it is not a contributing factor toward prevention.

Vice Mayor Ceremello and Councilmember Bogue asked for statistics on how many teens may not drink if fines were levied and the percentage of increase or decrease of alcohol usage over the last three years by teens.

Byron Chapman noted the ordinance is not in place to take advantage of homeowners, but asked what further action officers are allowed to take if a disturbance is not evident.

Erika Mejia, a member of ATOD and the Miracle Christian Worship Center, read a letter from Del Royer of Dixon Family Services stating that the problems are significant, all Council members acknowledged problems at the last meeting, and should work together to modify the ordinance rather than repealing it completely.

Vice Mayor Ceremello encouraged the students present in the audience to voice their opinion about the ordinance. No students opted to comment.

Councilmembers Besneatte and Fuller and Mayor Batchelor supported reviewing the ordinance and some proposed modifications at the November 8th meeting.

Councilmember Bogue agreed to review the ordinance but noted he could not support changes that would still allow entry beyond what is allowed by State law.

Vice Mayor Ceremello viewed the ordinance as social engineering that is discriminatory and unenforceable, saw no reason to wait, but deferred to the rest of the Council.

Mayor Batchelor supported compromise and continued this item to November 8, 2011.

11.2 Matters relating to the Solar Improvements Project #2011-06:

- 1. Resolution authorizing the City Manager to execute documents regarding the lease financing of the solar voltaic project improvements through First Northern Bank;**
- 2. Resolution awarding the construction contract;**
- 3. Resolution authorizing a consultant services agreement amendment with Monarch Engineering to provide engineering and inspection assistance during the solar voltaic project construction and approving the associated budget amendment to Fund 830 in an amount not to exceed \$32,950.**

Janet Koster, Senior Management Analyst, discussed the two-phase financing approach proposed, credit clearance received from First Northern Bank enabling the project to proceed, the seven bids received and recommended awarding the construction contract to the low bidder, Real Goods Solar. She noted two bidders expressed concern about the late issuance of addendums, but it was unlikely that impacted the results of the bids.

Councilmember Bogue expressed concern about the \$32,950 budget increase and felt it should have been included in the original bid, rather than being added later by the low-bidder.

Ms. Koster responded that staff recommended the additional engineering and inspection work after review of the project and associated bids.

Stephen Muzio, Associate City Attorney, explained cause of actions available if the work is not performed to expected standards.

Mayor Batchelor asked for public comments. There were no public comments.

Vice Mayor Ceremello and Councilmember Bogue felt the additional \$32,950 for a third party inspector was unnecessary and responsibility should lie with the construction company.

Morrie Barr, Interim City Engineer and Director of Public Works, reported the additional inspection work was something he insisted upon because it holds the engineers more accountable, wind load is structural engineering that is specialized, and they will try to minimize the costs. He noted when the contractor has questions that staff cannot answer, the consultant would respond within two days thereby limiting project delays.

Mayor Batchelor noted structural support is important, the City does not have a fully staffed engineering department, and the added cost is small in the scheme of the project.

Councilmember Bogue thought the supports didn't appear to be that complicated to warrant the additional inspections.

Councilmember Besneatte noted the additional expense is a relatively small amount, but contract additions are frequent, and they will be watching expenses closely.

A motion was made by Councilmember Fuller, seconded by Councilmember Besneatte, to adopt Resolution No. 11-159 authorizing the City Manager to execute documents regarding the lease financing of the solar voltaic project improvements through First Northern Bank; adopt Resolution No. 11-160 awarding the construction contract to Real Goods Solar (AG 11-052); and adopt Resolution No. 11-161 authorizing a consultant services agreement amendment with Monarch Engineering to provide engineering and inspection assistance during the solar voltaic project construction and approving the associated budget amendment to Fund 830 in an amount not to exceed \$32,950. Roll call was taken as follows:

AYES: Besneatte, Bogue, Fuller, Batchelor
NOES: Ceremello

ABSTAIN: None
ABSENT: None

The City Council recessed for break at 9:05 p.m.

The City Council reconvened at 9:13 p.m.

12. **NEW BUSINESS**

12.1 Resolution authorizing a budget amendment in the amount of \$12,663 to complete various Americans with Disability Act (ADA) improvements within the Redevelopment Project Area.

Dave Dowswell, Community Development Director, reported that since February staff has been addressing a list of ADA improvements located in the Redevelopment Project area and has spent \$14,357 of a \$27,020 Redevelopment budget amendment. Redevelopment funds have since been frozen by State actions and no redevelopment agency can spend money not encumbered prior to June 29, 2011, therefore a General Fund budget amendment is requested in the amount of \$12,663 to complete the projects. Mr. Dowswell noted the funds could be reimbursed by the Redevelopment Agency at a later date depending on court decisions, and he responded to questions from Council.

Mayor Batchelor asked for public comments.

Byron Chapman was pleased the projects were progressing, but noted the City is so far behind on ADA improvements that \$27,020 is a minimal amount, has been without an ADA Coordinator for five years, and the last evaluation and transition plan was completed in 1999.

A motion was made by Councilmember Besneatte, seconded by Vice Mayor Ceremello, to adopt Resolution No. 11-162 authorizing a budget amendment in the amount of \$12,663 to complete various Americans with Disability Act (ADA) improvements within the Redevelopment Project Area. Roll call was taken as follows:

AYES: Besneatte, Bogue, Ceremello, Fuller, Batchelor
NOES: None
ABSTAIN: None
ABSENT: None

12.2 Council consideration of options and direction to staff regarding amendment of the Dixon City Code for the sale and use of State approved (“safe and sane”) fireworks within the City of Dixon.

Aaron McAlister, Fire Chief, presented four possible areas in which modifications to the ordinance may be desirable and asked for input and direction from Council.

Mayor Batchelor asked for public comments.

Dennis Revell, TNT Fireworks, commended Chief McAlister and Cox for their support during the fireworks program in July, noted TNT Fireworks is willing to work with staff to resolve any areas of concern, particularly stand development and locations, discussed policies in other cities, and requested the ordinance accommodate 8 foot by 8 foot two-sided signs with a maximum of two per stand.

Vice Mayor Ceremello asked Mr. Revell if he could expand his role as lobbyist to include permits for other events during the year.

Mr. Revell discussed related bills under consideration by the legislature that were withdrawn from committee but may reappear in January 2012, and noted it would be desirable to allow sale and use during Christmas and New Years that could provide additional funding for police and fire during those periods.

Mayor Batchelor asked Mr. Revell to clarify legislative policies and potential.

Nick Gilbert, Phantom Fireworks commended the City on a very successful year in raising funds, noted the problem with stand locations were addressed and need no further modification, granting permits with landowners permission would be a difficult process and random lottery for wholesalers is undesirable.

Vice Mayor Ceremello discussed the three hundred foot buffer zone, his opinion that the Wal-Mart location could support more than two stands, temporary signage should be allowed as long as it does not block the line of site, temporary shade structures posed no problem at Grillin' and Chillin and should be allowed, recommended extending the date of use to July 6th, and would like to see fireworks sold at year-round events.

Councilmember Besneatte recommended the ordinance provide an extra couple of days for booth set-up with no sales, supported allowing two large signs per stand for the two week selling period, amending the fire code to allow pop-ups next to stands, and doing anything possible to help ensure those not selected in the lottery have adequate opportunity to be selected in future years.

Chief McAlister reported there were no problems detected with the lottery and the ordinance does address future years.

Councilmember Fuller reported that people appeared happy with the results but noted his ongoing concern about fireworks being used on City property if not confined to a certain location.

Chief McAlister reported that in keeping fireworks out of the park, the only other place to direct was to the street and he would like to include areas of the park for usage in some way.

Mayor Batchelor noted that the lottery appears to be fair and supported waiving the restrictions on temporary signage as long as signs do not impede ingress or egress, was ambivalent about park usage because it may cause damage to the parks for busy maintenance crews, thought a waiver to the City against damages to tents by fire should be implemented, tents should have to be labeled fire retardant, and he saw no need to expand the timeframes.

Councilmember Bogue supported changing the day for set-up to June 23rd, but sales should be prohibited during those additional days.

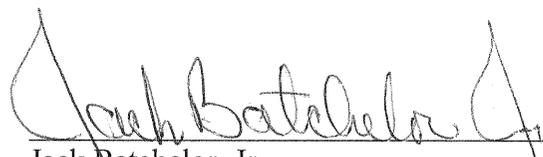
Chief McAlister confirmed Council direction that stand location conflicts will be mediated by the Fire Chief, temporary signage will be allowed to the industry standard of 8 foot by 8 foot size, language will be developed to provide for safe operation in portions of parks, date and time of use will match the state requirements, and the setup date will be extended to June 23rd.

13. **OTHER AGENCY BUSINESS**
14. **ITEMS FROM THE CITY ATTORNEY**
15. **ITEMS FROM THE CITY MANAGER**
16. **CLOSED SESSION**
- RECONVENE TO OPEN SESSION**
17. **ADJOURNMENT**

A motion was made by Vice Mayor Ceremello, seconded by Councilmember Besneatte, to adjourn the Regular Meeting of the City Council at 10:17 p.m.



Suellen Johnston
Acting Deputy City Clerk



Jack Batchelor, Jr.
Mayor