



**MINUTES**  
**REGULAR MEETING OF THE**  
**DIXON CITY COUNCIL**

**MARCH 13, 2012**

1. **CALL TO ORDER**

The Regular Meeting of the Dixon City Council was called to order in the Dixon City Council Chambers at 7:01 p.m. 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 Michael Ceremello, Jr., Rick Fuller,  
Mayor Jack Batchelor, Jr.

Absent: Councilmember Thom Bogue  
Vice Mayor Dane Besneatte\*\*

\*\* Vice Mayor Besneatte arrived at 7:10 p.m.

Mayor Batchelor asked to observe a moment of silence in memory of Jerri Hardy, the wife of Vacaville's Mayor Steve Hardy.

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

A motion was made by Councilmember Ceremello, seconded by Councilmember Fuller, to recognize Sunshine Ordinance Week. Roll call was taken as follows:

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

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

- 5.1 Brandon, a Dixon resident who has worked in law enforcement, noted one of the council's goals is to provide public services at a high level, and felt the City Council has been reckless in showing a blatant disregard for the welfare of students, staff, and the citizens of south Dixon by stifling public comments regarding the 59 apartment units to be constructed in south Dixon without mitigating traffic issues in the area. He cited the problem areas that would hinder emergency response times.
- 5.2 Emmett Sprague, former police officer, expressed concerns about constructing more high-density, low-income housing because extra police time is needed in those areas, traffic in the Valley Glen area is busy enough, and public safety and emergency response time is additionally impacted by the large trains that hold up traffic for extended periods of time, and asked the Council to reconsider their decision regarding the additional housing in Valley Glen. He also noted public safety employees should be paid a fair wage for putting themselves in harm's way.
- 5.3 Shirley Humphrey requested the Council revisit authorization of the 59-unit Valley Glen complex, the notice of no significant findings indicates 9% tax credit funding which should allow incorporation of some extremely low housing. She also noted the Priority Development Area application was inadequately noticed and there should have been more public input.
- 5.4 Nolan Solano, resident and real estate lender, expressed concerns as a resident and lender about the impacts of the addition of 59 additional high-density units.
- 5.5 Ginger Emerson expressed concern that further discussion of traffic issues on Highway 113 did not occur at the meeting of February 28, 2012, and in the meantime there have been two notices in the paper regarding the release of funds for the project prior to scheduling that public discussion.
- 5.6 Larry Simmons complimented the Council for being open to public discussion, but noted a frequent tendency for specific questions and document requests to go unanswered prior to a vote, and felt questions deserve to be addressed and answered.

6. **ITEMS FROM THE CITY COUNCIL**

- 6.1 Councilmember Ceremello noted his recollection is not the same as Larry Simmons' on the matter of the 59 apartment units, the project has been discussed in great detail, the Community Development Director is working on obtaining grant funding to resolve some of the issues, and the Council is listening although they may not agree all of the time.
- 6.2 Vice Mayor Besneatte agreed that the 59-units in Valley Glen have been discussed multiple times, recounted the history over the last ten years, and noted the Council did not say they weren't interested in working on the problems, but understanding is difficult when someone new gets involved after such a long

history. He noted the project was approved in 2001-02 and that would have been the time to object rather than now.

Vice Mayor Besneatte reported that Altec has agreed to sponsor the May Fair Parade and therefore it will not be necessary for the Chamber of Commerce to request funds from the City this year.

6.3 Councilmember Fuller acknowledged that Curves, owned by Vice Mayor Besneatte's wife, was awarded Business of the Year and Kay Fulfs Cayler was honored as Dixon's Citizen of the Year.

6.4 Mayor Batchelor reported participating in the opening ceremonies of the Dixon Little League and the tree-planting event in Veterans Park and thanked Mary Rivera for starting the Trees for Dixon Program.

He congratulated Kay Fulfs Cayler as Citizen of the Year, Curves as Business of the Year, Paul Jones as Veteran of the Year, and Carol Parker as Ambassador of the Year.

As Chair of the Solano Transportation Authority Board, Mayor Batchelor reported on his recent trip to Washington D.C. and noted packages of information will be distributed to Council and reports will be posted on the City's website.

7. **ITEMS FROM THE CITY TREASURER**

8. **APPROVAL OF AGENDA**

There was no discussion on this item.

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

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

9. **CONSENT CALENDAR**

Ginger Emerson requested Item 9.1 be heard separately for a correction to the minutes of February 14, 2012.

A motion was made by Councilmember Fuller, seconded by Vice Mayor Besneatte to approve the Consent Calendar with the exception of Item 9.1. Roll call was taken as follows:

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

**9.1 Approve the Minutes of the February 14, 2012 Regular City Council Meeting.**

*See Minutes below 9.3.*

**9.2 Adopted Resolution No. 12-029 approving the Enumeration of Claims.**

**9.3 Adopted Resolution No. 12-030 approving the closing of certain streets for the Annual Dixon May Fair Parade.**

**9.1 TAKEN OUT OF ORDER**

**Approve the Minutes of the February 14, 2012 Regular City Council Meeting.**

Ginger Emerson requested that the February 14, 2012 Minutes be amended to reflect that Councilman Ceremello clearly referred not only to a traffic signal on Highway 113, but he also referenced Parkway Boulevard. He requested further discussion in order to address residents' concerns about traffic impacts related to the 59 unit housing complex known as the Valley Glen apartments; and, he noted there should be greater transparency in regard to the City's plans to address those issues.

A motion was made by Councilmember Fuller, seconded by Vice Mayor Besneatte, to approve the February 14, 2012 Minutes, as amended. Roll call was taken as follows:

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

**10. PUBLIC HEARINGS**

**10.1 Conduct a Community Development Block Grant (CDBG) Initial Program Design Public Hearing to receive public, organization, and Council input and proposals for grant eligible programs or projects, take public comment, and direct staff for a final project list under the 2012-13 HCD Super Notice of Funding Availability (Super NOFA).**

Mark Heckey, Economic Development Director, displayed a PowerPoint defining the grant-eligible programs to be considered by Council, discussed the program criteria, a breakdown of the \$51,000,000 Super NOFA Funds, and requested Council and public input on priorities for this program design hearing which will be compiled into the official application to be approved at the March 27, 2012 Council meeting. He noted that speakers at a CDBG public hearing are required to sign-in and responded to questions from Council.

Councilmember Ceremello asked that the \$1.5 million for water and sewer improvements be included.

Mr. Heckey responded that he is presenting suggestions and water/sewer improvements could be considered, however, a door-to-door survey may need to be conducted to ensure adequate low income status exists to satisfy criteria.

Mayor Batchelor asked if the project area could be limited to two or three streets and if the Core Area Drainage and those streets could be done together.

Mr. Heckey responded that tracts and block groups are typical and a total of four projects would be allowed.

Councilmember Ceremello asked if a survey of the South Almond/Cypress Street area could be completed by April to enable it to be included.

Mr. Heckey thought a survey should be possible.

Councilmember Fuller asked if traffic issues could be included.

Mr. Heckey responded that the traffic issues would need to be directly tied to impacts of the project and included in the conditions of approval and the criteria is very strict.

Mayor Batchelor noted he is very interested in the First Time Homebuyer Program.

Mr. Heckey responded that another funding opportunity will be coming up in June for the First Time Homebuyer Program.

Dave Dowswell, Community Development Director, explained traffic implementation plans in the Valley Glen area that could be connected to the CDBG funds, and noted the dollar amount needed is still fluid and would depend on the amount of funding that could be obtained from the developer.

Mayor Batchelor opened the public hearing.

Chuck Rieger, Solano Center for Business Innovation, distributed information to Council, discussed the Green Program and the components included in an incubator hub, and expressed the Center's support for the Incubator Hub.

Chris Soderquist, President of Octis Energy in Davis, discussed their new program, Clean Energy Solano, through which they plan to invest \$180 million into energy efficient improvements in Solano County, discussed the benefits of commercializing energy efficiency, and expressed support for the Incubator Hub and solar community gardens. He responded to questions from City Council.

Louis Gray, a principal with Pacific Brown Buildings, supported the Incubator Hub, thought it would be a win/win scenario for everyone, and enable builders and community members to be properly trained and share knowledge.

Marvin Wilcher, Nationwize Solar, supported the incubator concept, would like to expand and train local contractors to whom he could subcontract work, thought the solar industry would grow but had no idea how much, and there are many people who would like to have the opportunity to expand into the industry.

Mayor Batchelor read a letter from Sandy Persons at the Solano EDC expressing enthusiastic support for the incubator project.

Ginger Emerson supported housing rehabilitation, the First Time Homebuyer Program, another fire station, and utilities for the Valley Glen area rather than bailing out large developers.

Shirley Humphrey was pleased to see Dixon applying for CDBG funds and noted an announcement is normally sent to all non-profits with an opportunity to apply and non-profits can be very creative with their ideas.

Mr. Heckey confirmed that a lengthy notice was published as required by the HCD, there is still time to notify non-profits, but submittals would need to meet the three criteria.

Bill Spahn, Pacific West Communities and developer of the Valley Glen Apartments, noted that in order to score maximum points in the areas of readiness there must be complete control, the sewer is not ready and may lose points, and other projects could score higher. He suggested the City apply for as much of the \$1.5 million as possible and his company could work with the City to provide additional funds.

Councilmember Ceremello asked what Mr. Spahn anticipated contributing if the City obtains the entire \$1.5 million.

Mr. Spahn noted there is a great deal of potential but they are still working on the details.

Seeing no one else present to speak, Mayor Batchelor closed the public hearing.

Vice Mayor Besneatte supported some of the funds being applied to traffic mitigation and asked that the application include as much as possible.

Councilmember Fuller supported water and sewer improvements in the Cypress Street areas and Downtown, public infrastructure, and home ownership.

Councilmember Ceremello supported applying for Valley Glen infrastructure, Cypress/South Almond Street improvements, ADA priority routes and A Street East, and suggested applying separately for the over-the-counter incubator program.

Mayor Batchelor supported infrastructure improvements, housing rehabilitation in Old Town (especially for seniors) and sewer improvements, the First Time Homebuyer Program, and the over-the-counter incubator program. He noted if the First Time Homebuyer Program needs to be excluded this time, it should be a top priority in June. He noted walking and transit issues exist on Mayes Street where there are no sidewalks and ADA is important but the City has done a lot of ADA improvements.

Mark Heckey confirmed direction from Council on the order of priorities to be Almond/Cypress Streets drainage, ADA priority routes and sidewalks, Valley Glenn infrastructure, housing rehabilitation, and the incubator program. He will be working with the City Manager to finalize the list and prepare a memo to Council with further details.

## 11. UNFINISHED BUSINESS

### 11.1 **Matters relating to the City of Dixon City Code and Municipal Code:**

1. **Waive reading, read by title only, and introduce an Ordinance adding Titles, 3, 4, 7, 8, and 13, and Chapters 2.10, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08, 6.09, 9.04, 11.01, 11.03, 11.07, 11.08, 11.09, 11.10, 11.11, 12.11 and 14.01 to the City of Dixon Municipal Code; and**
2. **Waive reading, read by title only, and introduce an Ordinance repealing Chapters 3, 4, 5, 6, 7, 12, 13, 14, 16, 17, 18, 19, 20, 21, 24, 25 and 28 of Article I of the Dixon City Code and Chapters 1A, 6, 7, 9 and 13 of Article II of the Dixon City Code.**

Mike Dean, City Attorney, explained the ongoing problems with maintaining the old City Code along with the newer Municipal Code, the need to consolidate the Codes into electronic format to enable website access, and the work done by the City Attorney's office to move provisions to the Municipal Code without making many substantive changes, eliminating sections of the code that are no longer legal or needed, reformatting the numbering system where necessary, and

merging the two Codes into one cohesive Municipal Code. The Zoning Ordinance will not be moved until after changes are made in the Spring.

Councilmember Ceremello noted formatting issues still exist, such as locating definitions consistently throughout the document, that he felt should be corrected prior to approval and asked how much time would be required to make those corrections. He noted it was his understanding that the Council would be discussing each section prior to approval and noted examples of items he would consider bringing back for further review after this initial administrative approval.

Mayor Batchelor noted typographical errors can be given to the City Clerk for correction.

Mr. Dean confirmed that the transition into a single Municipal Code should be considered administrative and few substantive changes have been made. He reviewed several areas that might be considered more substantive for clarity and noted the Council has the prerogative to bring items back in the future for revision.

Vice Mayor Besneatte also noted some items he would like to review at a later date, such as medical cannabis, but supported the administrative approval to consolidate both codes.

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

A motion was made by Mayor Batchelor, seconded by Councilmember Fuller, to adopt ordinances as follows:

1. Ordinance adding Titles, 3, 4, 7, 8, and 13, and Chapters 2.10, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08, 6.09, 9.04, 11.01, 11.03, 11.07, 11.08, 11.09, 11.10, 11.11, 12.11 and 14.01 to the City of Dixon Municipal Code; and
2. Ordinance repealing Chapters 3, 4, 5, 6, 7, 12, 13, 14, 16, 17, 18, 19, 20, 21, 24, 25 and 28 of Article I of the Dixon City Code and Chapters 1A, 6, 7, 9 and 13 of Article II of the Dixon City Code. Roll call was taken as follows:

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

## 12. NEW BUSINESS

### 12.1 **By Minute Action, approve a request to issue a Request for Proposal (RFP) seeking professional codification services for the ongoing publication and maintenance of the City's Municipal Code and ordinances.**

Steve Johnson, Human Resources Director and Acting City Clerk, reported this request for codification services is recommended as a direct tie-in to maintenance

of the updated Municipal Code approved in Item 11.1. The service would be responsible for processing all ordinance updates into the Municipal Code and maintaining the Code on the City's website. He noted four companies have been identified as potential vendors and estimated the annual cost to be under \$10,000.

Mike Dean, City Attorney, expressed the opinion that the \$10,000 estimate is probably very high.

Councilmember Ceremello and Vice Mayor Besneatte questioned the need for an outside service and asked what the difference is from having the updates performed by staff.

Suellen Johnston, Deputy City Clerk, noted that in utilizing a service the City would also be purchasing the use of a specialized program that is designed for efficient updating and website retrieval of information and the City does not have similar capabilities with existing programs..

Councilmember Fuller noted the City has been working on update of the City Code for a long time and it was good to see it finally being accomplished.

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

A motion was made by Councilmember Ceremello, seconded by Councilmember Fuller, to adopt a Minute Action approving issuance of a Request for Proposal (RFP) seeking professional codification services for the ongoing publication and maintenance of the City's Municipal Code and ordinances. Roll call was taken as follows:

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

**12.2 By Minute Action, approve the City of Dixon's response to the 2011-2012 Grand Jury Report entitled "City Treasurer Functional Review".**

Joan Michaels Aguilar, Interim Finance and Technology Director, distributed a revised Grand Jury response letter at the meeting in response to comments received from the City Attorney, discussed the responses for each finding, and noted Finding #2 would be changed to reflect that the two documents containing the functions and duties of the City Treasurer are the Investment Policy and City Code and the City is not compelled to agree with the Grand Jury's recommendation to co-mingle the documents. A specific concern of the Grand Jury was that the City Treasurer did not issue monthly accounting reports required by the California Code and Dixon ordinance, and she discussed the existence of monthly reporting that is done that could be modified and provided to Council.

James Slaughter, City Treasurer, noted he favored the 30-45 days extension of time discussed in Finding #4 and was glad this review occurred because it provided a learning experience for him and an opportunity to make corrections, noted most of the findings are relatively minor and have been corrected, and some arose due to difficulties during interim coverage. He thanked Joan Michaels Aguilar for all of her work, and hoped a permanent full-time Finance Director will be a high priority for the new City Manager.

Councilmember Ceremello supported the changes in Finding #2 but felt the response should be more positive. Regarding Finding #3, he expressed concern that the City's accounting program cannot generate reports on fund balances, three years into the City Treasurer position is rather late to come to the realization about deficiencies, but noted it cannot all be attributable to the City Treasurer because he does not have access to the accounting programs. He agreed with Finding #4 and thought the response to Finding #5 should be corrected to read that the problem has already been corrected. Relating to Finding #6, there are a number of problems with the City Organizational Chart that he brought to the Acting City Manager's attention, the City Treasurer only reports to the citizens and the Mayor should not be separated as being over the City Council.

Vice Mayor Besneatte agreed that some of the changes have already been incorporated but otherwise supported the responses.

Mayor Batchelor asked for public comments.

Ourania Riddle noted the Grand Jury is not interested in why procedures were not done, it is interested in responses and timely compliance. She cited Penal Code 933.05 and noted that if there is disagreement with the Grand Jury, the body must offer reasons for not implementing.

Mayor Batchelor confirmed that the letter should be modified to remove some of the explanatory verbiage and concisely respond to each finding and be resubmitted for approval at the March 27, 2012 Council meeting.

**12.3 Resolution amending Section 2.5.1 and adding Sections 1.3.4, 1.3.6, 1.4.3 and 2.15 to the City's Personnel Rules relating to definitions, mediation and fact-finding.**

Steve Johnson, Human Resources Director, distributed an amended resolution to Council that incorporated changes recommended by the City Attorney, and noted there are two items being addressed by this amendment to the City's Personnel Rules which include definitions dealing with mediation, memorandum of understanding, and recognizing employee organizations and implementation of AB 646 which became law on January 2, 2012 requiring fact-finding as a means of resolving an impasse in labor negotiations. Mr. Johnson responded to Council questions.

Councilmember Ceremello requested that Sections 1.4.3 and 2.15 be changed to make confidential hearings up to the two groups to agree upon.

Michael Dean, City Attorney, clarified that if such a meeting were open to the public, the public would not be permitted to participate but only observe.

Councilmember Ceremello noted that the governor and legislature have, in effect, stalled the process of negotiations by implementing AB 646 and it will result in a chilling effect.

Councilmember Fuller agreed with Councilmember Ceremello's comments regarding AB 646.

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

Councilmember Ceremello requested an addition to 2.15(f) to make confidential hearings optional.

Mr. Dean suggested changing the language of section 2.15(f) to read "Unless otherwise mandated by state law, or as otherwise determined by the City Council, hearings before....".

A motion was made by Councilmember Ceremello, seconded by Councilmember Fuller, to adopt Resolution No. 12-031 amending Section 2.5.1 and adding Sections 1.3.4, 1.3.6, 1.4.3 and 2.15 to the City's Personnel Rules relating to definitions, mediation and fact-finding, as amended. Roll call was taken as follows:

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

13. **OTHER AGENCY BUSINESS**
14. **ITEMS FROM THE CITY ATTORNEY**
15. **ITEMS FROM THE CITY MANAGER**

Mayor Batchelor welcomed new City Manager, Jim Lindley, to his first meeting.

Jim Lindley, City Manager, noted that his office would prepare a memo to Council outlining the difference between an entitlement city and non-entitlement city and the options available for CDBG funds based on those designations.

Mr. Lindley thanked the Dixon community for being so welcoming to him.

16. CLOSED SESSION

RECONVENE TO OPEN SESSION

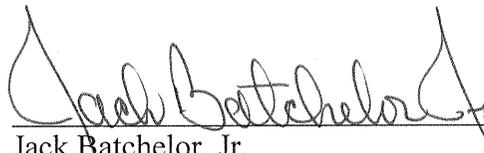
17. ADJOURNMENT

Mayor Batchelor commended and thanked Police Chief Jon Cox and Fire Chief Aaron McAlister for serving in multiple positions over the past months.

The Regular Meeting of the Dixon City Council was adjourned at 10:08 p.m.



Suellen Johnston  
Deputy City Clerk



Jack Batchelor, Jr.  
Mayor