



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

APRIL 10, 2012

0. **Special Closed Session Meeting at 6:00 p.m.**

The Special Meeting of the Dixon City Council was convened at 6:00 p.m. by Mayor Jack Batchelor, Jr. to meet in Closed Session to discuss the following:

CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to Government Code Section 54957.6)

City Negotiators: Jim Lindley, Steve Johnson, Joan Michaels Aguilar,
Michael Dean

Employee Organization: Dixon Professional Firefighters Association
Dixon Police Officers Association
Dixon Senior Management Association
Public Employees Union, Local One
Non-Represented Management Unit
Non-Represented Non-Management Unit

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

Absent: Councilmember Rick Fuller

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

The Council convened into Closed Session at 6:00 p.m.

The Council recessed from Closed Session at 6:54 p.m.

1. **CALL TO ORDER**

The Regular Meeting of the Dixon City Council was convened in the City Council Chambers at 7:07 p.m. by Mayor Jack Batchelor, Jr. Mayor Batchelor noted there was no reportable action from the Closed Session.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

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

Absent: Councilmember Rick Fuller

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

4.1 Proclamation

Mayor Batchelor read the proclamation declaring the month of April Child Abuse Prevention Month and presented it to Cookie Powell of Dixon Family Services.

4.2 Presentation of logo winners for Child Abuse Prevention Month.

Cookie Powell discussed the upcoming Block Party that will be held on April 28, 2012 from 10:00 a.m. to 2:00 p.m. She reported that Dixon Family Services conducts a logo contest to promote awareness of Child Abuse Prevention Month, noted this year's theme is Education, Fascination, Inspiration and the winning logo will be transferred to tea shirts for the Block Party. She announced that the First Place Contest Winner is Juleah Bailey, a ten-year-old fifth grade student at Tremont School, and showed a tee-shirt displaying the winning logo. She announced all other contest winners in the different levels of the contest and presented blue ribbons to the City Council.

4.3 Presentation on the Retrofit Bay Area Program, a regional implementation project of the Energy Upgrade California Program.

April Wooden, City of Suisun Community Development Director, and Charles Rieger, Solano Center for Business Innovation Executive Director, presented a PowerPoint depicting the progress of the Retrofit Bay Area Program and responded to questions from Council.

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

5.1 Byron Chapman suggested that the Mayor use a portable microphone to be better heard when making presentations.

Mr. Chapman also noted that the rolling chairs utilized in the ADA accessibility area of the Council Chambers should be removed at the start of the meeting to enable easier access for the disabled and replaced after the meeting is in progress.

6. **ITEMS FROM THE CITY COUNCIL**

- 6.1 Councilmember Ceremello discussed a radio program where the Corte Madera Mayor discussed ABAG, that city's decision to abandon their membership since they had only received one grant in ten years, and he noted the City of Dixon should start looking at different directions rather than pleasing the bureaucracy.

Councilmember Ceremello discussed Mayor Batchelor's letter to the Editor in The Reporter reporting the train station is not an asset of the Redevelopment Agency (RDA), noted he confirmed with the City Attorney that the station is not an RDA asset but the old Acc Hardware site is an RDA asset and there is a large problem with improving the property without final resolution. Councilmember Ceremello requested this topic and the B Street Pedestrian Undercrossing be placed on a future agenda for discussion.

He reported on a meeting he attended of the ABAG Planning Committee where citizen input was solicited, Mark Green railroaded the approval through and left the rural areas out, the Mayor went to Solano Transportation Authority to deliver our complaints to the Board and led the push to take Dixon out. More evidence of "back room Jack" which in his opinion is the wrong way to do government business.

He reported on attending the City's Harassment Seminar that was required for City employees, found the seminar focused mainly on sexual discrimination and had no breadth, the statement that affirmative action is the law was incorrect, and he disagreed with the presenter's summation that harassment is all in the eye of the beholder, it all depends, and it is for the courts to decide.

He reported that he would be the closing speaker on Saturday, April 21, 2012 at 4:00 p.m. at the Eagle Forum Conference on Agenda 21 and ICLEI, which are based on the sham of global warming.

- 6.2 Vice Mayor Besneatte noted a property owner on the West side of Porter Road is willing to negotiate if the City is interested in acquiring property for Parkway Boulevard, the negotiations stopped when the previous City Engineer left, and they should proceed before property costs rise.

- 6.3 Mayor Batchelor noted City Manager Lindley and staff are beginning discussions for property negotiations for the Parkway Boulevard.

Mayor Batchelor reported on attending last week's groundbreaking ceremony for the Jameson Canyon construction and noted that through the efforts of the Solano Transportation Authority the project to make a four-lane divided road was funded at a significant cost reduction.

7. **ITEMS FROM THE CITY TREASURER**

8. **APPROVAL OF AGENDA**

There was no discussion on this item.

A motion was made by Councilmember Ceremello, seconded by Councilmember Bogue, to approve the Agenda, as submitted. Roll call was taken as follows:

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

9. **CONSENT CALENDAR**

Councilmember Ceremello requested that Item 9.5 be heard separately.

A motion was made by Councilmember Bogue, seconded by Vice Mayor Besneatte, to approve the Consent Calendar, except Item 9.5. Roll call was taken as follows:

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

- 9.1 **Approved the Minutes of the March 13, 2012 Regular City Council Meeting.**
- 9.2 **Adopted Resolution No. 12-043 approving the Enumeration of Claims.**
- 9.3 **Adopted Resolution No. 12-044 declaring found, abandoned and lost bicycles as surplus property.**
- 9.4 **Adopted Resolution No. 12-045 authorizing the Interim City Engineer to execute a deed granting an easement to Mash Petroleum, Inc. across City property (the pedestrian path connecting Evans Road and Gateway Court) and directing the City Clerk to record said grant deed with the Solano County Recorder's Office.**
- 9.5 **By Minute Action, ratify the City Manager's decision to execute a Professional Services Contract with Laurin Associates/Raney Planning and Management, Inc. in the amount of \$6,000 to complete Community Development Block Grant (CDBG) application support services to the Economic Development and Engineering Departments (AG 12-007).**

See Minutes on Page 5.

- 9.6 **Approved Minute Action referring the street vacation of a portion of South Washington Street to the Planning Commission for determination of consistency with the General Plan.**

9.5 **TAKEN OUT OF ORDER**

By Minute Action, ratify the City Manager's decision to execute a Professional Services Contract with Laurin Associates/Raney Planning and Management, Inc. in the amount of \$6,000 to complete Community Development Block Grant (CDBG) application support services to the Economic Development and Engineering Departments (AG 12-007).

Councilmember Ceremello asked that this item be heard separately from the rest of the Consent Calendar so that he could vote against entering into the contract.

A motion was made by Vice Mayor Besneatte, seconded by Councilmember Bogue, to approve a Minute Action ratifying the City Manager's decision to execute a Professional Services Contract with Laurin Associates/Raney Planning and Management, Inc. in the amount of \$6,000 to complete Community Development Block Grant (CDBG) application support services to the Economic Development and Engineering Departments (AG 12-007). Roll call was taken as follows:

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

10. **PUBLIC HEARINGS**

10.1 **Matters relating to Omnibus V Zoning Ordinance Amendments:**

1. **Resolution approving a Negative Declaration relating to Omnibus V Zoning Ordinance amendments in compliance with the California Environmental Quality Act (CEQA); and**
2. **Hold public hearing, waive reading, read by title only, and introduce an ordinance confirming the Planning Commission's recommendation to amend Sections 12.01 through 12.04, Sections 12.07 through 12.11, and Sections 12.13 through 12.15, primarily regarding permitted and conditional uses, Section 12.19.14, Design Review Commission, Section 12.20, Signs, Section 12.23 regarding off-street parking space requirements, Section 12.25, Home Occupations, and Section 12.26, Screening and Landscaping.**

Dave Dowswell, Community Development Director, presented a PowerPoint providing details of Omnibus V Zoning Ordinance amendments, displayed a zoning map showing the Old Town area where

residents have raised concerns about rezoning in the RM1 and RM2 zones that consist of 272 lots, and provided the history of issues relating to the amendments, the Planning Commission's recommendation for Council approval of uncontested portions of the amendments and further discussions with the residents to resolve zoning concerns. He recommended the Council take no action at this time on Sections 12.05.06 and 12.06.06.

Mr. Dowswell reported that the minimum site area per dwelling and the fact that the RM2 zone covers three land use categories has caused confusion and problems in interpretation over the years. Down zoning of RM2 to RM1 would be legal within the General Plan but causes serious conflicts with the Housing Element, and Old Town residents would like the 3,000 square foot area limit raised to approximately 3,750 square feet for RM2 lots containing four units.

Councilmember Ceremello noted it is a difficult situation since the Old Town residents want to preserve their quality of life but the City needs a certified Housing element and the two goals conflict.

Mr. Dowswell noted professional offices are allowed in RM3 and RM4 zones, but Old Town residents would like them eliminated in RM1 and RM2 zones, changes proposed for the PMU zones where multi-family is allowed are not well described, and the residents are concerned with the Design Review Commission and prefer approvals rest with the Planning Commission rather than the Community Development Director.

Mayor Batchelor noted the approval process has come full circle, since giving authority to the Community Development Director was originally implemented to streamline the process.

Mr. Dowswell noted he would prefer an administrative hearing process conducted during business hours rather than taking it to the level of the Planning Commission.

Councilmember Ceremello noted property owners should not be subjected to scrutiny on building colors, the City exercises too much control, and there are many things he has opposed for years that he would like the Council to resolve to make the best possible ordinance.

Councilmember Bogue noted he would have preferred to review the zoning changes separately and he did not feel comfortable making a decision without an opportunity to do a better review.

Mayor Batchelor recommended the Council listen to public comments, receive printed copies of the amendments from staff, and revisit for approval at a future meeting.

Mayor Batchelor opened the public hearing.

Dan Figueroa recommended the Council approve the changes that are not contentious to make them consistent with the General Plan, delay approvals related to the Design Review Commission and parking standards, and noted the changes are approaching the third year for approval, Old Town not only consists of residents but also owners who take pride in the area and provide homes for others, and Old Town is not uniform and there are very big differences between areas with a broad range of options.

Susan Motley, Motley Realty, felt taking design review for residential projects before the Planning Commission would be a nightmare, and noted that prior to making zoning changes all multi-family owners should be contacted.

Joe Hart, a family member speaking on behalf of the owner of 409 N. Jefferson, reported that his family and others have planned for years for a multi-family use of their properties and did not support down-zoning or rezoning.

Ginger Emerson encouraged the Council to postpone approval of the sections related to design review and zoning, and felt the administrative hearing option proposed by Mr. Dowswell might be a viable alternative since it would be possible to appeal decisions if residents are noticed. She discussed how the problems in Old Town occurred, disputed some of the comments made by Dan Figueroa, the lack of maximum density designations in the Downtown area that cause problems with parking, and then read sections from her letter into the record stating the residents position. She noted the residents have not been treated as if they have a stake in the area and noted she has taken steps to arrange a meeting with HCD and would like to do so before further discussion occurs.

Councilmember Ceremello assured Ms. Emerson that the Council is listening to all involved but citizens include not just the Old Town residents but also developers.

Mayor Batchelor asked that once Ms. Emerson speaks with HCD representatives, she should obtain that opinion and discussion in writing.

Ms. Emerson reported that she plans to tape record the HCD meeting.

Rebecca Robinson, A Street resident and a former member of the General Plan Committee, noted there are a lot of influences to consider, people need to be encouraged to better their property and research she has done indicates that the wrongful situation reported by residents may not be completely true.

Bobbie Willipo supported the opinions of Dan Figueroa and Rebecca Robinson and asked if different properties could be designated with individual zoning appropriate for the project.

Susan Werrin noted she cares about other neighborhoods, appreciated the Planning Commission's recommendation to delay the decisions, and noted there are a lot of details in zoning that take time and there is a lot at stake for the City.

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

Mr. Dowswell reported that blocks of lots can have layered zoning, but spot-zoning cannot be done for individual lots. He recommended that Sections 12.05.C3, 12.06, 12.12 and 12.19 be held over for further discussions and all other sections be approved.

Councilmember Bogue noted he still needed additional time to review the whole document.

Mayor Batchelor recommended the Council take no action and continue the public hearing to a special meeting to discuss the items recommended for approval by the Planning Commission and refer the items of contention back to the Planning Commission.

Michael Dean, City Attorney, confirmed that details can be discussed at a special meeting, but the revised ordinance must be introduced at a regular meeting.

Vice Mayor Besneatte noted that he lives in the Old Town area and not everybody who lives there, including him, agrees with the all of the criteria proposed by the Old Town Neighbors.

Mayor Batchelor felt the Council should not interfere with family plans for their property, and owners should have the right to change their property to meet their current needs if the Council is to carry property rights to the full extent.

Councilmember Ceremello noted sometimes the plan may not be what is right for the area.

The public hearing was continued to a date uncertain for a special meeting to be determined by Mayor Batchelor and the City Manager.

The City Council recessed for break at 9:28 p.m.

The City Council reconvened at 9:37 p.m.

11. **UNFINISHED BUSINESS**

12. **NEW BUSINESS**

12.1 Resolution amending the salary range for the Human Resources Director.

Steve Johnson, Human Resources Director and Acting City Clerk, discussed the reductions and concessions made by other labor groups and the recent hiring of the Finance Director at a 10% salary reduction that prompted his voluntary recommendation that the Human Resources Director salary be reduced by 10% in two increments to be consistent with the Finance Director since both positions are confidential, non-represented senior managers. He noted that when times are good we rise together and when times are bad we work together to keep the boat afloat.

Mayor Batchelor noted the 10% reduction does not include the 4.6% furlough reduction already in place.

Councilmember Bogue appreciated the department heads taking the largest cuts to show the way and be an example to staff.

Councilmember Ceremello noted Mr. Johnson's action displays exemplary behavior, it was done on his own, and leading by example is to be applauded.

Vice Mayor Besneatte expressed his appreciation of Mr. Johnson's performance as an employee of the City.

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

A motion was made by Councilmember Ceremello, seconded by Councilmember Bogue, to adopt Resolution No. 12-046 amending the salary range for the Human Resources Director. Roll call was taken as follows:

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

12.2 Matters relating to Annual Weed Abatement:

- 1. Resolution declaring all weeds, refuse and rubbish on specified parcels of property as a public nuisance; and**
- 2. Establish the City Council Meeting of May 8, 2012 as the public hearing date to hear any objections to the proposed removal of weeds, rubbish and refuse.**

Christina Gastelum, Code Compliance Officer, outlined the process of noticing for weed abatement and remedies to be taken, reported that notices are sent to property owners fourteen days prior to the public hearing, the owners have thirty days to voluntarily abate their properties, and responded to questions from Council.

Mayor Batchelor asked if the contract for abatement services would need to be put out to bid.

Officer Gastelum responded that the City has the option for three one-year extensions with the current contractor with no increased costs.

Councilmember Bogue expressed concern about the start date given that the City is still in the middle of the rainy season and was concerned about additional costs to the property owners to abate for a second time because of an extended rainy season.

Officer Gastelum noted the current season is taken into account and adjustments can be made to the voluntary abatement period as warranted but to still keep in line with the fire season.

Vice Mayor Besneatte noted some may not be able to abate because their property is too wet and flexibility should be allowed.

Mayor Batchelor noted the safety factor for weed abatement applies to visibility as well as fire prevention.

Randy Weaver reported that staff works well with property owners and can always adjust the timeframes by contacting property owners.

Councilmember Ceremello supported continuing with flexibility and noted the abatement date could be adjusted at the public hearing, if necessary, and noted the criteria for selecting one property owner over another causes Constitutional issues and could be a violation of rights.

Michael Dean, City Attorney, responded that prosecution is left to the reasonable discretion of the agency, can be based upon a complaint, it is not a constitutional issue, and if Council determines there is a fairness issue, they can change the policy.

Councilmember Ceremello asked to bring the policy back for adjustment at a future meeting.

Councilmember Bogue requested the resolution be changed to be applied to all properties.

Mayor Batchelor noted the current discussion primarily relates to undeveloped lots and the other issues can be addressed at the second meeting in May. Councilmember Bogue agreed with the proposal.

Jim Lindley, City Manager, noted it is not the staff's intention to be inflexible.

Mayor Batchelor asked for public comments.

Byron Chapman confirmed that this resolution addressed weeds, rubbish and refuse.

A motion was made by Mayor Batchelor, seconded by Vice Mayor Besneatte, to adopt Resolution No. 12-047 declaring all weeds, refuse and rubbish on specified parcels of property as a public nuisance; and establish the City Council Meeting of May 8, 2012 as the public hearing date to hear any objections to the proposed removal of weeds, rubbish and refuse. Roll call was taken as follows:

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

12.3 Annual Presentation by the Chief of Police regarding the 2011 City of Dixon Police Department Year End Report.

Jon Cox, Police Chief, reported the Police Department had a great year with a reduction in crime reports and criminal offenses, and that long-term reductions look even better. He displayed a PowerPoint that showed crime statistics with a noticeable decline since 2009, major reductions 2001 through 2011, and showed Dixon to be much lower than all other Solano County cities, with the exception of Rio Vista.

Chief Cox noted the Investigation division did a good job, even given the loss of one investigator to the City of Benicia and the Teen Center has over 600 registered youths, averages over 100 attendees on Friday and Saturday nights, and has hired a program coordinator.

Chief Cox noted challenges ahead include staff issues particularly related to the pending retirement of two long-time Police Captains and salary reductions that have caused resignations, as well as realignments by the State of California.

Vice Mayor Besneatte noted the positive results are a result of Chief Cox's leadership, the respect he generates from the public, and his willingness to engage people.

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

Mayor Batchelor thanked Chief Cox and his staff for their service to the community.

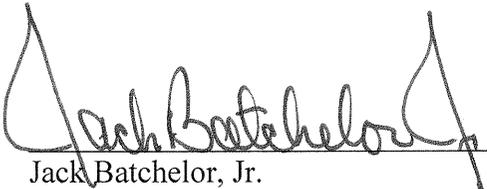
This report was filed.

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**

The Regular Meeting of the Dixon City Council adjourned at 10:22 p.m.



Suellen Johnston
Deputy City Clerk



Jack Batchelor, Jr.
Mayor