



MINUTES
REGULAR MEETING OF THE
DIXON CITY COUNCIL

APRIL 26, 2011

Closed Session at 6:00 p.m.

Special Meeting of the Dixon City Council was called to order at the hour of 6:00 p.m. to meet in Closed Session in the Council Chambers Conference Room on April 26, 2011, by Mayor Jack Batchelor, Jr.

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

Absent: *Councilmembers Dane Besneatte, Rick Fuller

Mayor Batchelor announced that the City Council will meet in Closed Session to discuss the following:

0. CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to Government Code Section 54957.6)

City Negotiators:	Nancy Huston, Steve Johnson, and 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

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Govt. Code section 54956.9(a))

Name of case: *Chapman v. City of Dixon.*, Solano County Superior Court Case
Case No. FCS035514

There were no public comments.

*Councilmember Besneatte arrived at 6:07 p.m.

The City Council recessed into Closed Session at 6:01 p.m.

Closed Session recessed at 6:54 p.m.

1. **CALL TO ORDER**

Mayor Batchelor convened the Regular Meeting at 7:00 p.m. and announced the City Council had met in Closed Session for conferences with labor negotiators and legal counsel with no reportable action on either item.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

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

Absent: Councilmember Rick Fuller

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION** None.

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

Ron Wilson defended himself against comments made by a Councilmember several months ago, discussed law firms in town that cater to drive-by lawsuits, and the inaccessibility of the Councilmember's office. Mr. Wilson reported meeting with the City's ADA Coordinator and showing him several things that are still inadequate. He asked the Mayor if anybody in the city had attended an ADA course that he and Byron Chapman had attended, and discussed the lack of protection of sidewalks when the downtown parking lot was improved for accessibility and the lack of signage at the entrance to the City Hall parking lot.

Byron Chapman discussed an ADA issue with Chief Cox at the Police Department while attending the McKinnon Memorial Service and a situation where several vehicles were parked illegally in hatch marks next to ADA accessible parking spaces and no citations were issued by responding officers.

6. **ITEMS FROM THE CITY COUNCIL**

6.1 Vice Mayor Ceremello reported on attending the Mayors for Meals event in Mayor Batchelor's absence where he delivered meals to recipients in their homes.

6.2 Mayor Batchelor thanked Vice Mayor for chairing the last two Council meetings in his absence.

He reported on attending the McKinnon Memorial Service and his recent trip to Congress in support of transportation issues on the I-80 Corridor. He displayed awards the City received at the Veterans of Foreign Wars dinner for the Garden Reserve and the Seven Seals Award, and a commemorative plaque received

depicting the Spirit of Dixon C-17, one of seven C-17 airplanes named for Solano cities. All of the awards will be displayed at City Hall.

7. **ITEMS FROM THE CITY TREASURER** None.

8. **APPROVAL OF AGENDA**

There was no discussion on this item.

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

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

9. **CONSENT CALENDAR**

Vice Mayor Ceremello requested that Items 9.3 and 9.5 be heard separately.

Mayor Batchelor abstained from approval of Item 9.1 because he was not present at the meeting.

A motion was made by Councilmember Besneatte, seconded by Councilmember Bogue, to approve the Consent Calendar, except items 9.3 and 9.5. Roll call was taken as follows:

AYES: Besneatte, Bogue, Ceremello, Batchelor
NOES: None
ABSTAIN: Batchelor (Item 9.1 only)
ABSENT: Fuller

9.1 Approved the City Council Minutes for the April 12, 2011, Regular meeting.

9.2 Adopted Resolution No. 11-043 approving the Enumeration of Claims.

9.3 Matters relating to the 7th Street Sidewalk Project No. 2011-02:

- 1. Adopt a Resolution finding the 7th Street Sidewalk Project No. 2011-02, as Class 1 categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301(c) of the CEQA Guidelines; and**
- 2. By Minute Action, authorize the City Clerk to advertise for construction bids for the 7th Street Sidewalk Project No. 2011-02.**

See Minutes on Page 4.

9.4 **Adopted Resolution No. 11-045 authorizing the City Manager to execute a claim release related to the Pacific Gas & Electric Company gas line installation in East A Street and Hall Park.**

9.5 **Waive reading, read by title only, and adopt an ordinance amending Chapter 16.17 of Title 16 of the Dixon Municipal Code relating to the Green Building Code.**

See Minutes on Page 5.

9.6 **Adopted Resolution No. 11-046 rescinding Section Two of Resolution 09-150 and appointing a director and an alternate to the California Transit Insurance Pool (CalTIP) Board of Directors.**

9.7 **Adopted Resolution No. 11-047 authorizing the City Manager to execute Amendment No. 4 to the Consultant Services Agreement with Stantec Consulting Engineers to perform Task 5, Wastewater Treatment Plant Facilities Plan Environmental Constraints Analysis, on a time-and-materials basis for a fee of \$25,000.**

9.3 **TAKEN OUT OF ORDER**

Matters relating to the 7th Street Sidewalk Project No. 2011-02:

1. **Adopt a Resolution finding the 7th Street Sidewalk Project No. 2011-02, as Class 1 categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301(c) of the CEQA Guidelines; and**
2. **By Minute Action, authorize the City Clerk to advertise for construction bids for the 7th Street Sidewalk Project No. 2011-02.**

Vice Mayor Ceremello asked why sidewalks are being repaired on 7th Street instead of the sidewalks on A Street, which is more heavily traveled, and when A Street sidewalks will be repaired.

Christina Castro, Junior Engineer, reported the 7th Street sidewalk is the worst area with the greatest need, several complaints of tripping hazards were received and the need for a corner ramp. She noted one side of the A Street sidewalk has already been repaired and further repairs can be included in the next budget year.

Mayor Batchelor asked for public comments.

Byron Chapman noted in 2003-04 the Ad Hoc Committee recommended curb cuts and sidewalk repairs be completed, significant work was not accomplished until CARD (Citizens Advocating Rights of the Disabled) brought it to the City's attention, and ADA repairs are required by law whereas park and recreation upgrades are not.

Mayor Batchelor noted \$2.4 million was spent out of the General Fund to complete ADA upgrades that posed clear and present dangers, money

prioritization is a problem, and the record reflects that money has been allocated when available.

Ron Wilson noted two gentlemen with no legs live in the area of Stratford Avenue where curb cuts are lacking and accessibility from one side of the street to the other is limited and should be remedied.

Vice Mayor Ceremello noted his membership in CARD, discussed the \$2.6 million already spent, and felt additional work could have been completed sooner. He noted his support of this project because it addresses City problems.

A motion was made by Vice Mayor Ceremello, seconded by Councilmember Besneatte, to adopt Resolution No. 11-044 finding Project No. 2011-02 categorically exempt from CEQA and approving Minute Action authorizing the City Clerk to advertise for construction bids. Roll call was taken as follows:

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

9.5 TAKEN OUT OF ORDER

Waive reading, read by title only, and adopt an ordinance amending Chapter 16.17 of Title 16 of the Dixon Municipal Code relating to the Green Building Code.

Vice Mayor Ceremello noted, as at past meetings, that he does not support the ordinance.

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

A motion was made by Mayor Batchelor, seconded by Councilmember Besneatte, to adopt Ordinance No. 11-005 amending Chapter 16.1 of Title 16 of the Dixon Municipal Code relating to the Green Building Code. Roll call was taken as follows:

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

10. PUBLIC HEARINGS

11. **UNFINISHED BUSINESS**

11.1 **Waived reading, read by title only, and adopted an ordinance adopting a two-year pilot program regulating the possession, sale and use of fireworks within the City of Dixon (The Dixon Fireworks Pilot Program Ordinance).**

Aaron McAlister, Fire Chief, noted this is the second reading to adopt the Dixon Fireworks Pilot Program Ordinance and all changes requested at the first reading have been incorporated.

Mayor Batchelor questioned the hours permitted for purchase and the ability to use fireworks for two days following the Fourth of July, felt eight stands in Dixon is an absurd number that was not even recommended by vendors, it would be difficult to reduce the number later, and that he was not in favor of the ordinance.

Chief McAlister pointed out that it is a trial period to collect data and changes can be recommended to Council after two years.

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

Councilmember Besneatte noted some concern about the number of booths, but supported approval.

A motion was made by Councilmember Besneatte, seconded by Councilmember Bogue, to adopt Ordinance No. 11-006 adopting a two-year pilot program regulating the possession, sale and use of fireworks within the City of Dixon (The Dixon Fireworks Pilot Program Ordinance). Roll call was taken as follows:

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

12. **NEW BUSINESS**

12.1 **Resolution authorizing the City Manager to execute a contract with Bruce Monighan of Accessibility Design Associates, LLC, to prepare a new citywide Americans with Disabilities Act (ADA) Transition Plan.**

Dave Dowswell, Community Development Director, reported that staff is proactively requesting preparation of a new city wide ADA Transition Plan that will evaluate all City facilities for compliance with current ADA laws and that all physical barriers be identified. A proposal was received from Bruce Monighan, which has been reduced by \$4,500 by using the Building Inspector to perform some of the work in-house.

Mayor Batchelor noted that items on the existing plan will be moved to the new plan.

Mayor Batchelor asked for public comments.

Drew Graska asked why an outside consultant is being hired rather than doing the work in-house.

Ron Wilson suggested that the consultant work with C.A.R.D.

Mr. Dowswell confirmed the City's intention to involve C.A.R.D. in the process.

Byron Chapman asked how the money paid to Bruce Monighan compared to the cost of work being done by an in-house ADA Coordinator.

Vice Mayor Ceremello supported the use of Bruce Monighan as an ADA expert, but noted staff training is supposed to be in process to take over from outside consultants, noted curb ramps were already inspected by engineering staff and asked about the need for the additional inspections.

Mr. Dowswell responded that City staff will be performing some of the work which is reflected in a reduction in the contract amount, and some curb cuts still need to be verified, analyzed or redone based on current criteria.

A motion was made by Councilmember Bogue, seconded by Councilmember Besneatte, to adopt Resolution No. 11-048 authorizing the City Manager to execute a contract with Bruce Monighan of Accessibility Design Associates, LLC, to prepare a new city-wide Americans with Disabilities Act (ADA) Transition Plan (AG 11-012). Roll call was taken as follows:

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

12.2 Minute Action approving expenditures not to exceed \$30,500 for work by the City Attorney's office to review and transfer the provisions of the City Code to the City Municipal Code.

Steve Johnson, Human Resources Director and Acting City Clerk, reported on the need to update and merge the Municipal Code with the City Code in order to make it accessible on the City website, to provide clarity and consistency, transparency in government, legal compliance, and to produce an electronic version of the entire City Code. He noted money has been budgeted for the current year that can be used to fund work by the City Attorney's office to review, scrub outdated codes, optimize language, and transfer provisions of the City Code to the City Municipal Code. Mr. Johnson responded to questions from Council.

Stephen Muzio, representing the City Attorney's office, clarified that it will not be a complete fine-tuning, total scrub, and optimization of the code, but they will ensure that the code is consolidated, legally valid and enforceable.

Councilmember Bogue confirmed with Mr. Johnson that cost savings in the long run should be substantial.

Mayor Batchelor asked for public comments.

Drew Graska commended the City for planning ahead in budgeting for the project, felt it was long overdue, and asked about the timeframe for completion.

Mr. Muzio estimated a timeframe of six months to complete and noted all changes will be presented to the City Council for approval.

Councilmember Besneatte noted there is at least one section in the code identical to one in San Jose that was found to be unconstitutional, and supported this project as a good step forward.

A motion was made by Councilmember Besneatte, seconded by Vice Mayor Ceremello, to approve a Minute Action approving expenditures not to exceed \$30,500 for work by the City Attorney's office to review and transfer the provisions of the City Code to the City Municipal Code. Roll call was taken as follows:

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

12.3 Resolution authorizing the City Manager to execute a Transfer Agreement by The Port Authority of New York and New Jersey to the City of Dixon Fire Department, of that certain piece of steel of the former World Trade Center (WTC) identified as I-0094 in the Port Authority's World Trade Center Archive: Artifact Inventory Report of January 31, 2007.

Aaron McAlister, Fire Chief, noted that a request was submitted several years ago by the Fire Department to receive a commemorative piece of steel from the former World Trade Center which was recently approved. He provided the dimensions of the piece of steel beam identified as I-0094 and noted the Dixon Firefighters Association, among others, has expressed interest in cooperating on the memorial. He also noted a stipulation in the agreement that the piece be made available for testing purposes in the future, if requested.

Mayor Batchelor asked for public comments.

Ben Edokpayi, former editor of the Dixon Tribune who lost a cousin in the World Trade Center tragedy, strongly supported the project and noted the memorial piece would mean a lot to him and others as part of their healing process.

A motion was made by Vice Mayor Ceremello, seconded by Councilmember Besneatte, to adopt Resolution No. 11-049 authorizing the City Manager to execute a transfer agreement by the Port Authority of New York and New Jersey to the City of Dixon Fire Department (AG 11-013). Roll call was taken as follows:

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

13. **OTHER AGENCY BUSINESS**

14. **ITEMS FROM THE CITY ATTORNEY**

None.

15. **ITEMS FROM THE CITY MANAGER**

None.

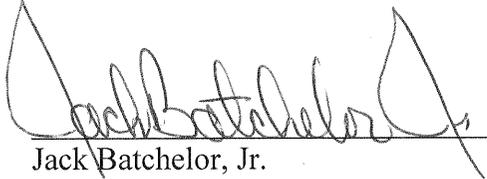
16. **CLOSED SESSION**

17. **ADJOURNMENT**

The Regular Meeting of the Dixon City Council was adjourned at the hour of 8:23 p.m.



Suellen Johnston
Acting Deputy City Clerk



Jack Batchelor, Jr.
Mayor