MINUTES

REGULAR MEETING OF THE
DIXON CITY COUNCIL
DIXON REDEVELOPMENT AGENCY
JANUARY 11, 2011

Closed Session at 6:00 p.m.

The Special Meeting of the Dixon City Council was called to order at the hour of 6:08 p.m. to meet in Closed Session in the Council Chambers Conference Room on January 11, 2011, by Mayor Jack Batchelor, Jr.

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

Absent: *Councilmember Dane Besneatte

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

0. 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

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

The City Council recessed into Closed Session at 6:08 p.m.

*Councilmember Besneatte arrived at 6:15 p.m.

Closed Session recessed at 6:50 p.m.

1. **CALL TO ORDER**

Mayor Batchelor reconvened the Regular Meeting at 7:02 p.m. and announced the City Council had met in Closed Session for a conference with legal counsel regarding Chapman vs. the City of Dixon with no reportable action and the Council will reconvene into Closed Session following the Regular meeting for a conference with labor negotiators.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

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

Absent: None

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

4.1 Recognition of the following employees for their Longevity Service Awards for 2010:

Steve Johnston, Human Resources Director/Acting City Clerk, read the list of employees celebrating at least five years of service. Those present in the audience were asked to stand and be acknowledged.

Name	Classification	Years of Service
Pernell Colter	Street Maintenance Supervisor	30
Zachary Martinez	Wastewater Systems Operator I	25
Janet Koster	Senior Management Analyst	20
Pedro (Pete) Jimenez	Police Officer	15
Andriette (Andi) Horigan	Public Safety Administrative Manager	15
Sharon Elmensdorp	Senior Transit Driver	15
Vicki Jacobs	Senior Transit Driver	15
Evan (Sandy)Jones, Jr.	Senior Wastewater Systems Operator	10
Angela Pangelinan	Police Officer	10
John Jurado	Fire Fighter	10
Michael Welliver	Maintenance Worker I	5
Justin Hardy	Associate Planner	5
Erin Sylvester	Police Officer	5
Ronald Willingmyre	Police Sergeant	5
Mike Marianno	Maintenance Worker I	5
Anthony Welch	Police Captain	5
Michael Geisser	Police Officer	5
Royce Cunningham	City Engineer/Director Of Utilities	5

David Dowswell	Community Development Director	5
Wayne Houseman	Maintenance Worker II	5
Hector Garcia	Maintenance Worker I	5
Jenna Cameron	Police Officer	5

4.2 Receive recommendation of Suellen Johnston as the City's Bi-Annual Employee of the Year.

Steve Johnston, Human Resources Director/Acting City Clerk, announced that Suellen Johnston, Deputy Clerk, had been nominated as the City's Bi-annual Employee of the Year. He and the Mayor congratulated Ms. Johnston and presented her with a check.

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

5.1 Deborah Winegar discussed civil decorum, admonished the audience, Council, and townspeople to tone down rhetoric, noted attempts by speakers at the last meeting to intimidate the new councilmember, and encouraged all to stay on topic, maintain civil discourse, avoid vitriolic comments, and be mindful of what is said.

5.2 Dan Figueroa read a prepared letter regarding the City's position on conditional approvals and indemnity agreements that he feels are unfair and oppressive and requested the policy be reviewed by the City Council at the earliest possible meeting.

5.3 Ourania Riddle noted she is a citizen by choice, took an oath to protect the Constitutions of the United States and State of California and maybe they should be present in the Chamber to remind everyone what the meetings are all about.

5.4 Drew Graska presented thirty-three pictures taken in his neighborhood noting flooding, cracks, potholes, sidewalk obstructions, graffiti and tarps on roofs for which the City is supposed to provide services.

6. ITEMS FROM THE CITY COUNCIL

6.1 **Requested by Vice Mayor Ceremello by e-mail dated December 15, 2010. Council Discussion on Medical Marijuana Dispensary Ordinance. (Ordinance and e-mail attached)**

See minutes on Page 4 following Items from the City Council.

6.2 Councilmember Ceremello requested the Reimbursement Policy be brought back on a future agenda, under Old Business or New Business, for review under AB1234 and to discuss inconsistencies regarding reimbursement for social events.

Councilmember Ceremello requested an item be added to a near-term agenda revisiting Resolution No. 8529, the City Personnel Code regarding Rule 2.4, and

any other resolutions pertaining to the naming of the City Manager as City negotiator.

Councilmember Ceremello requested Fees and Permit be agendized for further discussion.

He noted some citizens' concern about the lack of broadcast of the first Dixon/Solano Water Authority meeting, and noted a separate license is required to broadcast for additional agencies and pricing is being obtained.

6.3 Councilmember Fuller reported the kick-off night for the new teen center will be on January 22, 2011, at old Dixon high school. There will be a Spaghetti Dinner 5:00-7:30 p.m. and a Teen Bash from 8:00-11:00p.m.

6.4 Councilmember Bogue asked if teen center contributions can be taken to the Police Department. Police Chief Cox confirmed checks can be made out to Dixon Teen Center/DFS and can be dropped off at either location.

6.5 Councilmember Besneatte discussed civil discourse in our country where people cannot respectfully disagree with each other without targets being placed on them and noted the council disagrees, but never with the thought of resorting to violence.

Councilmember Besneatte supported Dan Figueroa's comments that the indemnity agreement is oppressive.

In response to Mr. Graska's complaints about tarps on neighbor's roofs, Councilmember Besneatte noted many people are struggling to maintain their properties and understanding is warranted. He pledged that this council will take action to fix the Core Area Drainage, so that people in those areas will have a feeling of security.

6.6 Mayor Batchelor read comments from the 2009-2010 Grand Jury Final Report regarding the Dixon Police Department Holding Facility and congratulated Chief Cox on the positive results.

6.1 **TAKEN OUT OF ORDER**

Requested by Vice Mayor Ceremello by e-mail dated December 15, 2010. Council Discussion on Medical Marijuana Dispensary Ordinance. (Ordinance and e-mail attached)

Vice Mayor Ceremello noted he requested the City Manager place the Medical Marijuana Dispensary Ordinance on the agenda because there is a new Council, he is concerned about the potential for litigation, and that the State of California considers medical marijuana dispensaries legal. Miscommunications resulted in it being placed as an item for discussion rather than Old Business to rescind the moratorium and determine locations in the City for marijuana grow centers.

Vice Mayor Ceremello noted his correspondence with a bio-chemist, Mike Zumpano, who has his own nutritional supplement line, was recruited by co-ops in Colorado to run their medical marijuana combines, and his intention to bring the bio-chemist to a meeting when formal action is agendized.

Mayor Batchelor asked for public comments.

Gary Irwin noted it is time to revisit the medical marijuana issue and Council should consider zoning, operator laws, prohibitions on felony convictions and George's Orange as a possible location.

Jerome Dawson encouraged the Council to explore the issue, a grove associated with a dispensary is different than the law intended, someone with gardens in Colorado should not come into our community, and discussed inadequacies of the two areas that were zoned.

Deborah Winegar noted her experience that marijuana is not harmless through relatives who were seriously addicted. She preferred to see low income housing built on the George's Orange location.

John Arabia provided interpretation of the Health and Safety Code and noted co-ops need to be caregivers, police costs will rise, crime and violent felonies will increase, loitering occurs in dispensary parking lots, vandalism increases near dispensaries, dispensaries do not report crimes and under-report revenue, and he is concerned for his family's safety and quality of life.

Russ Cayler noted State law allows medical marijuana but it is still against Federal law, pharmacies have better controls, other medications are available, and dispensaries are often a front for crime. He recommended the citizens should vote on such an important change.

Dustin Parker noted there are people who really need this medicine who can be helped while bringing revenue into Dixon and asked about estimates of income.

Len Schilling noted many Vietnam soldiers were killed because they were too high to do their job, marijuana is a gateway drug, and very bad for Dixon.

Kay Fulfs Cayler noted her brother died of cancer, but did not suffer pain because there were drugs other than marijuana available. His doctor said people who requested marijuana already had drug problems.

Byron Chapman did not express support or opposition, but thought the issue merits a vote by the citizens and is a social and moral dilemma requiring discussion.

There were no other public comments.

Councilmember Besneatte noted the ordinance was originally voted in by a conservative Council in 2004, rescinded by the previous Council, it is time to undo the sins of forefathers, the City's obligation is to follow State law, and he could not support further study or vote.

Councilmember Bogue did not understand how an ordinance can override the law, he was elected to serve the community not to be their master and preferred to see a vote of the citizens. He asked for reference material on ordinances overriding state laws.

Councilmember Fuller noted, rather than voting against the law, he voted against medical marijuana for the Dixon community. Regulations are too vague, and in his experience it is a gateway drug, but he wanted to hear more public opinion.

Councilmember Ceremello responded to audience comments and provided a list of directions to staff that was later rescinded, which included tax structure research, zoning locations, types of facilities allowed in ordinance, and database requirements for tracking.

Mayor Batchelor stood by his vote to place a ban on medical marijuana dispensaries. He noted requests to agendize should be done in an open meeting rather than by e-mail and noted the Vice Mayor's directions at the last meeting were not specific.

A video clip of Vice Mayor Ceremello's requests at the last meeting was played.

Vice Mayor Ceremello agreed he did not make his request clear enough at the meeting, noted the Mayor does not set the agenda in public, and requested rescinding the medical marijuana ordinance be placed on the next agenda.

Nancy Huston, City Manager, asked for clear direction.

Michael Dean, City Attorney, noted when repealing an ordinance, rather than leave it unregulated, it should be replaced with something and recommended staff develop alternatives in order to repeal.

Vice Mayor Ceremello rescinded his previous direction to agendize for the next meeting, and directed it be placed on the February 8, 2011, agenda with alternatives as recommended by the City Attorney.

Direction provided.

7. ITEMS FROM THE CITY TREASURER

None.

8. **APPROVAL OF AGENDA**

Mayor Batchelor reported a request had been received from the applicant, Brookfield Homes, to continue Item 10.2 to the January 25, 2011, City Council Meeting. Staff recommended approval of the request.

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to approve the Agenda, as amended. 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 Besneatte, 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 City Council Minutes for the December 13, 2010, Special Meeting.**
2. **Approved the City Council Minutes for the December 14, 2010, Regular Meeting.**

9.2 Adopted Resolution No. 11-001 approving the Enumeration of Claims.

9.3 Adopted Resolution No. 11-002 amending Resolution No. 00-014 to add required reviews for Federal Grant Programs to Administrative Purchasing Policies and Procedures.

9.4 Adopted Resolution No. 11-003 accepting the proposal for mail processing equipment from Pitney Bowes, in the amount total not to exceed $7,142.40 for a 60-month term (AG 11-001).

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

The City Council reconvened at 9:22 p.m.

10. **PUBLIC HEARINGS**

10.1 Hold public hearing, waive second reading, read by title only and adopt an Ordinance amending Section 16.00.010 of Chapter 16.00, repealing Chapters 16.01, 16.02, 16.03, 16.05, 16.07, 16.08, 16.09, 16.10, 16.11, 16.12, adding amended Chapters 16.01, 16.02, 16.03, 16.05, 16.07, 16.08, 16.09, 16.10, 16.11, 16.12 and adding new Chapters 16.16 and 16.17 to Title 16 of the Dixon Municipal Code.

Dave Dowswell, Community Development Director, reported this as a public hearing, second reading, and request for approval of an Ordinance introduced at the December 14, 201, City Council Meeting making various amendments, additions, and deletions to Title 16 of the Dixon Municipal Code.

Mayor Batchelor opened the public hearing.

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

There was no discussion on this item.

A motion was made by Councilmember Besneatte, seconded by Councilmember Fuller, to adopt Ordinance No. 11-001 amending, repealing, and adding chapters to Title 16 of the Dixon Municipal Code. Roll call was taken as follows:

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

10.2 Quasi-judicial hearing by the City Council to adopt a Resolution confirming the Planning Commission's recommendation to deny amending the General Plan land use designation from Low Density Residential (LD) to Medium Density Low (MDL) for a portion (APN 116-030-210) of the Parklane (Brookfield) Subdivision and to deny amending the approved Tentative Map to increase the number of lots from 401 to 451 for the Parklane (Brookfield) Subdivision.

This item was continued to January 25, 2011.

Redevelopment Agency

11.1 Resolution authorizing the City Manager or her designees to conduct a Request for Qualifications (RFQ) process for the Pardi Market Property at the southeast corner of First and East A Street and clarify actions taken at the meeting of December 14, 2010 to amend the proposed timeline for processing the RFQ and selecting a developer.

Councilmember Bogue recused himself from discussion due to a potential conflict of interest and left the Council Chambers.

Mark Heckey, Economic Development Director, noted at the December 14, 2010 Council Meeting, the Council approved the Request for Qualifications for the Pardi Market site with an extended timeline of six months to accommodate all potential candidates and staff is now requesting clarification of the timeline and providing three detailed options for consideration and selection.

Mr. Heckey discussed details of the governor's recent recommendation to take assets of Redevelopment Agencies as early as March 2011, saw it as a very strong threat to this project, noted Option C was added to escalate the timeline to preserve the ability to move forward in direct response to the governor's plans, recommended Option C, and responded to Council questions.

Mayor Batchelor asked for public comments.

Gary Irwin favored having a town square and local involvement, noted other funds are available, and the public will never get the property back if it is given up to development now.

Larry Simmons asked if activities and park-like area could be moved to the old Ace Hardware site.

Ginger Emerson questioned the fence recently installed around the Pardi Site and thought it was because of the RFQ.

Mayor Batchelor confirmed the fence was installed to prohibit cars from driving across the sidewalk, not because of development.

Jill Orr noted local businesses would like to see the property be a focal point of Downtown and need sufficient time to bring a proposal for a desirable use.

Kay Fulfs Cayler noted if the State takes the property as a Redevelopment asset, the State could do with it as they please and the City would totally lose control over what goes into the City center.

Dave Scholl noted plans have always included mixed use and a plaza, proposals can be rejected, and asked if the Redevelopment Agency could transfer ownership to the City. He also noted a Constitutional amendment requires an election.

Mike Dean, City Attorney, provided details of the legislature, constitutional law, and State law as it relates to redevelopment agencies and Proposition 22.

Anne Irwin supported a park or plaza on the site, noted the Women's Improvement Park was purchased by a group of citizens, and recommended recruiting those who have the resources to purchase the Pardi Market site.

Byron Chapman noted the timeframe is uncertain, asked if the lot is sold whether the State could take funds, and if the property could be leased.

Vice Mayor Ceremello preferred Option B instead of Option C to allow time for local citizens to prepare a proposal, did not want to make a decision in haste, and was skeptical about the State's ability to pass the Governor's proposal in two months.

Councilmember Besneatte supported Option B to allow local citizens a fair opportunity and doubted the State could move that fast.

Councilmember Fuller supported Option B, noted it would be difficult for the State to obtain a two-thirds majority, and was not against a bank's proposal if it meets all the prerequisites.

Mayor Batchelor preferred Option A as a more typical timeframe for Requests for Qualifications, and noted whatever is proposed must meet the zoning laws.

A motion was made by Councilmember Ceremello, seconded by Councilmember Besneatte, to approve Resolution RDA 11-001, approving a Request for Qualification (RFQ) process for the Pardi Market Plaza Project and incorporating Option B. Roll call was taken as follows:

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

Councilmember Bogue returned to the meeting at 10:10 p.m.

11. NEW BUSINESS

12.1 Matters relating to Council Assignments List for 2011:

1. **Review and, as desired, revise the Committee/Commission assignments;**
2. **Resolution reflecting assignments which must be memorialized by formal Council action.**

Steve Johnson, Human Resources Director/Acting City Clerk, noted a revised resolution had been distributed to reflect additional appointments traditionally assigned to the Mayor.

The City Council reviewed and discussed the Council Assignments List for 2010, item by item, made changes, and re-confirmed assignments for the Council Assignments List for 2011.

Mayor Batchelor asked for public comments.

Dave Scholl noted the Lambtown Committee meeting should be changed to read "6:00 p.m. on the third Monday of the month".

A motion was made by Councilmember Besneatte, seconded by Councilmember Fuller, to adopt Resolution No. 11-004 naming the representatives to serve on various agencies and authorities for 2011. Roll call was taken as follows:

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

12.2 Resolution approving the Five-Year Capital Improvement Program (CIP) for Fiscal Years 2010/11-2014/15.

Royce Cunningham, City Engineer, provided details of planned projects in the Five Year Capital Improvement Program, discussed the Wastewater Fund, Water Softener Program, profits realized, and responded to questions from Council in lieu of a line-item review.

Mayor Batchelor asked for public comments.

Byron Chapman questioned a two-year suspension of activity noted for Americans with Disabilities Act (ADA) Improvements, asked if the City planned to continue improvements based on complaints by C.A.R.D., and noted it is not a decision the City can make based on the ADA.

Mr. Cunningham responded that improvements utilizing General Funds will be delayed but the $30,000 already allocated toward improvements will not be impacted. He noted Dave Dowswell, Community Development Director, is handling the project and could answer more specifically

A motion was made by Councilmember Fuller, seconded by Councilmember Bogue, to approve Resolution No. 11-005, adopting the Five-Year Capital Improvement Program (CIP) for Fiscal Years 2010/11 through 2014/15. Roll call was taken as follows:

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

13. OTHER AGENCY BUSINESS

None.

14. ITEMS FROM THE CITY ATTORNEY

None.

15. ITEMS FROM THE CITY MANAGER

15.1 Nancy Huston, City Manager, provided highlights of a briefing she listened to be telephone on the Governor's proposal to balance the budget this year and help fund schools, noted the City stands to lose $2.3 million per year from Redevelopment, or 7% of total City revenues, and discussed impacts to City programs, jobs, and control of properties.

16. CLOSED SESSION

The Regular Meeting of the Dixon City Council adjourned at the hour of 11:02 p.m. to reconvene into Closed Session in the City Council Chambers Conference Room at the hour of 11:04 p.m. for a conference with labor negotiators.

RECONVENE TO OPEN SESSION

The Closed Session of the City Council adjourned at the hour of 11:45 p.m. Mayor Batchelor noted there was no reportable action.

17. ADJOURNMENT

The Regular Meeting of the City Council adjourned at the hour of 11:46 p.m.

Sue Johnston
Deputy Clerk

Jack Batchelor, Jr.
Mayor