



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

**FEBRUARY 8, 2011**

**Closed Session at 6:00 p.m.**

The Special Meeting of the Dixon City Council was called to order at the hour of 6:00 p.m. to meet in Closed Session in the Council Chambers Conference Room on February 8, 2011, by Mayor Jack Batchelor, Jr.

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

Absent: \*Vice Mayor Michael Ceremello

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)

Name of Case: James Robinson v. City of Dixon  
WCAB Case No. ADJ6872504

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

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

\*Vice Mayor Ceremello arrived at 6:05 p.m.

Closed Session recessed at 6:59 p.m.

1. **CALL TO ORDER**

Mayor Batchelor reconvened the Regular Meeting at 7:05 p.m. and announced the City Council had met in Closed Session for a conference with legal counsel regarding James Robinson vs. the City of Dixon, and for a conference with labor negotiators with no reportable action.

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, Rick Fuller, Mayor Jack Batchelor, Jr.

Absent: None

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

4.1 Grand Jury Acknowledgement Month

Wanda Kiger Tucker, President, Solano County Chapter of the California Grand Jurors Association, announced that Solano County declared February Grand Jury Awareness month, discussed the Chapter's State Grand Jurors Excellence in Reporting Award, provided accomplishments of the Grand Jury, and solicited applications from those interested in serving on the Grand Jury during the application period ending on May 2, 2011.

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

5.1 Ourania Riddle noted her ongoing recommendation that the City Council adopt a Sunshine Ordinance to promote open government, submitted a draft ordinance for review by the City Council, and requested they direct staff to set a workshop date in the very near future to review the proposed language and receive input.

5.2 Carol Pruett, Dixon Chamber of Commerce, requested that parade funds impacted by recent actions of the Redevelopment Agency be re-allocated to enable the Chamber to proceed with the annual event that greatly benefits the community, and noted the Chamber of Commerce, in return, would cut costs and raise fees wherever possible.

5.3 Chuck Kingeter commented on the Sunshine Ordinance, noted AB1234 must be followed by the City Council related to ethics and morals, noted a number of local cities are adopting Sunshine laws, and asked for confirmation that the Council would address a workshop later in the meeting, as requested by the previous speaker, and not violate the Brown Act.

- 5.4 Ron Bailey discussed Dixon's small town charm, his love of the community, the "good old boys and women" who actually built the community, change and leadership necessary to maintain the good attributes, and addressed each Councilmember individually.

He expressed trust in Mayor Batchelor and Councilmember Fuller, thanked them for their dedication to the community, and noted the rest of the City Council can learn something from them. He recommended Councilmember Bogue turn to Mayor Batchelor and Councilmember Fuller as leadership examples.

Mr. Bailey addressed Councilmember Besneatte's recent comments regarding the Police Department and noted they were inappropriate.

Mr. Bailey expressed the opinion that Councilmember Ceremello is not respectful of others, resorts to name-calling, repeatedly displays negativity in his newspaper column, and inaccurately portrays himself as a champion for the community.

6. **ITEMS FROM THE CITY COUNCIL**

- 6.1 Councilmember Besneatte responded to Mr. Bailey by noting he takes Dixon's Police Department seriously but finds involvement of the Vacaville Police Department improper, is not one-dimensional, and does a lot of things for the City.

Relating to naming rights for the Dixon High School stadium, he suggested the stadium be named "Russ O'Neil Field".

He recommended that the \$7,000 allocation for Chamber of Commerce events transferred from Redevelopment Funds to Core Area Drainage by actions taken at the last meeting be reversed on a future agenda so as not to impact those events.

- 6.2 Councilmember Fuller thanked Ron Bailey for his kind words and noted all Councilmembers work hard, but do not always agree. He agreed that funds for Chamber of Commerce events should be re-agendized.

- 6.3 Vice Mayor Ceremello thanked staff for preparation of Consent Calendar items and appreciated the City Manager's intention to include his requests regarding Dixon Sanitary on a future agenda.

He relayed a request received for an additional trash container on the linear path at the end of Regency Parkway, noted he would be attending the Pension Reform Boot Camp in Irvine, and requested a public workshop be scheduled to discuss a Sunshine Ordinance.

He thanked Ron Bailey for reading the Independent Voice and noted the "inappropriate" language used at a Council meeting was intentional and got the job done.

He recommended the established Funding Committee, comprised of Vice Mayor Ceremello and Besneatte, meet to discuss event funding prior to bringing back to Council.

- 6.4 Mayor Batchelor reported he would be recommending Brenna Brians to fill the vacancy on the Planning Commission at the February 22, 2011 Council meeting, noted he would be attending a Senate Committee on Governance at the Capital to discuss Redevelopment, and asked the Council's preference for February 26<sup>th</sup> or March 12<sup>th</sup>, 9:00am-12:00 noon, for a Council work session.

7. **ITEMS FROM THE CITY TREASURER**

James Slaughter, City Treasurer, announced the Dixon Chamber of Commerce would be hosting the 48<sup>th</sup> Annual Citizen of the Year Dinner Dance, "A Stardust Night", on March 5<sup>th</sup> at the Dixon May Fair.

8. **APPROVAL OF AGENDA**

There was no discussion on this item.

A motion was made by Councilmember Besneatte, seconded by Councilmember Fuller, 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**

Vice Mayor Ceremello requested that Item 9.3 be heard separately. Councilmember Besneatte requested that Item 9.5 be heard separately.

A motion was made by Councilmember Fuller, 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, Fuller, Batchelor  
NOES: None  
ABSTAIN: None  
ABSENT: None

**9.1 Matters relating to City Council Minutes:**

- 1. Approved City Council Minutes for the January 17, 2011, Special Meeting.**
- 2. Approved City Council Minutes for the January 25, 2010, Regular Meeting.**

**9.2 Adopted Resolution No. 11-012 approving the Enumeration of Claims.**

- 9.3 Matters relating to the Dixon Transportation Center:**
- 1. Resolution supporting the West B Street Undercrossing Project.**
  - 2. Provide direction to staff to solicit Statements of Qualifications for consultants to prepare updated environmental documents and utility relocation plans.**
  - 3. Resolution authorizing the City Manager to execute a Transportation Funding Exchange Agreement by and between the Cities of Dixon and Vacaville and the Solano Transportation Authority (STA).**

*See Minutes on Page 5.*

- 9.4 Waive reading, read by title only, and introduced an Ordinance repealing Chapter 18 of Article I of the Code of the City of Dixon relating to Cable Television Franchises.**
- 9.5 Adopt Resolution approving and supporting request from the Dixon Chamber of Commerce for the closure of State Highway 113 on Saturday, May 7, 2011, from 9:00 a.m. to 12:00 noon for the Annual Dixon May Fair Parade.**

*See Minutes on Page 6.*

- 9.6 Waive reading, read by title only, and introduced an ordinance repealing Chapter 4 of Article II of the Dixon City Code regarding the 1993 General Plan.**

**9.3 HEARD OUT OF ORDER**

**Matters relating to the Dixon Transportation Center:**

- 1. Resolution supporting the West B Street Undercrossing Project.**
- 2. Provide direction to staff to solicit Statements of Qualifications for consultants to prepare updated environmental documents and utility relocation plans.**
- 3. Resolution authorizing the City Manager to execute a Transportation Funding Exchange Agreement by and between the Cities of Dixon and Vacaville and the Solano Transportation Authority (STA).**

Vice Mayor Ceremello was unwilling to support the proposed resolutions without re-examining the benefits versus the large expenditure of funds, noted the train platform will serve a relatively small population, the safety aspect was minimal, and felt it was a waste of \$6 million dollars the State cannot afford.

Councilmember Bogue noted that funding sources cover only half of the project expense and questioned advisability of proceeding at this time.

Nancy Huston, City Manager, reported the project is the number one safety project for pedestrians identified countywide by the Solano Transportation

Authority (STA), is necessary regardless of the train station, and does not utilize General Funds.

Councilmembers Besneatte and Fuller supported the train station and felt pedestrian safety at the crossing was a necessity.

Mayor Batchelor noted the issue is public safety, not the train station, and it is a legitimate use of funds to preserve human life.

Mayor Batchelor asked for public comments.

Larry Simmons felt it was pure good luck that there have not been more casualties and supported the project.

A motion was made by Councilmember Fuller, seconded by Councilmember Besneatte, to approve Resolutions No. 11-013 and 11-014 (AG 11-004) and to solicit Statements of Qualifications for consultants to prepare updated environmental and utility relocation documents. Roll call was taken as follows:

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

## **9.5 TAKEN OUT OF ORDER**

**Resolution approving and supporting request from the Dixon Chamber of Commerce for the closure of State Highway 113 on Saturday, May 7, 2011, from 9:00 a.m. to 12:00 noon for the Annual Dixon May Fair Parade.**

Councilmember Besneatte noted that access parking at the high school will be difficult and recommended the Chamber ask Caltrans to close the road at the southern end of Valley Glen Road nearer to town, and place signs at Midway Road to divert truck traffic and thru traffic but allow locals to get to the high school.

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

A motion was made by Councilmember Besneatte, seconded by Councilmember Fuller, to adopt Resolution No. 11-015, supporting the request for the closure of State Highway 113 for the Dixon May Fair Parade. Roll call was taken as follows:

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

The Council recessed for break at 8:05 p.m.

The Council reconvened at 8:10 p.m.

10. **PUBLIC HEARINGS**

None.

11. **UNFINISHED BUSINESS**

**11.1 Council consideration of options and direction to staff regarding Ordinance (09-022) forbidding issuance of licenses or permits to unlawful uses, considering all applicable laws relating to the establishment and regulation of medical cannabis dispensaries or cooperatives/collectives; recognizing the need for access to medical cannabis by patients and primary caregivers, while protecting the safety of the community and preventing diversion for non-medical purposes.**

Jon Cox, Dixon Police Chief, reviewed direction from the City Council on addressing medical cannabis dispensaries, related ordinances, guidelines, financial impacts, environmental impacts, effects on crime and police resources, and noted it was difficult to estimate the number of medical users in Dixon.

There were no questions from the City Council.

Mayor Batchelor asked for public comments.

John Dougherty, Chief Deputy District Attorney, spoke on behalf of District Attorney Don Dubain, noted their office considers storefront dispensaries unlawful, have been asked to prosecute, and there are current cases. He responded to questions from Council.

Dana Vaughn, District Attorney's office, discussed businesses with business licenses that were prosecuted and responded to questions as to whether ordinances were in place.

Dr. Tamu Nolfo, Certified Prevention Specialist, discussed comprehensive needs assessments, statistics that show ease of access proliferates use and abuse of marijuana particularly in youth, young people are using dispensaries, evidence documented by the California Police Chief's Association regarding abuse, and local media that gets saturated with ads, huge billboards, and signs advertising use of marijuana. She noted income derived will be eclipsed by resulting societal needs relating to drug abuse and failed classes and prohibiting policies are the best prevention.

Bessie Miller submitted petitions signed by over 300 concerned citizens opposing dispensaries, displayed a map showing where signatures were obtained, asked for

a show of hands from those in opposition, and asked Thom Bogue, as the probable deciding vote, to listen to their position.

Bonnie Sutherland, Assistant to the Deputy Chief in Sacramento, supported dispensaries and noted studies show there is lower crime with dispensaries, the war on drugs is thought by some mayors to be a total failure, and supporters are not in business to get rich but to give back to the community.

Kay Fulfs Cayler noted a doctor with 25 years in practice told her patients that have asked him for marijuana cards are those who are already addicted, marijuana will add a level of big city crime, the money is very enticing for drug dealers, and although drugs have different strengths, in her opinion, a drug, is a drug, is a drug.

Reverend Cathy Morris provided statistics she obtained from groups conducted at Dixon Methodist Church that indicated controls were a concern, 36 wanted the ordinance to remain the same, 3 wanted change and several were undecided.

Ron Bailey spoke about drug paraphernalia and hallucinating incense for sale in the smoke shop by Baskin Robbins, noted he did not want marijuana and the crime that comes along with it in Dixon, and could not believe discussion had come this far.

Carol Pruett discussed problems experienced by businesses near dispensaries in Sacramento, the devastation she experienced through addiction of some family members, adverse effects of the drug on those who are depressed, and felt the debate had gotten out of control.

James Fuller worked as a narcotics detective and discussed the ill effects of dispensaries, crimes investigated such as illegal grow houses, residential burglary, money laundering, assaults and murders, and noted illnesses are easily faked to falsely obtain cards. He noted that a consolidated grow operation would not make a difference in crime.

Max Del Real, Lobbyist with California Capital Solutions, spoke in favor of marijuana dispensaries, reported discussions with two councilmembers and the Police Chief and information he distributed to the Mayor and City Manager containing information consolidated from other cities, discouraged knee-jerk reactions and used Sacramento as a positive example.

Caleb Counts, Fruitridge Health and Wellness in Sacramento, discussed his successful dispensary, praise from neighbors for the reduction in crime, cleanliness of his facility, provided statistics from his dispensary that showed 773 customers from Solano County and 213 from Dixon, and discussed self-regulation, the fact that pharmacies do not check with other pharmacies before dispensing, and that he established his non-profit organization because he saw his aunt suffer because she refused to use marijuana illegally. He responded to questions from the Council.

Stefanie Gernert, Fruitridge Health and Wellness employee, supported their program, discussed developing relationships with the UC Davis Cancer Center, and noted she was proud of the work that she does.

Mike Gloege noted there are no exceptions according to Federal law, there is only a small group requesting this who are wasting staff time, there are no requests for dispensaries, and he encouraged Thom Bogue to listen to the majority of the people he is representing rather than follow personal interests. He noted that the supporters present drove in from out of town and will return to their own communities.

Councilmember Ceremello noted there were a number of requests before and after the ordinance was adopted.

Yvonne McCluskey noted she has been a Dixon resident since 1964, Dixon means a lot to her, dispensaries are not needed in Dixon, and she does not want Dixon to reap any monetary benefits from drugs.

Councilmember Besneatte questioned Ms. McCluskey about her vote on the ordinance at the time she was a Councilmember.

Roger Morgan, Chairman for the Coalition for a Drug-Free California, discussed the addiction of his stepchildren that had ruined lives, research showing marijuana causes memory and maturation problems under age 25, can lead to schizophrenia and paranoia, birth defects in future generations and stays in the body longer than any other drug. He recommended the City Attorney review the Drug Dealer Liability Act since the City could be directly in line for liability, and there are no aspects that will benefit Dixon. He responded to Councilmember Ceremello's questions regarding prohibition.

Pastor Joe Mejia reported working with addicts during his 27 years in Dixon, noted high drug use in certain areas, no need to add another avenue, pure drugs from dispensaries can be cloned and grown illegally, and driving 20 miles is not a hardship for those who need it.

Scott Pederson, medical marijuana patient, discussed his injured skull, the resulting pain, marijuana alleviates it but allows him to function without side effects of other drugs, there are responsible users who should not be punished, and problems can be controlled through regulation.

Erica Mejia works with ATOD, wants Dixon to remain a safe and positive place, statistics show marijuana is an addiction problem, and she asked the Council not to fail the citizens.

Michael Zumpano lives in Fairfield and works for Budding Health, and helps successfully administer medical marijuana dispensaries in Colorado. He reported Colorado experienced \$500 million in sales last year, problems are resolved by statutes that are continually revised, noted regulation is needed in California to

grow to a higher level of success, and responded to questions from Councilmembers.

Del Royer, retired substance abuse administrator and therapist for Solano County, reported availability makes it easier to abuse and get marijuana, statistics show County youth are using more often, starting at a younger age, lesser regulations and consequences make it more attractive, and he provided various reasons for abuse in youth.

Larry Simmons initially thought there were a lot of unknowns and did not sign the petition, appreciated the clear and lucid testimony, was skeptical that dispensaries could be properly administrated, and thought medical marijuana should be dispensed by pharmacies.

Byron Chapman suggested substituting “marijuana dispensaries’ with “liquor stores” and asked what we have learned. He noted there is more than one pain reliever.

Alex Acardi has had a card for ten years due to pain from the loss of an eye, and felt many older people are deciding based on what they were told in the past and younger ages are more supportive.

Drew Graska came to the subject with an open mind, recommended looking at both sides, noted the right to regulate, more research is needed, and it can be deferred back to a vote of the people.

Mayor Batchelor closed the public comment period.

Councilmember Besneatte commented about the validity of some signatures on the petition, noted Federal law does not usurp State law, whether he wants it or not does not matter, people have the right in this state to use medical marijuana, and the ballot box is the place to make changes. He noted the Police Chief provided a good plan in 2009 for regulation and suggested it now be adopted.

Councilmember Bogue noted Congress has allowed that states have the power to regulate but we are also allowed the choice and reported hearing a lot of opinions over the past weeks. 17,000 people in the City are impacted and those in favor were not present. He noted, though previously opposed, he was uncertain what to do about it and thought matters of this magnitude should be placed to a vote.

Councilmember Fuller noted a lot of good information was provided on both sides, State and Federal laws conflict, there are problems with regulation, marijuana is a gateway drug, the people don’t want dispensaries in our community and that is who they serve, and he did not support medical dispensaries in Dixon.

Vice Mayor Ceremello thanked the Mayor for conducting an open hearing, noted this is about freedom to choose rather than dictation of the majority, they should

be looking for solutions, and having a lockdown collective or dispensary is not going to encourage children.

Mayor Batchelor noted he received additional opposing correspondence from Zander Mattson, Bob Gill, Joanne Gianoni and Dale Preston and it is not Dixon's role to set standards, the initiative process has been misused and overused, regulations need to be in place, the citizens have overwhelmingly stated they want Dixon to remain a hometown type of City, and he heard no compelling evidence to warrant his support. He questioned whether those Councilmembers supporting it were doing so for the good of the City or for self-interest.

Councilmember Besneatte noted his support had nothing to do with personal interests but was based on law.

Vice Mayor Ceremello requested further research and discussion on fees that could be charged.

Mike Dean, City Attorney, confirmed that a fee cannot be greater than the cost if implemented therefore revenue would not be a consideration.

Mayor Batchelor stated there are no fees to be explored and there are higher priorities for the City to address in the future.

A motion was made by Vice Mayor Ceremello to direct staff to obtain additional information on regulations from Colorado and look at incorporating the Police Chief's ordinance regarding regulation. The motion died for lack of a second.

A motion was made by Mayor Batchelor, seconded by Councilmember Fuller to retain the current ordinance, with no changes. Roll call was taken as follows:

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

## 12. NEW BUSINESS

### 12.1 **Resolution amending the Capital Facilities Fees Drainage Map to reflect annexation of the Brookfield Development Area.**

Janet Koster, Senior Management Analyst, requested amendment of the map used for purposes of calculating fees adopted in 2003 for storm drain impact fees for new development to include the Brookfield Development Area.

Vice Mayor Ceremello asked about the negative balance and anticipated revenue from Brookfield and how it would be repaid.

A motion was made by Councilmember Fuller, seconded by Mayor Batchelor, to adopt Resolution No. 11-016 amending the Capital Facilities Fees Drainage Map. Roll call was taken as follows:

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

**12.2 Resolution authorizing transfer of the City of Dixon portion of Dixon-Solano Municipal Water Service (DSMWS) assets to Dixon/Solano Water Authority.**

Royce Cunningham, City Engineer, displayed a map and photos of the above-ground water and tank facilities that need to be transferred, including underground pipes, to the newly formed Dixon/Solano Water Authority by the City of Dixon.

A motion was made by Vice Mayor Ceremello, seconded by Councilmember Fuller, to adopt Resolution No. 11-017 authorizing transfer of the City of Dixon portion of Dixon-Solano Municipal Water Service (DSMWS) assets to Dixon/Solano Water Authority.

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

**12.3 Resolution authorizing the City Manager to execute Contract Amendment No. 3 to the contract with Stantec Consulting Engineers to perform Task 4, Wastewater Treatment Plant Facilities Planning, for a not-to-exceed fee of \$269,500.**

Royce Cunningham, City Engineer, discussed the Cease and Desist Order with the State, the seven of twelve items that have been completed, and the next task to prepare the Facilities Plan that will focus very closely on the issue of salinity and will be the most significant work in the recent and upcoming few years.

Mr. Cunningham responded to Mayor Batchelor's question regarding changes to the scope of work and resulting cost reductions and assured Vice Mayor Ceremello that the authorization will cover what needs to be done.

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

A motion was made by Vice Mayor Ceremello, seconded by Councilmember Fuller, to adopt Resolution No. 11-018 authorizing the City Manager to execute Contract Amendment No. 3 to the contract with Stantec Consulting Engineers. Roll call was taken as follows:

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

13. **OTHER AGENCY BUSINESS**

14. **ITEMS FROM THE CITY ATTORNEY**

None.

15. **ITEMS FROM THE CITY MANAGER**

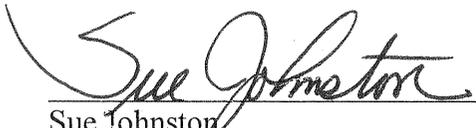
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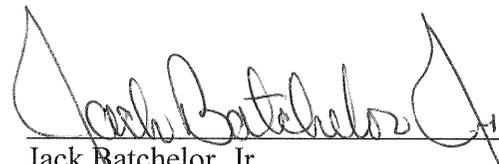
16. **CLOSED SESSION**

**RECONVENE TO OPEN SESSION**

17. **ADJOURNMENT**

The Regular Meeting of the Dixon City Council was adjourned at the hour of 12:00 a.m.

  
\_\_\_\_\_  
Sue Johnston  
Deputy City Clerk

  
\_\_\_\_\_  
Jack Batchelor, Jr.  
Mayor