



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

**DECEMBER 14, 2010**

**Welcoming Reception for Councilmembers-elect Dane Besneatte and Thom Bogue at 6:00 p.m. in the City Hall Lobby.**

1. **CALL TO ORDER**

The Regular Meeting of the Dixon City Council was called to order by Mayor Jack Batchelor, Jr. at 7:00 p.m.

2. **ADMINISTER OATH OF OFFICE FOR THE FOLLOWING ELECTED OFFICIALS:**

2.1 Dane Besneatte as Councilmember.

Acting City Clerk Steve Johnson administered the Oath of Office to Dane Besneatte and presented him with an official Certificate of Election.

2.2 Thom Bogue as Councilmember.

Acting City Clerk Steve Johnson administered the Oath of Office to Thom Bogue and presented him with an official Certificate of Election.

3. **PLEDGE OF ALLEGIANCE**

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

4. **ROLL CALL**

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

Absent: None

5. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

None.

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

- 6.1 Russ Cayler congratulated Thom Bogue for running a good, but negative, campaign with the help of a councilmember who criticized those who did not share his beliefs. Mr. Cayler encouraged Councilmember Bogue to consider the opinions of those who did not vote for him, avoid cost-cuts at the expense of maintenance and the best interest of the entire population, and expressed concerns that qualified staff may leave due to pay cuts, the City will incur additional costs to defend claims of bad faith negotiating, marijuana will be in secondary markets, and the Pardi Market Project will take priority over job-producing projects. He felt negativism is poisoning the City, personalities get in the way, and attacks on specific people, especially in a newspaper that expresses views, not news, are inappropriate and have no place in discussions that matter to all.
- 6.2 Warren Salmons congratulated Councilmember Bogue and discussed what he viewed as inappropriate conduct by Councilmember Besneatte at a Council Meeting where he came into the audience, berated the Police Chief, disturbed discussion of the next agenda item, and responded to Mr. Salmons request for quiet by saying "Why don't you go home?". Mr. Salmons noted Councilmember Besneatte was not elected dictator, could not request the public go home when he gets tired of them, and requested an apology from Councilmember Besneatte.
- 6.3 Larry Simmons wished everyone well, noted he would be in the audience but would not pre-judge, and expected all Councilmembers to arrive at their own conclusions and thoughts.
- 6.4 Deborah Winegar congratulated the first fully-elected Council, discussed previous appointments, noted the Council now comprises three people on the hard right rather than three on the hard left, and she would help with change.
- 6.4 Richard Ropiak was glad Councilmember Bogue was elected although they do not always think the same, hoped to see no favors to friends, and expected some cuts for taxpayers who elected him.
- 6.5 Shirley Humphrey noted that money needs to be budgeted for elections.
- 6.6 Drew Graska noted it will be an interesting two to four years, the purpose is not to waste taxpayer money, and discussed the importance of emergency services, city streets, and improved drainage.
- 6.7 Steve Murphy asked to comment on Item 14.1. The Mayor informed him he would need to wait for that item.

7. **ITEMS FROM THE CITY COUNCIL**

7.1 Councilmember Bogue expressed appreciation to his wife Janelle, his children, the voters of Dixon, the Solano County Taxpayers Association, his campaign manager Tom Carrier, and all who worked behind the scenes in his campaign.

7.2 Councilmember Besneatte declined to apologize to Warren Salmons whom he considers a negative person he does not have to be nice to just because he is elected, but hoped Chief Cox would accept his apology if he appeared rude. He thanked those who elected him, noted he is not right wing, his goal is fiscal responsibility, and intends to vote for things that are good for the City.

He discussed attending the Spirit of Solano where the Fannings were honored, serving as Santa Claus at the tree lighting, helping at a pancake breakfast for C.A. Jacobs students, and thanked everyone who participated in Toys for Tots.

7.3 Councilmember Ceremello pointed out that negativism depends on which side a person is on. He felt Mr. Cayler prefers newspapers favorable to his opinions, his initial comments were racist and sexist, and the campaign was not dirty since only facts were relayed. He agreed the incident Mr. Salmons discussed was inappropriate, but silencing the public was experienced during Mr. Salmons management, and he recommended forgetting about the past and moving forward with more positive things.

He noted his intention to bring back discussion of the medical marijuana dispensaries as a good revenue source, review of line item salaries, and various projects.

7.4 Vice Mayor Fuller noted the Council agrees more than they disagree, debate will be healthy and opinionated, and recommended everyone take a deep breath, marshal their thoughts, and do the right thing for the public.

He thanked Dixon Recology for clean-up of the new Dixon Teen Center and invited everyone to participate in a spaghetti dinner on January 22 to benefit the teen center.

7.5 Mayor Batchelor congratulated both Councilmembers for their victory and expressed confidence that the Council can move forward and work together.

The Mayor discussed his participation in the Sacramento Valley Veterans Cemetery recognition luncheon for Director Dean Moline, Wreaths Across American, commended City Attorney Michael Dean for his article in the December issue of Western Cities Magazine, and thanked Bruce Gondry, Scott Pardini, Julia Lopez, and employees of Dixon Recology for their help in refurbishing the new Dixon Teen Center.

8. **ITEMS FROM THE CITY TREASURER**

Treasurer James Slaughter thanked Chris Donhost for organizing Dean Moline's luncheon and participants in the Kiwanis Festival of Trees which raised over \$5,000 for the children of Dixon.

9. **CLOSED SESSION**

The City Council convened to closed session in the Council Chambers Conference Room at 7:49 p.m. for the purpose of discussing:

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b):  
One case

10. **RECONVENE TO OPEN SESSION**

The City Council recessed from closed session and Mayor Batchelor reconvened the Regular Meeting at 8:50 p.m., announced there was no reportable action from the Closed Session, and immediately adjourned for break.

The City Council reconvened at 8:58 p.m.

11. **APPROVAL OF AGENDA**

Councilmember Ceremello requested that Item 15.3 be heard immediately following the Consent Calendar.

A motion was made by Councilmember Ceremello, seconded by Vice Mayor Fuller, to approve the Agenda, with the requested change. Roll call was taken as follows"

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

12. **CONSENT CALENDAR**

Councilmember Ceremello requested that Items 12.2 and 12.4 be considered separately.

A motion as made by Vice Mayor Fuller, seconded by Councilmember Besneatte, to approve the Consent Calendar, except Items 12.2 and 12.4. Roll call was taken as follows:

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

**12.1 Adopted Resolution No. 10-194 approving the Enumeration of Claims.**

**12.2 Adopt Resolution approving the Local Appointments List for 2011.**

*See Minutes Page 5 below.*

**12.3 Approved City Council Meeting Calendar for 2011.**

**12.4 Adopt Resolution amending the insurance coverage requirement for the On-Call Weed Abatement Services Agreement with Greg's Rototilling and Landscaping of Dixon.**

*See Minutes Page 6 below.*

**12.5 Adopted Resolution No. 10-196 approving the closing of certain streets, and permitting the sale of alcohol within certain named locations, for the Second Annual Grillin' and Chillin' Rib and Chili Cook-off to be held on July 23, 2011.**

**Dixon Redevelopment Agency**

**12.6 Adopted Resolution No. RDA 10-007 accepting the State Controller's reports for Fiscal Year (FY) 2009-10, including the Annual Financial Transactions Report, the Housing and Community Development (HCD) Housing Production Report, and related reports on Agency property holdings, loans, and blight elimination efforts for the City of Dixon Redevelopment Agency.**

**12.2 TAKEN OUT OF ORDER**

**Resolution approving the Local Appointments List for 2011.**

Councilmember Ceremello asked that future lists reflect term limitations for each appointee so the public will know whether they are eligible to reapply.

A motion was made by Councilmember Ceremello, seconded by Councilmember Besneatte, to adopt Resolution No. 10-195 approving the Local Appointments List for 2011. Roll call was taken as follows:

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

## 12.4 TAKEN OUT OF ORDER

### **Resolution amending the insurance coverage requirement for the On-Call Weed Abatement Services Agreement with Greg's Rototilling and Landscaping of Dixon.**

Councilmember Ceremello questioned making an exception for someone doing actual physical labor, when concessions weren't granted for others, such as the newspaper contracts.

Councilmember Besneatte doubted that the difference in the amount of insurance would double the insurance premium.

Mayor Batchelor asked for public comments.

Dave Scholl, Independent Voice, thought insurance requirements should be based on industry standards, supported the resolution, and noted requirements he considered discriminatory in the newspaper advertising contract.

Russ Cayler questioned that the insurance premium would double, was concerned about City liability, and recommended the original requirements be maintained.

Norman Williams, Northwest Roofing and Waterproofing, reported that \$1 million coverage is needed and standard for all of his projects.

Mike Dean, City Attorney, noted \$1million is a standard requirement, however the City's Risk Manager determined that \$500,000 was adequate for the project.

Mayor Batchelor concluded the contractor should have based his costs on the \$1 million stated in the bid documents and terms should not be changed to suit one contractor.

A motion was made by Mayor Batchelor, seconded by Councilmember Besneatte, to deny the request to amend the insurance coverage requirement for the On-Call Weed Abatement Services Agreement with Greg's Rototilling and Landscaping of Dixon. Roll call was taken as follows:

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

## 13. PUBLIC HEARINGS

None.

15.3 **TAKEN OUT OF ORDER**

**Selection of Vice Mayor.**

Vice Mayor Rick Fuller noted it had been a privilege to serve as Vice Mayor, and nominated Thom Bogue for the position of Vice Mayor since he had received the most votes in the recent election.

Mayor Batchelor confirmed a Vice Mayor does not require previous Council experience, it has typically gone to the person receiving the highest votes, Mr. Bogue could handle it admirably, and recommended he consider accepting the nomination.

Councilmember Ceremello noted that prior to Mayor Courville, past practice allocated the position to the highest vote-getter in the prior election, not the current election, and a two-year councilmember has more experience for committee assignments.

Councilmember Bogue declined the nomination and recommended Councilmember Ceremello for the position of Vice Mayor.

Mayor Batchelor noted that Councilmember Besneatte actually received the highest votes in the previous election.

Councilmember Besneatte expressed his preference to serve as Vice Mayor, but acknowledged Councilmember Ceremello’s higher level of experience.

Councilmember Ceremello noted his term as Vice-Mayor would only be one year.

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

A motion was made by Councilmember Bogue, seconded by Councilmember Besneatte, to appoint Councilmember Ceremello as Vice Mayor. Roll call was taken as follows:

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

14. **UNFINISHED BUSINESS**

**14.1 Matters relating to abandoned residential properties:**

- 1. Waive reading, read by title only, and adopt an Ordinance adding Section 9.01.020.CC to Section 9.01.020 of Chapter 9.01 of Title 9 of the Dixon Municipal Code and adding Part 7 to Chapter 9.01 of Title 9 of the Dixon Municipal Code relating to the registration and maintenance of abandoned residential properties. (Introduced 11-23-10)**
- 2. Resolution repealing Resolutions 03-197 and 04-145 relating to a schedule of administrative fines pursuant to the Administrative Citations Ordinance.**

Steve Bird, Police Captain, reported on the second reading of an ordinance that would enable an enforcement program to address negative impacts of vacant, financially distressed, properties through registration and maintenance of abandoned residential properties.

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

Vice Mayor Ceremello noted the ordinance is redundant since practices are already established.

Councilmember Fuller supported the ordinance because it provides a tool for Police that was requested by realtors.

Councilmember Bogue was concerned that action might be taken against people in default who are still living in the properties.

A motion was made by Councilmember Fuller, seconded by Mayor Batchelor, to adopt an ordinance adding sections to the Dixon Municipal Code relating to registration and maintenance of abandoned residential properties. Roll call was taken as follows:

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

The motion failed.

**14.2 Reconsideration of Adopted Resolutions approving Memorandums of Understanding and Compensation Plans for the following:**

- 1. A Memorandum of Understanding (MOU) with the Public Employees Union, Local One, for the period of July 1, 2010, through June 30, 2012.**
- 2. A Memorandum of Understanding (MOU) with the Dixon Senior Management Association for the period of July 1, 2010, through June 30, 2011.**
- 3. An Updated Compensation Plan for the Confidential Senior Management Classifications through June 30, 2011.**
- 4. An Updated Compensation Plan for the Non-Management Confidential Employees through June 30, 2012.**
- 5. An Updated Compensation Plan for Temporary/Seasonal Employees.**

Steve Johnson, Human Resources Director, reported that, during approval of the Memorandums of Understanding and Compensation Plans at the Council meeting of November 23, 2010, clear direction was provided by some Councilmembers to bring the agreements back for reconsideration by the newly-seated Council. He noted modifications will continue in the future, the agreements allow for

additional concessions, reviewed the consequences of possible actions, and recommended a closed session with Council in January to provide direction.

Mayor Batchelor asked for public comments.

Kashmir Zaratkiewicz, Business Agent for Local One, asked Local One members in the audience to stand, noted none are getting rich by working for the City, the agreements adopted on November 23<sup>rd</sup> were negotiated in good faith, the groups were not at impasse, the City proposal was approved by the membership, and he warned the City not to reverse the approval.

Arthur Liou, attorney representing Local One, discussed procedural rules, good faith bargaining, concessions by both sides, City obligations under the Meyers-Milias Brown Act, the union's intention to file an unfair labor practice charge with the Public Employee Relations Board (PERB) if the agreement is repudiated, and he responded to questions from Councilmember Bogue and Besneatte.

Deborah Winegar felt voting by the appointed Councilmember was a procedural error, the Council should have stayed the issue until after the swearing-in, now has a conundrum, and should proceed as agreed. She discussed salaries of senior managers versus reductions in state agencies and Social Security.

Loren Ferrero noted an unfair lawsuit will cost money and recommended reducing salaries next time.

Warren Salmons thought citizens should be able to rely on guidelines established by Council, the resolutions were effective immediately, and the Memorandums of Understanding should have been signed the next day.

Bud Hamilton noted union members are not making big bucks, are hurting financially, and the vote should be honored.

Dave Scholl, Independent Voice, noted citizens appreciate those who do the physical work, the issue is the manner of approval, and recommended honoring the agreement with Local One and Temporary Employees but renegotiating the Management agreement.

Vice Mayor Ceremello noted sections of the Procedural Guidelines are illegal, Roberts Rules of Order allow reconsideration at the next regular meeting, a lawsuit would anger Council for future negotiations, and they need to revert to the bargaining table to determine where the money will come from. He did not want to be called a "do nothing Council" and noted the employees can come along or be an obstacle.

Councilmember Besneatte supported unions, livable wages, and reasonable benefits but also fiscal responsibility. He disagreed the union bargained in good faith, noted he would not forget their "slick move" in future negotiations, stated some may lose their jobs to balance the budget, they may feel good now but are

breaking the City bank with something it can't afford, and can thank themselves for the position they are putting us in.

Councilmember Bogue stated he had no prior input, was concerned about layoffs, and if the economic situation does not improve, we are in a world of hurt.

Councilmember Fuller said he voted on what he thought was right, concessions were needed to move on, the system allows negotiation up to the last hour by the unions, and the issues will continue to be difficult. He stressed his integrity and no dishonesty on his part.

Mayor Batchelor felt the Local One agreement is fair, was passed in good faith, should be honored, the agreements allow for additional concessions, and lawsuits with substantial fines and attorney fees would place an even greater financial burden on the City. He discussed Council directions given to the City negotiators, details of the Local One MOU reductions, senior management salary reductions in comparison to Vacaville and Local One, noted the false inference that an appointed Councilmember has less credibility than an elected one, and felt that he had done what he was elected to do based on the information provided.

A motion was made by Vice Mayor Ceremello, seconded by Councilmember Besneatte, to set aside the Council Procedural Guidelines, use Robert's Rules of Order to reconsider the approvals of the all five agreements, and request staff to bring back findings of fact to confirm Council actions to set aside approval of the Memorandums of Understanding. Roll call was taken as follows:

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

Mayor Batchelor noted that the vote cost the City additional money that it can ill afford.

Councilmember Bogue asserted that he misunderstood the motion as bringing back the agreements for reconsideration rather than reversing approval.

Councilmember Besneatte noted he also misunderstood the motion.

A motion was made by Councilmember Bogue, seconded by Mayor Batchelor, to reconsider and set-aside the previous motion. Roll call was taken as follows:

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

A motion was made by Councilmember Fuller, seconded by Mayor Batchelor, to approve Resolution Nos. 10-197, 10-198, 10-199, and 10-200 reaffirming the original resolutions approving the Memorandums of Understanding with Local One and the Senior Managers Association, and updated Compensation Plans. Roll call was taken as follows:

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

The Council recessed for break at 10:56 p.m.

The Council reconvened at 11:03 p.m.

15. **NEW BUSINESS**

**15.1 Introduce Building and Fire Codes--Waive 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 that, regardless of approval, most standard codes will go into effect January 1, 2011, but four local amendments are being proposed.

Mike Dean, City Attorney, noted the State of California determined that building codes should be uniform but recognizes the need to make local changes for topographical, geographic, and climatic reasons that may be more restrictive.

Vice Mayor Ceremello requested the ban on the sale and use of fireworks be brought back separately for reconsideration as a potential revenue source regardless of prohibitions by the County.

Mayor Batchelor asked for public comments.

Dave Scholl, Independent Voice, asked for clarification on formatting of the document.

Mr. Dean noted the second reading would be the public hearing.

A motion was made by Councilmember Besneatte, seconded by Vice Mayor Ceremello, to adopt an ordinance amending and adding sections to Title 16 of the Dixon Municipal Code, as amended. Roll call was taken as follows:

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

**15.2 Discuss status of wastewater issues and adopt a Resolution approving a budget adjustment regarding the Water Softener Incentive Program.**

Royce Cunningham, City Engineer, reported on the progress of the Water Softener Incentive Program, discussed data received through December 10, 2010, and results that showed good levels for chloride but unsatisfactory for sodium. He reported the \$120,000 allocation was expended in 10 days by removal of 76 softeners with 160 residents on the waiting list, reviewed funds available, provided alternatives for continued funding, and responded to Council questions

Mayor Batchelor asked for public comments.

A comment card from Loren Ferrero expressed support for the water softener removal program to avoid sewer increases later.

Alfonso De Jesus, Wastewater Board Member, suggested the program include more efficient units that utilize less salt and was concerned about levels of salt for diabetics.

Dave Scholl, Independent Voice, recommended the City apply for a grant and noted Culligan removed his unit for free to recycle.

Mr. Cunningham noted no grants currently available, but research is ongoing.

Vice Mayor Ceremello felt the level of compensation should be reduced by 50% with 50% of the remainder issued in cash and 50% as a sewer credit.

Councilmembers Bogue, Fuller, and Besneatte supported the proposal.

Mayor Batchelor directed staff to revise the ordinance to reduce the rebate by 50%, pay 50% in cash and 50% as a credit to the owner's sewer bill, and allocate an additional \$120,000 in funds to this year's program.

**15.3 Selection of Vice Mayor.**

*See minutes on Page 7 above.*

**Dixon Redevelopment Agency**

**15.4 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 endorse the Request for Qualifications.**

Councilmember Bogue recused himself from discussion due to a potential conflict of interest and left for the remainder of the meeting.

Mark Heckey, Economic Development Director, provided background and requested Council endorsement of the draft Request for Proposal that includes stipulations for a public plaza, parking, and intent to sell the Pardi Market property subject to a development agreement.

Vice Mayor Ceremello recommended the Request for Qualifications timeframe be extended to June 30, 2011, to allow interested parties time to organize and present their proposals.

A motion was made by Vice Mayor Ceremello, seconded by Councilmember Besneatte, to approve Resolution No. RDA-008, as amended, authorizing the City Manager, or her designees, to conduct a Request for Qualifications process for the Pardi Market property. Roll call was taken as follows:

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

16. **OTHER AGENCY BUSINESS**

None.

17. **ITEMS FROM THE CITY ATTORNEY**

None.

18. **ITEMS FROM THE CITY MANAGER**

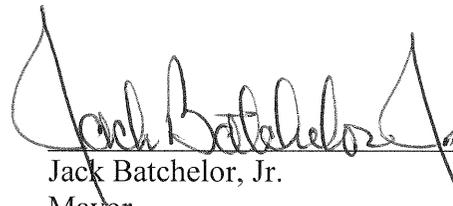
None.

19. **ADJOURNMENT**

The Regular Meeting of the City Council adjourned at the hour of 12:26 p.m.



Sue Johnston  
Deputy Clerk



Jack Batchelor, Jr.  
Mayor