



**\*\*AMENDED MINUTES  
REGULAR MEETING OF THE  
DIXON CITY COUNCIL  
DIXON REDEVELOPMENT AGENCY  
DIXON PUBLIC FINANCING AUTHORITY  
DIXON PUBLIC IMPROVEMENT  
CORPORATION**

**NOVEMBER 9, 2010**

0. **Closed Session 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 November 9, 2010, by Mayor Jack Batchelor, Jr.

Present: Councilmembers Kay Fulfs Cayler, Vice Mayor Rick Fuller, Mayor Jack Batchelor, Jr.

Absent: \* Councilmember Dane Besneatte  
\*\*Councilmember Michael Ceremello

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

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

(Pursuant to Subdivision(a) of Government Code Section 54956.9)

Name of Case: Joy Williamson v. City of Dixon  
WCAB Case Nos. ADJ1876381, ADJ3136753, and ADJ2128251

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

\*Councilmember Dane Besneatte arrived at 6:02 p.m.

Closed Session recessed at 6:17 p.m.

\*\*Councilmember Michael Ceremello arrived at 6:20 p.m.

1. **CALL TO ORDER**

Mayor Batchelor reconvened the Regular Meeting at 7:00 p.m. and announced the City Council met in Closed Session for a conference with legal negotiators regarding one case of existing litigation and there was no reportable action.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

Present: Councilmember Dane Besneatte, Michael Ceremello, Kay Fulfs  
Cayler, Vice Mayor Rick Fuller, Mayor Jack Batchelor, Jr.

Absent: None

4. **PRESENTATIONS/PROCLAMATIONS/RECOGNITION**

4.1 Proclamation recognizing the month of November as National Family Caregivers Month.

Mayor Batchelor proclaimed November as National Family Caregivers Month and acknowledged the contributions of those provide care to others.

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

5.1 Drew Graska noted that it is the time of year for streets to start flooding and reminded the Council of the fiscal and moral obligation to consider drainage when budgeting.

6. **ITEMS FROM THE CITY COUNCIL**

6.1 Councilmember Cayler spoke about the very successful Epicurean Fete, her attendance at a Fire Department badge-pinning ceremony for two Captains promoted from within, and attendance at the Solano Ecomonic Development Corporation (EDC) Breakfast where Representative Garamendi encouraged manufacturing within the United States.

6.2 Councilmember Besneatte thanked the residents of Dixon, noted the success of the Epicurean Fete, the upcoming Citizen of the Year Banquet, and reminded everyone to look for notices of holiday events and the December 2<sup>nd</sup> tree lighting.

6.3 Vice Mayor Fuller recommended supporting the new Teen Center by participating in the Rummage Sale at the Dixon Veterans Hall and the fundraiser at Chevy's on November 18<sup>th</sup>.

6.4 Mayor Batchelor noted Dixon Recology has recruited 100 volunteers to work on improvements at the new Teen Center and hopes local merchants consider donating supplies.

7. **ITEMS FROM THE CITY TREASURER**

7.1 **Banking Services recommendation.**

James Slaughter, City Treasurer, announced that First Northern Bank was selected as the City's banking services provider. He discussed the recruitment process, Best Practices, grading and scoring criteria, and the benefits offered by First Northern Bank including debit card and on-line payments, reduced costs, and local access.

Jeremy Craig, Finance and Technology Director, responded to Councilmember Ceremello's questions regarding water utility costs, payments at bank branches, and duplication of services by the bank and City Hall.

Mayor Batchelor thanked Mr. Slaughter for a thorough recruitment process, and noted he was well-qualified by profession to make the choice.

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

This item was filed.

8. **APPROVAL OF AGENDA**

There was no discussion on this item.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to approve the agenda, as submitted. Roll call was taken as follows:

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

9. **CONSENT CALENDAR**

Councilmember Ceremello requested that Item 9.5 be considered separately.

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

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

**9.1 Approved the City Council Minutes for the October 26, 2010, meeting.**

**9.2 Adopted Resolution No. 10-175 approving the Enumeration of Claims.**

**9.3 Approved the Mayor's appointment of William H. Paul to the Solano Transportation Authority (STA) Pedestrian Advisory Committee.**

**9.4 Adopted Resolution No. 10-176 authorizing staff to issue a Request for Proposals (RFP) for mail processing equipment for a five year term.**

**9.5 DISCUSSED SEPARATELY**

**Adopt a Resolution authorizing Price Agreements with plumbers for the Water Softener Removal Incentive Program.**

Councilmember Ceremello noted that the cost of the program is too high, people can do some work themselves, experts contacted at the County expressed the opinion that the number of water softeners is underestimated, and he considered the incentive program to be a “bribe program” that he could not support.

Councilmember Besneatte disagreed that it is a bribe program, noted the Constitution protects against government intervention on property rights, and compensation is warranted.

Mayor Batchelor noted once the money is used up, options are available to proceed.

Vice Mayor Fuller noted companies offer rebates that have cut-off points when funds are exhausted.

Mayor Batchelor asked for public comments.

Drew Graska thought people should look at it as a bribe using their own money and should consider removing the units themselves.

Byron Chapman asked if softeners could be re-installed if a water treatment plant is built in future years.

Royce Cunningham, City Engineer, noted an even larger plant would be needed if softeners were used again.

A motion was made by Mayor Batchelor, seconded by Vice Mayor Fuller, to adopt Resolution No. 10-177 authorizing Price Agreements with plumbers for the Water Softener Removal Incentive Program (AG 10-036). Roll call was taken as follows:

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

10. **PUBLIC HEARINGS**

**10.1 Matters relating to Brookfield Homes:**

- 1. Waive reading, read by title only, and introduce an ordinance approving various amendments to the Parklane Subdivision Development Agreement between the City of Dixon and Brookfield Dixon, LLC.**
- 2. Quasi-judicial hearing by the City Council to adopt a Resolution confirming the Planning Commission's recommendation to deny an amendment to Tentative Map to increase the number of lots from 401 to 451 for the Parklane (Brookfield) Subdivision.**

Dave Dowswell, Community Development Director, reported that Item 10.1.2, the Quasi-judicial Hearing, will not be considered at this meeting because the Tentative Map requires a General Plan amendment and referral back to the Planning Commission is necessary prior to conducting a Council hearing.

Mr. Dowswell reviewed the history of the Brookfield project and discussed the proposed changes incorporated in the first amendment to the Development Agreement.

Mayor Batchelor disclosed meeting with Pete Peterson of Brookfield Dixon, LLC regarding the quasi-judicial hearing.

Mayor Batchelor opened the public hearing for the Development Agreement amendments only.

Gary Irwin felt Grade Separation Fees are unnecessary, but School Development fees should be charged.

Thom Bogue was not supportive of forfeiting \$2.1 million in fees and paying Brookfield back for improvements and thought Brookfield should give up something.

Mayor Batchelor noted Brookfield is not being paid back because the fees will be added into the purchase price of the homes.

Michael Dean, City Attorney, clarified that fees paid by other developers are the funds for reimbursement to this developer.

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

Mr. Dean noted the blank in Section 1 of the Ordinance should read "05-15" and the date in Section 2 should read November 23, 2005.

Councilmember Ceremello commented that Brookfield agreed to pay the fees and received benefit, therefore he was reluctant to remove the fees, but that Brookfield also put a lot of money into the project with no benefit yet.

Councilmember Besneatte did not view it as the City giving up money and noted the extraordinary fees were negotiated in better economic times that we can't afford to demand from the developer now.

Councilmember Cayler noted Brookfield is still in business so they must be doing something right and viewed enabling the project to proceed as a positive.

Vice Mayor Fuller noted this is a new age, everyone did different things five years ago, and supported the amendments to allow the developer to proceed.

Mayor Batchelor noted fees must have a nexus, the Enhanced Benefit Fee is unupportable for any developer at the moment, and mitigation factors are included in development to address future traffic problems.

Ginger Emerson emphasized there has never been euphoria by residents who live in the area and deal with traffic.

Gary Irwin noted we would be living off the pork of an ever-expanding tax break and fees put a brake on development and slow growth.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to approve an ordinance for various amendments to the Parklane Subdivision Development Agreement between the City of Dixon and Brookfield Dixon, LLC. Roll call was taken as follows:

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

**10.2 Waive reading, read by title only, and introduce an ordinance amending Appendix B of Chapter 6 of Article II of the Dixon City Code relating to Sewer Capital Facilities Fees to reflect changes in construction costs (2.9%).**

Janet Koster, Senior Management Analyst, reported the ordinance pertains only to new construction for fees charged at time of building permit or occupancy, is updated every five years per previous Council direction, and a cost of living adjustment of 2.9% is being requested. She discussed the ENR Construction Index and changing trends of the last two years related to the Consumer Price Index (CPI).

Royce Cunningham, City Engineer, discussed the ending fund balance of \$322,000 available for future development and the need to plan now for increasing construction costs later.

Councilmember Besneatte strongly objected to any increases given the current economy, and noted people on fixed Social Security have not received cost of living adjustments.

Councilmember Ceremello agreed with Councilmember Besneatte and thought it unfair to impose increases on people who are not yet here.

Mayor Batchelor opened the public hearing.

Dave Scholl thought the process should be streamlined so that an ordinance change is not required every time.

Herb Cross noted the mantra in the City that new construction pays its own way and large assessments have been made because money hadn't been collected all along.

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

Councilmember Ceremello noted the support of the CPI makes it difficult not to approve the increase, seniors on fixed incomes are not likely to buy new homes, and it is a hard decision.

Councilmember Cayler felt gradual increases are more economically feasible than large catch-up assessments.

Vice Mayor Fuller noted the need to put money away for the future to avoid past problems.

Mayor Batchelor noted an obvious nexus exists, and asked staff to return on an annual basis to update Council about increases that may be necessary.

Councilmember Besneatte felt there was no justification for the increase, the ENR basis should be reviewed, people can be incrementally priced out of their lives, and recommended budget cuts rather than fee increases.

A motion was made by Vice Mayor Fuller, seconded by Mayor Batchelor, to approve an ordinance amending Appendix B of Chapter 6 of Article II of the Dixon City code relating to Sewer Capital Facilities Fees to reflect changes in construction costs (2.9%). Roll call was taken as follows:

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

The Council recessed for break at 8:40 p.m..

The Council reconvened at 8:50 p.m.

11. **UNFINISHED BUSINESS**

None.

12. **NEW BUSINESS**

**12.1 Adopt a Resolution amending certain Capital Facilities Fees to reflect changes in construction costs (2.9%).**

Janet Koster, Senior Management Analyst, noted most items for discussion of this item were covered in Item 10.2 above. She responded to Councilmember Ceremello's questions regarding transportation fees and higher fees for parks versus fees for roads.

Nancy Huston, City Manager, noted debt service for this fiscal year can be paid from Fund 404, however payments will be difficult next year without the increase.

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

Councilmember Ceremello noted it as an exercise in futility to raise fees on nobody for nothing.

A motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to adopt Resolution No. 10-178 amending certain Capital Facilities Fees to reflect changes in construction costs (2.9%). Roll call was taken as follows:

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

**12.2 Adopt Resolution authorizing the City Manager to execute a Master Consultant Services Agreement with Brown & Caldwell Consultants to perform a third party review of Wastewater Treatment Plant Facilities Planning documents.**

Royce Cunningham, City Engineer, proposed that the City and Brown & Caldwell enter into a Master Consultant Services Agreement with the first task being to review the City's Cease and Desist Order requirements, recent wastewater treatment Plant performance reports, monitoring well data, and the proposed scope of work prepared by Stantec for the Wastewater Treatment Plant Facilities Plan to ensure accuracy. The first task is not to exceed \$8,000.

Councilmember Besneatte questioned the adequacy of the \$8,000 fee and the potential for going over-budget.

Mr. Cunningham responded that a scope of work was provided and reviewed by the City Attorney's office.

Councilmember Cayler noted it was necessary to ensure the work was done right.

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

A motion as made by Vice Mayor Fuller, seconded by Councilmember Besneatte, to adopt Resolution No. 10-179 authorizing the City Manager to execute a Master Consultant Services Agreement with Brown & Caldwell Consultants to perform a third party review of Wastewater Treatment Plant Facilities Planning documents. (AG 10-037). Roll call was taken as follows:

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

13. **OTHER AGENCY BUSINESS**

**Dixon Redevelopment Agency**

**13.1 Receive City Council direction on Pardi Market Site disposition.**

Mark Heckey, Economic Development Director, reported the Old Dixon Square, LLC Exclusive Negotiating Agreement (ENA) for the Pardi Market Site has expired and direction is being sought from the Council and public on how to proceed with future plans.

He provided history of the property and presented three initial options for consideration that included 1) sell to a private buyer for construction of a bank and parking lot; 2) advertise the property for sale through a Request for Proposal (RFP); and 3) develop a temporary plaza and parking lot by working with community groups to attract private donations. He confirmed the options could be combined and responded to Council questions.

Mayor Batchelor asked for public comments.

Dave Scholl suggested the Council review the Redevelopment Advisory Committee's recommendation and their previous adoption of Option 3 and recommended combining Options 2 and 3 or putting requirements on Option 1.

Bob Irwin noted that Option 3 is the best option that would benefit many events, offers opportunity for a Farmer's Market, and he suggested partial covered parking booths that could also be used for vendors.

Larry Simmons noted at first glance Option 3 is best, but it could require quite a bit of labor, delay a final solution, and get too elaborate for a temporary solution.

Herb Cross noted the highest and best use of the land could be determined through an RFP process that would encourage new business to Downtown and could include community groups.

Cherie Fanning, Owner of Bud's Pub & Grill, noted that Downtown parking is important, thought Option 3 was best but supported opening up an RFP process to everyone who is interested. She requested the entire lot not be closed during construction.

Ginger Emerson noted some parking requirements were waived for the Ascher Building, parking has been a problem, access to a parking structure at the busy intersection would be a problem, and encouraged better review this time,

Jill Orr did not support construction of another bank Downtown because it becomes a dark hole on the weekend when closed, asked for explanation of bank and Redevelopment Agency funding, and noted need for an area for concerts and a farmers market.

Nancy Huston, City Manager, discussed the purpose of the Redevelopment Area in the City and discussed that tax increments (property taxes) collected from the Redevelopment Area of Dixon can be directly used for the improvements of older Downtown buildings.

Thom Bogue, Councilmember-elect, noted this as his last opportunity to speak on the subject without conflict of interest, his business is not impacted by the parking but he wants what is desired by the citizens, and suggested a year's time for service groups to make a better, permanent project with covered parking that could be used for solar energy.

Ted Deehr, Deehr Partners, LLC, expressed an ongoing interest in the property for development, discussed the benefits of constructing a bank building and parking lot, practicality of a parking structure, and his confidence that some of the other components could be incorporated.

\*\* Steve Lorente urged a project such as in Winters that would incorporate lawn, bandstand and covered parking.

Byron Chapman asked about height restrictions, the possibility of 1/3 or 1/2 underground parking with solar, and the ability to run shuttles for events.

Drew Graska noted service groups and new business can all participate to share the prohibitive costs to make it possible.

\*\* Councilmember Besneatte supported a combination of Options 2 and 3, and noted underground parking is needed Downtown, another bank is not needed, and the site deserves to be a focal point of the Downtown.

Councilmember Cayler noted the lot is an eyesore that needs to be solved with the highest and best use, purchasing the adjacent house was a good consideration, and supported a combination of Options 2 & 3 with a time limit, but was concerned about maintenance responsibility.

Councilmember Ceremello supported Options 2 and 3, but noted the highest and best use is a parking lot for only a small group. He felt the timeline of a year for RFP responses was too long, but 90 days was too short.

Vice Mayor Fuller supported Options 2 and 3 and thought it would be foolish to ignore concerns of those Downtown regarding parking.

Mayor Batchelor felt the project needed to be opened to a variety of interested people and allow them to present proposals.

Since Option 2 enables Option 3, Option 2 was the Council's preferred option.

This item was filed.

14. **ITEMS FROM THE CITY ATTORNEY**

15. **ITEMS FROM THE CITY MANAGER**

15.1 Nancy Huston reported that the CAFR financial statement would be discussed at the next meeting and reminded Council to bring their hard copies.

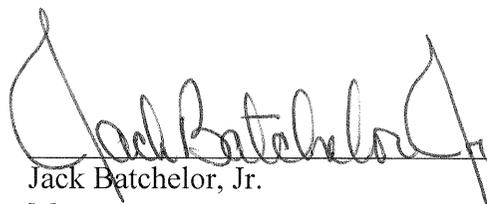
15.2 Ms. Huston reported that official formation documents were received today for the Dixon/Solano Water Authority and a meeting will be scheduled in December.

16. **CLOSED SESSION**

17. **ADJOURNMENT**

The Regular Meeting of the City Council was adjourned at the hour of 9:58 p.m.

  
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Sue Johnston  
Deputy Clerk

  
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Jack Batchelor, Jr.  
Mayor