



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

**OCTOBER 26, 2010**

0. **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 October 26, 2010, by Mayor Jack Batchelor, Jr.

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

Absent: \*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**

(Govt. Code section 54956.9(a))

Name of case: *Chapman v. City of Dixon.*, Solano County Superior Court

Case Case No. FCS035514

**CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Govt. Code Section 54956.9(b):

One case

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

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

\*Councilmember Ceremello arrived at 6:09 p.m.

Closed Session recessed at 6:53 p.m.

1. **CALL TO ORDER**

Mayor Batchelor reconvened the Regular Meeting at 7:01 p.m. and announced the City Council met in Closed Session for a conference with labor negotiators regarding one case

of existing litigation and one case of anticipated litigation and there was no reportable action.

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

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

Absent: \*Councilmember Dane Besneatte

Mayor Batchelor announced that Councilmember Besneatte would return to the meeting shortly.

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

4.1 Proclamation recognizing the month of October as National Breast Cancer Awareness Month.

Mayor proclaimed October as National Breast Cancer Awareness Month.

4.2 Proclamation recognizing the month of November as Pancreatic Cancer Awareness Month.

Mayor Batchelor proclaimed November as Pancreatic Cancer Awareness Month.

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

5.1 William Bernheim, local businessman, recommended lowering new development fees in the City by 20%. He noted his garbage bills have risen 50% and he is losing tenants because of an unfair monopoly. His last concern was that indemnity clauses in City contracts are an element of blackmail, are unlimited in scope, and designed to protect the City and Council for everything.

5.2 Drew Graska reminded the Council of the City's fiscal and moral obligation to consider fire, police, and drainage when budgeting.

6. **ITEMS FROM THE CITY COUNCIL**

6.1 Vice Mayor Fuller reported attending a benefit for Court Appointed Special Advocates (CASA), noted their funding is in jeopardy, and volunteers are needed.

6.2 Councilmember Cayler reported attending the Travis Regional Armed Forces Committee and the Transportation Advisory Committee. She reminded everyone about the Veterans Dinner at the Veterans Hall on November 11<sup>th</sup>, the Epicurean

Event on November 5<sup>th</sup>, the Spooktacular at Ramtown Karate, the Downtown Halloween event, and to vote on Tuesday, November 2<sup>nd</sup>.

\* Councilmember Dane Besneatte arrived at 7:10 p.m.

6.3 Councilmember Besneatte reported attending the Fire Volunteers Annual Prawn Feed and recommended future attendance. He apologized for being unable to attend the Association of Bay Area Governments (ABAG) meeting due to work obligations and encouraged everyone to vote locally as well as review all ballot measures.

6.4 Mayor Batchelor announced one application was received for the vacancy on the Solano Transportation Authority Pedestrian Advisory Committee and he would be recommending William Paul for appointment at the next City Council meeting.

Mayor Batchelor thanked all of those who participated in the Senior Resource Fair and acknowledged Bessie Miller's contributions.

Mayor Batchelor reported attending the Evening of Honor for County Agencies in Fairfield where Detective Jenna Cameron was honored.

Mayor Batchelor noted the last performance of the Children's Theater operated by Mariam Burton and noted Ms. Burton's years of dedication personifies community giving.

7. **ITEMS FROM THE CITY TREASURER**

James Slaughter, City Treasurer, reported that he has selected the banking services provider, but would make the announcement at the next City Council meeting pending notification of all participating vendors.

8. **APPROVAL OF AGENDA**

There was no discussion on this item.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Besneatte, 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 Items 9.4 and 9.7 be considered separately.

A motion as made by Councilmember Cayler, seconded by Vice Mayor Fuller, to approve the Consent Calendar, except Items 9.4 and 9.7. 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 12, 2010, meeting.**
- 9.2 **Adopted Resolution No. 10-170 approving the Enumeration of Claims.**
- 9.3 **Adopted Resolution No. 10-171 rejecting the bid from Syblon Reid Construction, Inc. for the repair of sanitary sewer pipe lines and facilities (three-year term), Project 2010-05, as being non-responsive and accepting the bid from Fletcher's Plumbing and Contracting, Inc. in the amount of \$212,000 (AG 10-034).**
- 9.4 **Minute Action to approve a project to install a bench in front of the Police Department honoring Constable Dan MacKinnon.**

*See Minutes Page 5 below.*

- 9.5 **Adopted Resolution No. 10-172 authorizing the City Manager to execute Consultant Services Agreement Amendment #2 with Garland Associates to extend the term of the on-call appraisal services agreement for three years (to October 31, 2013).**
- 9.6 **Waive reading, read by title only, and adopted Ordinance No. 10-014 amending zoning on the front portion of 210 Porter Road from Service Commercial (CS) to One Family Residential (R1-40), 109 North Adams, 110, 124, 250 and 280 Porter Road and 459-475 Marvin Way from Neighborhood Commercial (NC) to Service Commercial (SC), and 220 North Jefferson Street and the lot at the east end of West B Street from Light Industrial (ML) to Public Service (PS) and directing that the Official Zoning Map of the City be amended accordingly (Assessor's Parcel Numbers 114-082-150 and 160, 114-083-160, 114-090-010, 110 and portion of 120, 113-054-210, and 113-056-110).**
- 9.7 **Adopt Resolution accepting the bid for On-Call Weed Abatement Services from Greg's Rototilling and Landscaping of Dixon per the hourly rates submitted in the proposal and authorizing the City Manager to execute an on-call agreement for a one-year term with options for three one-year extensions.**

*See Minutes Page 6 below.*

**Dixon Redevelopment Agency**

- 9.8 Approved the Redevelopment Agency Minutes for the October 12, 2010, meeting.**

SEE REDEVELOPMENT AGENCY MINUTES FOR OCTOBER 26, 2010.

**Dixon Public Financing Authority**

- 9.9 Approved the Dixon Public Financing Authority Minutes for the July 27, 2010, meeting.**

SEE DIXON PUBLIC FINANCING AUTHORITY MINUTES FOR OCTOBER 26, 2010.

**Dixon Public Improvement Corporation**

- 9.10 Approved the Dixon Public Improvement Corporation Minutes for the July 27, 2010, meeting.**

SEE DIXON PUBLIC IMPROVEMENT CORPORATION MINUTES FOR OCTOBER 26, 2010.

**9.4 TAKEN OUT OF ORDER**

**Minute Action to approve a project to install a bench in front of the Police Department honoring Constable Dan MacKinnon.**

Councilmember Ceremello requested background information on the incident involving Constable MacKinnon.

Nancy Huston, City Manager, reported Constable MacKinnon was shot trying to apprehend someone and is the only Dixon officer killed in the line of duty.

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

Councilmember Besneatte noted it is a testament to the community that we have to go back to the turn of the previous century to pay tribute to the only officer killed in the line of duty.

A motion was made by Councilmember Cayler, seconded by Councilmember Besneatte, to approve installation of a bench in front of the Police Department honoring Constable Dan MacKinnon. Roll call was taken as follows:

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

**9.7 TAKEN OUT OF ORDER**

**Adopt Resolution accepting the bid for On-Call Weed Abatement Services from Greg’s Rototilling and Landscaping of Dixon per the hourly rates submitted in the proposal and authorizing the City Manager to execute an on-call agreement for a one-year term with options for three one-year extensions.**

Councilmember Ceremello pointed out the contract calls for hourly rates which provides potential for slower work and higher bills and noted there are still questions on which properties require abatement.

Councilmember Besneatte noted the effort by the City to meet legal obligations, he considers the contractor reputable, and bills would require Council approval.

Mayor Batchelor preferred to assume the contractor was honest and noted the amended resolution removed discing.

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

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to adopt amended Resolution No. 10-173 rejecting all bids as non-responsive, waiving further bids, and authorizing the City Manager to execute an on-call agreement with Greg’s Rototilling for weed abatement services. (AG 10-035). Roll call was taken as follows:

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

10. **PUBLIC HEARINGS** None.

11. **UNFINISHED BUSINESS**

**11.1 Resolution amending City Council Resolution 10-017 to amend the maximum interest rate for bond issuance from 4% to 4.25%.**

Jeremy Craig, Finance and Technology Director, noted the current interest rate for bonds is 3.97% and the reason for amendment is to avoid stopping the process to get additional approval if rates should rise above 4%.

Councilmember Ceremello asked if other alternatives exist. Mr. Craig responded there are no marketplace alternatives right now and if rates rise above 4.25% additional research would be conducted.

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

A motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to adopt Resolution No. 10-174 amending City Council Resolution 10-017 to amend the maximum interest rate for bond issuance from 4% to 4.25%. Roll call was taken as follows:

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

12. **NEW BUSINESS**

**12.1 Matters relating to the Energy Subcommittee:**

- 1. Receive status report from Energy Subcommittee.**
- 2. By Minute Action, authorize City staff to execute documents necessary to:**
  - a. Enter into exclusive negotiations with Foundation Windpower for a wind turbine at the Wastewater Treatment Plant.**
  - b. Submit a Rebate Reservation Form to qualify for rebate funding for the wind turbine.**
  - c. Proceed with a no-cost preliminary utility audit of City facilities by Monarch Engineering and Development and Green Building Education Group in order to develop the scope of work for an investment grade audit and renewable energy feasibility study at various City facilities.**

Janet Koster, Senior Management Analyst, relayed progress made by the Energy Subcommittee on green energy options that resulted in presentations from two companies. She noted requested actions currently include no binding contracts or obligation of City funds.

Matt Wilson, representing Foundation Windpower, proposed installation of a wind turbine at the Wastewater Treatment Plant to provide 90% of the power for the plant, PG&E bill discounts, decreases in greenhouse gas emissions, and local green jobs. He responded to Council questions regarding the \$800,000 cost of the project, larger energy loads, plant expansion, additional turbines, and operational and planned megawatts provided by the company.

Mayor Batchelor asked for public comments.

Susan Motley asked about the time required to recoup the \$800,000 cost and required maintenance. Mr. Wilson responded there is no cost to the City, original cost is recouped in three to four years, and maintenance is \$16,000 per year.

Drew Graska asked who owns the turbine at the end of the contract. Mr. Wilson confirmed after the twenty year agreement, it would belong to Foundation

Windpower, with options to either extend the agreement, sell to the City at fair market value, or remove the turbine.

Thom Bogue asked about the 2.5% reduction in the PG&E bill.

Larry Simmons asked about design life of the unit. Mr. Wilson noted the turbine has a 30-year life but may last longer in Dixon's wind regime since it is designed for higher wind volumes.

Councilmember Ceremello commented that it makes more sense for the City to own the unit and sell extra energy produced as provided by Assembly Bill 920.

Mike Smith, member of the Energy Subcommittee, noted a larger unit is not practical, the City does not qualify as a power provider, energy not utilized is lost, and the City benefits more from partnership with a private firm that requires no up-front money.

Royce Cunningham, City Engineer, noted the equipment requires special tools and skills that would be an additional cost of ownership.

A motion was made by Vice Mayor Fuller, seconded by Mayor Batchelor, to enter into exclusive negotiations with Foundation Windpower for a wind turbine at the Wastewater Treatment Plant and submit a Rebate Reservation Form to qualify for rebate funding for the wind turbine. Roll call was taken as follows:

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

Paul Fair, representing the Green Building Education Group, and Umberto Cortez, Monarch Engineering, discussed energy and water audits and site evaluations as the free components of the energy audit, and that fee portions would include energy conservation measures, engineering, design, budgeting, scheduling, implementation and education.

Mike Dean, City Attorney, clarified terms relating to City obligations and use of the no-fee study.

The Council recessed for break at 8:34 p.m.

The Council reconvened at 8:39 p.m.

Mayor Batchelor requested a "guesstimate" of additional costs be provided with the audit. Mr. Cortez agreed.

Councilmember Besneatte questioned the basis for the \$42,100 fee and experiences of other cities.

Mr. Cortez noted the City of Reno saved 20%, or \$2 million, and his experience is the savings far exceed costs.

Mayor Batchelor asked for public comments.

Mike Smith provided clarification of the request for proposal, return on investment, and the level of service offered that exceeded other proposals.

Vice Mayor Fuller and Councilmember Besneatte supported the no-fee audit based on Mr. Smith's explanation.

Larry Simmons noted the project is complicated and the providers have very little experience.

A motion was made by Councilmember Besneatte, seconded by Vice Mayor Fuller, to proceed with a no-cost preliminary utility audit of City facilities. Roll call was taken as follows:

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

**12.2 Update on the Year End Financial Report for Fiscal Year (FY) 2010 and the First Quarter of (FY) 2011 Revenue and Expense Trends.**

Jeremy Craig, Finance and Technology Director, discussed the 10% decrease in revenue from the previous year, the 19% reserve fund, a 17% decrease in expenditures and a 27% decrease in sales tax revenue over three years.. He reported on decreases in property tax revenue, sales tax revenue, General Fund expenditures and continuing review of personnel expenditures.

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

This item was filed.

**12.3 Matters relating to AB 262 Americans With Disabilities Act (ADA) complaints:**

- 1. Direct staff to complete an evaluation of the City's 1999 Self Evaluation & Transition Plan and amend/update the plan to address each of the Citizens Advocating for the Rights of the Disabled (CARD) ADA complaints.**
- 2. Direct staff to amend the Fiscal Year 2010-11 Capital Improvement Program (CIP) to include a program for addressing the structural modifications identified in the amended/updated Self Evaluation & Transition Plan.**

**3. Provide staff direction regarding whether to provide ADA parking on the unimproved Pardi Market and Ace Hardware sites or direct staff to close both sites for public parking.**

Dave Dowswell, Community Development Director, discussed complaints received from Citizens Acting for the Rights of the Disabled (C.A.R.D.) and noted the City's ADA consultant, Bruce Monighan of Accessibility Design Associates, LLC, was present to answer questions.

Mayor Batchelor requested a forthright discussion with no finger pointing and recommended the Pardi Market site be discussed separately after Items 1 and 2.

Royce Cunningham, City Engineer, discussed the cost of ADA parking for the Pardi Market site similar to those at City Hall.

Councilmember Besneatte discussed C.A.R.D.'s complaints about the City Hall parking lot and access complaints about a driveway that leads to an empty lot.

Councilmember Besneatte requested a ten-minute recess.

The Council recessed for break at 9:44 p.m.

The Council reconvened at 9:54 p.m.

Bruce Monighan discussed prioritization criteria, the need to be proactive, maintenance items versus barriers, the ADA's broader interpretation than the building code, and noted the basis is number of people served rather than cost.

Councilmember Besneatte noted even building professionals can interpret the law wrong on new buildings, Mr. Monighan supports every complaint, and does not represent the City's interests.

Councilmember Ceremello noted \$30,000 is relatively small and the work should be done to preclude further complaints.

Mayor Batchelor asked for public comments on staff report Items 1 and 2.

Bessie Miller is experienced with disabled children, recommended C.A.R.D. slow down a little and not complain about every little thing, and reported hearing no complaints about the ramp at the Senior Center.

Byron Chapman, C.A.R.D. representative, noted many items are blown out of proportion, ADA code is 20 years old, has not changed much, the City needs to comply with the 1999 Transition Plan, and small issues to one may be big to someone else.

Larry Simmons noted differences between Federal and State laws.

A motion was made by Mayor Batchelor, seconded by Vice Mayor Fuller, to direct staff to:

1. Complete an evaluation of the City's 1999 Self Evaluation & Transition Plan and amend and update the Plan to address each of the C.A.R.D. complaints; and
2. Amend the 2010-11 Capital Improvement Program (CIP) to include a program for addressing the structural modifications identified in the amended/updated Self Evaluation & Transition Plan which shall also include any changes directed in approvals for the Pardi Market and ACE Hardware parking lots.

Roll call was taken as follows:

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

Mr. Monighan noted the issue in Item 3 is whether the parking lots are actually City parking lots with deficiencies.

Mayor Batchelor asked for public comments.

Cherie Fanning, owner of Bud's Bar and Grill, discussed elimination of 17 Downtown parking spaces, the City's assurance that parking would be available across the street, the City's responsibility to provide adequate parking, and requested the lot not be fenced off.

Mayor Batchelor noted developers of the lot will be required to provide parking.

Councilmember Ceremello recommended the Fannings purchase the lot and provided Nevada City as an example of success in spite of limited parking.

Byron Chapman noted it would be a mistake to close off the Pardi lot, and thought \$5,000 was more than required to make easy ADA changes.

Bud Fanning noted customers won't walk two blocks in the cold to a restaurant, and he would raise the money, if necessary.

Mike Hamilton felt it would be a big mistake to close both lots.

Thom Bogue noted Bud's is not the only business impacted by the Pardi lot, angled parking is not allowed on the State highway in front of his business, and suggested installation of meters if revenue is needed.

Vice Mayor Fuller and Councilmember Ceremello did not support closing off the lots.

Councilmember Cayler noted the back lot is available, it is a walking problem not a parking problem, and C.A.R.D. will bear the burden of the decision.

Councilmember Besneatte noted his passion for this issue is underestimated, he has to accept "good enough" and is trying to get not "more than equal" for them, the City is being held hostage, the lot is vital, and he suggested bringing service groups together to make the lot something to be proud of.

Mayor Batchelor encouraged Councilmember Besneatte to move forward with the service groups and recommended temporary ADA parking as an interim fix.

A motion was made by Mayor Batchelor, seconded by Councilmember Besneatte, directing staff to move forward with construction of temporary parking spaces at the Pardi Market and ACE Hardware parking sites, assigning Pardi Market the higher priority, and to ensure additional parking is included Downtown if the lot is sold. Roll call was taken as follows:

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

13. **OTHER AGENCY BUSINESS**

14. **ITEMS FROM THE CITY ATTORNEY** None.

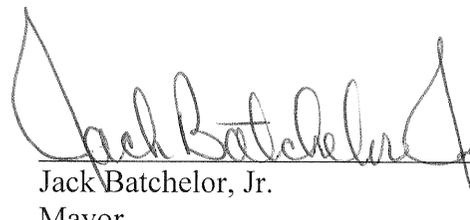
15. **ITEMS FROM THE CITY MANAGER** None.

16. **CLOSED SESSION**

17. **ADJOURNMENT**

The Regular Meeting of the City Council was adjourned at the hour of 11:23 p.m.

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

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