



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

**OCTOBER 12, 2010**

1. **CALL TO ORDER**

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

2. **PLEDGE OF ALLEGIANCE**

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

3. **ROLL CALL**

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

Absent: None

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

None.

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

5.1 Cookie Powell, representing Advocates for Dixon Seniors, invited the public to attend the Senior Resource Fair on Saturday, October 16, 2010, from 10:00 a.m. to 1:00 p.m. at the Senior Center, noted planned activities, and that Vera Reed and Ed Lindley would be recognized for their contributions to the senior community.

5.2 Byron Chapman referred to his comments about the Pardi Market Site at the September 28, 2010, City Council meeting, considered Councilmember Besneatte's comments as unlawful and in violation of his rights, noted the disabled do not get accommodations for free, and that it would not be that difficult to make the Pardi lot accessible for the disabled.

6. **ITEMS FROM THE CITY COUNCIL**

- 6.1 Councilmember Ceremello asked City Attorney, Mike Dean, for ramifications of at two-two vote on an ordinance. Mr. Dean responded the item would either be carried over to the next meeting or the ordinance would die.

Councilmember Ceremello also attributed statements to Mr. Dean that disabled seating in the back of the Chambers is restricted to the disabled and noted codes for the disabled community indicate seating is reserved, not restricted, and can be used, if available. Mr. Dean noted he never took a stand on that subject.

- 6.2 Councilmember Cayler spoke about the upcoming meeting of the Transportation Advisory Committee on October 20, 2010 where Downtown parking will be discussed, the Chamber of Commerce Spooktacular, the Epicurean Fete on November 5, 2010, the successful Lamb Festival, and her attendance at the ribbon-cutting for the old highway between Fairfield and Vallejo which also completes the bike lane to Vallejo.

- 6.3 Councilmember Besneatte stood by his comments made to Byron Chapman at the previous Council meeting, noted objections to what Mr. Chapman and Mr. Wilson are putting the City through, and his opinion that they will never be satisfied.

Councilmember Besneatte encouraged attendance at the Spooktacular at Ramtown Karate on October 30, 2010, and noted the Epicurean Fete in November is a fabulous event.

- 6.4 Mayor Batchelor thanked Vice Mayor Fuller for filling-in at the last meeting while he was out of town.

He announced that the North Bay Stand Down started today which provides an excellent opportunity for veterans to obtain needed services.

7. **ITEMS FROM THE CITY TREASURER**

None.

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 Items 9.3 and 9.4 be considered separately.

A motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to approve the Consent Calendar, except Items 9.3 and 9.4. 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 September 28, 2010, meeting.**

**9.2 Resolution No. 10-164 approving the Enumeration of Claims.**

**9.3 Receive annual report regarding storm water best management practices as required by Municipal Code Section 16.06.120(B).**

*See Minutes on Page 3 below.*

**Dixon Redevelopment Agency**

**9.4 Adopted Resolution No. RDA 10-006 authorizing the Executive Director of the Dixon Redevelopment Agency to accept deeds or grants on behalf of the Agency Board and to provide for the recording of same in the official records of Solano County.**

SEE REDEVELOPMENT AGENCY MINUTES FOR OCTOBER 12, 2010.

**9.5 Approved the Redevelopment Agency Minutes for the September 28, 2010 meeting.**

SEE REDEVELOPMENT AGENCY MINUTES FOR OCTOBER 12, 2010.

**9.3 TAKEN OUT OF ORDER**

**Receive annual report regarding storm water best management practices as required by Municipal Code Section 16.06.120(B).**

Councilmember Ceremello asked for clarification on pet waste going into the storm drainage, how it was determined that it decreased when signage was placed in parks, and whether the state monitors.

Janet Koster, Senior Management Analyst, reported knowledge is based on visual observation and Best Management Processes rather than sampling, the existing permit does not require monitoring, and the State is expected to require monitoring in the future.

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

A motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to accept the annual report. Roll call was taken as follows:

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

10. **PUBLIC HEARINGS**

**10.1 Matters relating to possible General Plan Amendment and Rezoning (PA 10-12) (ENV 10-04) (GPA 10-03) (ZON 10-02):**

1. **Resolution adopting a Negative Declaration in compliance with CEQA (California Environmental Quality Act).**
2. **Resolution amending the General Plan land use designation from Commercial Services (SC) to Low Density Residential (LD) for the front portion of 210 Porter Road (APN 114-090-010).**
3. **Introduced, waived reading, read by title only an ordinance changing the zoning from Service Commercial (CS) to One Family Residential (R1-40) for the front portion of 210 Porter Road (APN 114-090-010), changing the zoning from Neighborhood Commercial (CN) to Service Commercial (CS) for the properties located at 109 North Adams Street, 110, 124, 250 and 280 Porter Road and 459-475 Marvin Way (APN 114-082-150 and 160, 114-083-160, 114-090-110 and portion of 114-090-120) and changing the zoning from Light Industrial (ML) to Public Service (PS) for 220 North Jefferson Street and the lot located at the east end of West B Street (APN 113-054-210 and 113-056-110).**

Mayor Batchelor reported that, due to changes made following the first reading of this ordinance, this hearing will again be a first reading of the ordinance.

Dave Dowswell, Community Development Director, displayed the existing General Plan Map, the Proposed Map, and reported the only changes to zoning include changing the front portion of 210 Porter Road from Service Commercial (CS) to Low Density Residential (LD), and changing the zoning for the City Transportation Center from Light Industrial (ML) to Public Service (PS).

Mr. Dowswell responded to Council questions about the actual need for the changes and the original construction of the service station under previous zoning.

Mayor Batchelor opened the public hearing.

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

A motion was made by Councilmember Ceremello, seconded by Vice Mayor Fuller, to adopt Resolution No. 10-165 adopting the Negative Declaration, adopt Resolution No. 10-166 amending the General Plan land use designation for the front portion of 210 Porter Road, and approving the first reading of the ordinance implementing the zoning changes as presented. Roll call was taken as follows:

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

11. **UNFINISHED BUSINESS**

**11.1 Waived reading, read by title only, and adopted an Ordinance amending Sections 12.02, 12.04, 12.05, 12.07, 12.08, 12.09, 12.09A, 12.10, 12.11, 12.12, 12.12A, 12.14, 12.16, 12.23, 12.24, 12.26, and 12.27 of Chapter 12, Article II, of the Dixon City Code (Zoning Ordinance) relating to definitions, renewable energy, parking, permitted uses, conditional uses, air quality standards, storage of wastes, landscaping, and conservation regulations. (Introduced 08-24-10, #10.2)**

Dave Dowswell, Community Development Director, reported an oversight that a summary of this ordinance was not published prior to the original second reading, therefore another second reading of the ordinance was necessary to comply with noticing requirements.

Mayor Batchelor asked for public comments.

Ginger Emerson asked if any of the parking changes pertain to the area being discussed at the Neighborhood Meeting being held on October 14, 2010.

Mr. Dowswell confirmed the changes only apply to larger parking lots.

A motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to adopt Ordinance No. 10-010 amending Sections 12.02, 12.04, 12.05, 12.07, 12.08, 12.09, 12.09A, 12.10, 12.11, 12.12, 12.12A, 12.14, 12.16, 12.23, 12.24, 12.26, and 12.27 of Chapter 12, Article II, of the Dixon City Code (Zoning Ordinance). Roll call was taken as follows:

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

**11.2 Waived reading, read by title only, and adopted an Ordinance amending and restating Part III of Chapter 18 of Article I of the Dixon City Code (the "Street Tree Ordinance of the City of Dixon). (Introduced 09-14-10 #10.5)**

Janet Koster, Senior Management Analyst, provided a recap of changes incorporated following comments from the first reading of this ordinance that included an advisory Street Tree List, deletion of repetitive sections, and changes to the list of trees, and noted the ordinance would take effect thirty days after final approval.

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

Councilmember Ceremello commented on Section 18.8.2 regarding encroachments, felt the Street Tree Ordinance is unnecessary, preferred to allow citizens to choose, and Liquid Amber trees should not be prohibited.

A motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to adopt Ordinance No. 10-012 amending and restating Part III of Chapter 18 of Article I of the Dixon City Code (the "Street Tree Ordinance of the City of Dixon). Roll call was taken as follows:

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

**11.3 Waived reading, read by title only, and adopted an Ordinance of the City Council of the City of Dixon amending Part XIV of Chapter 17 of Article I of the Dixon City Code relating to brine discharging water softening and conditioning appliances. (Introduced 09-14-10 #10.2)**

Royce Cunningham, City Engineer, reported no changes to the ordinance since the first reading on September 14, 2010, and final approval of the ordinance was requested.

Mayor Batchelor asked for public comments.

Thom Bogue thought notices should be sent to homeowners about the need to eliminate the units, issue fines for non-compliance to generate revenue rather than paying monetary incentives, and he recommended the fund be treated as a grant where the program would end when allocated funds were gone.

Councilmember Ceremello was concerned that if more people applied for reimbursement than anticipated, funds required would be higher than the amount allocated. He considered the program to be a bribe, and preferred making water softeners illegal or educating the public to remove rather than provide financial incentives.

Mr. Cunningham noted the salt reduction fund contains \$140,000. If demand is higher than available funds, a decision on how to proceed would be necessary from the City Council.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to adopt Ordinance No. 10-013 amending Part XIV of Chapter 17 of Article I of the Dixon City Code relating to brine discharging water softening and conditioning appliances. Roll call was taken as follows:

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

**11.4 Resolution rejecting all bids for janitorial services and redirect existing City staff to perform janitorial and building maintenance services in-house.**

Martha Jensen, Management Analyst, reported staff reviewed financial calculations related to outside janitorial services versus in-house services and recommends existing employees be redirected for the next six months to cover janitorial and maintenance services during the winter months and then reassess whether to continue, resulting in \$83,844 savings on an annual basis.

Mayor Batchelor asked for public comments.

Larry Simmons noted staff is already pushed hard, services will be less organized, and cannot be maintained in this manner for a long period.

Councilmember Ceremello asked if landscape maintenance workers were qualified to do janitorial services and about routine workloads.

Nancy Huston responded that operational issues are staff responsibilities, Council should be concerned with policy direction, and that maintenance workers have been cross-trained in many areas already.

It was the consensus of the Councilmembers that a six-month trial period would be a good compromise.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to adopt Resolution No. 10-167 rejecting all bids for janitorial services and redirecting existing City staff to perform janitorial and building maintenance services in-house. Roll call was taken as follows:

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

12. **NEW BUSINESS**

**12.1 Resolution to accept U.S. Department of Commerce (EDA) grant funds with special conditions and authorize the City Manager or her designee to sign all grant documents in the amount of \$3,000,000 to finance a public infrastructure project, the Northeast Quadrant Area Well No. 2.**

Mark Heckey, Economic Development Director, reported \$3,000,000 in grant funds were awarded to the City in a national competition, 300 acres will be available after the well project, discussed the \$1.5 million local fund match required, debt service, and the need to designate power to the City Manager to sign grant documents.

Councilmember Ceremello discussed costs for a tribal manager, compliance with minority workforce criteria, and the need to memorialize repayment of funds by developers. He supported accepting the grant but wanted to ensure the ability to monitor.

Mayor Batchelor noted a \$235,000 contingency fund is available for unknowns.

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

Vice Mayor Fuller noted many cities could use this money, there is more to gain through accepting the grant than not, but the criteria mentioned by Councilmember Ceremello warranted review.

Mayor Batchelor thanked Mark Heckey, Nancy Huston, Royce Cunningham and the Council for their hard work in providing a very exciting opportunity.

A motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to adopt Resolution No. 10-168 to accept U.S. Department of Commerce (EDA) grant funds with special conditions and authorize the City Manager or her designee to sign all grant documents in the amount of \$3,000,000 to finance a public infrastructure project, the Northeast Quadrant Area Well No. 2. Roll call was taken as follows:

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

**12.2 Resolution authorizing the City Manager to negotiate and execute a lease agreement with MacLaughlin and Company to lease undeveloped City street right-of-way adjacent to 800 Business Park Drive.**

Royce Cunningham, City Engineer, reported Bill MacLaughlin is negotiating with a potential tenant who requires additional land for storage, would like to lease

currently vacant adjacent land owned by the City, and noted the land lease would be for the same duration as the tenant lease.

Bill MacLaughlin, applicant, provided a site plan, proposed layout, a marketing flyer, and discussed the long-term lease, need for simple grading, a covered awning, no additional infrastructure, and he requested approval to negotiate a lease agreement.

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. 10-169 authorizing the City Manager to negotiate and execute a lease agreement with MacLaughlin and Company to lease undeveloped City street right-of-way adjacent to 800 Business Park Drive. Roll call was taken as follows:

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

13. **OTHER AGENCY BUSINESS**

None.

14. **ITEMS FROM THE CITY ATTORNEY**

None.

15. **ITEMS FROM THE CITY MANAGER**

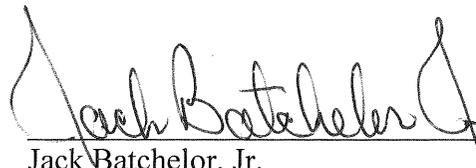
Nancy Huston, City Manager, noted the new State Budget poses no major problems so far and she will keep the Council advised as review continues.

16. **CLOSED SESSION**

17. **ADJOURNMENT**

The Regular Meeting of the City Council adjourned at the hour of 8:40 p.m.

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

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