



MINUTES
REGULAR MEETING OF THE
DIXON CITY COUNCIL

DECEMBER 8, 2009

1. **CALL TO ORDER**

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 December 8, 2009, by Mayor Batchelor.

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

Absent: None

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: Claim from David Scholl / Independent Voice

Mayor Batchelor asked for public comment.

Dave Scholl noted the letter he received from the City Attorney, that he did not intend to make this a legal process, and the Independent Voice has been a newspaper of general circulation for over a year. He felt the Public Contract Code has been violated, requested the next \$10,000 of advertising be given to the Independent Voice, and for newspaper services to be bid for the next fiscal year. He hoped that he has not been refused for political reasons and hoped it would be fair and equitable.

* Councilmember Ceremello noted there had been some concern with conflict of interest because he writes for the Independent Voice. He has checked with the Fair Political Practices Commission (FPPC) and he has no conflict. However, he can not justify attending Closed Session because of his relationship with the Independent Voice and will recuse himself.

The City Council recessed into Closed Session at 6:07 p.m.

The City Council reconvened into Open Session at 7:00 p.m.

The Regular Meeting of the Dixon City Council was convened at the hour of 7:00 p.m.

Michael Dean, City Attorney, reported that the City Council had met in Closed Session regarding the subject listed above and there was no reportable action, but the City Council asked him to report that the City will be issuing bids for publishing in early 2010.

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Batchelor.

3. **ROLL CALL**

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

Absent: None

4. **PRESENTATIONS/ PROCLAMATIONS/ RECOGNITION**

4.1 **Certificate of Appreciation to Pastor Joe Mejia and the volunteers from the Miracle Christian Worship Center for their participation in the Newgate Neighborhood Clean-up Day.**

Jon Cox, Police Chief, recapped the day's work and summarized the efforts of 25 volunteers from the church who helped with the clean-up. He acknowledged Pastor Mejia and their volunteers.

Mayor Batchelor presented the Certificate of Appreciation to Erica Mejia.

Ms. Mejia thought it was a wonderful opportunity to establish relationships in the community and was happy to have a City Manager and Police Chief who are supportive.

4.2 **Presentation by Michael Lafferty, State Department of Consumer Affairs (DCA), Outreach Manager, regarding outreach to local municipalities.**

Michael Lafferty discussed the background of the DCA and their “Take Charge California” Program which is knowing how to be a smart and safe consumer, and wanted to bring services to the City and seniors.

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

- 5.1 Dave Scholl noted the Veterans’ fees was brought up six months ago and nothing has been done. He discussed the interpretation from the City Attorney about the Veterans’ exemption from licenses or fees and asked the matter be placed on the next agenda. If not, he threatened to sponsor an initiative petition.

Mr. Scholl discussed the City’s image of being anti-business because of signs. He discussed the location of his business being within the Downtown Sign Guidelines, other businesses who have signs the same as he does, how many businesses are out of business, and again threatened to sponsor an initiative petition if this is not resolved.

6. **ITEMS FROM THE CITY COUNCIL**

- 6.1 Councilmember Besneatte reported about attending the Spirit of Solano, Chamber of Commerce meeting, and the Tree Lighting Ceremony. He discussed meeting with Solano Irrigation District (SID) and the perception of being antagonistic to department heads. He appreciated the information provided and looked forward to the Joint Workshop with SID. He wished everyone a Merry Christmas and Happy New Year.
- 6.2 Councilmember Cayler reported attending the Chamber of Commerce meeting and announced the Chamber Governmental Affairs meeting has been changed to the first Tuesday at 7:30 a.m., that January 30th is the Citizen of the Year Dinner, and that DJ Koogler is the new Chamber Chief Ambassador. She wished everyone a Merry Christmas, Happy New Year, and Happy Hanukkah.
- 6.3 Councilmember Ceremello confirmed the Joint SID Workshop date and requested the Veterans’ exemption be placed on the next agenda. He discussed making Dixon a more business friendly city, a restaurant closing, and a day care that has closed. He discussed a global warming scam, the State killing local communities, and the formation of the Rio Vista Taxpayers Association to rollback of water and sewer rates through the initiative process. He expressed concern about the City Manager being “a shill” for SID, a portion of her salary being paid from the water account, that she makes decisions for the Joint Water Committee, and felt this is a conflict of interest. He asked the City Attorney to request a FPPC opinion to determine if the City Manager and SID General Manager have a conflict of interest.

- 6.4 Vice Mayor Fuller reported about attending the Spirit of Solano, Tree Lighting Ceremony, and SID meeting.
- 6.5 Mayor Batchelor reported he also attended the meetings that the other Councilmembers did, congratulated the Kiwanis Club for their Festival of Trees, and noted that the Solano Transportation Authority adopted 2010 Legislative Priorities and Platform. He announced that wreaths will be placed on every headstone at the Sacramento Veterans' Cemetery for Wreaths Across America on Saturday and encouraged everyone to attend, and on Thursday the Veterans' Hall will have an official dedication.

7. **ITEMS FROM THE CITY TREASURER**

- 7.1 David Dingman, City Treasurer, thanked the community for stopping by the Kiwanis Club Festival of Trees which will benefit Dixon Family Services.

8. **APPROVAL OF AGENDA**

There was no discussion on this item.

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

Ayes: Besneatte, Cayler, Ceremello, Fuller, Batchelor
Noes: None
Absent: None
Abstain: None

9. **CONSENT CALENDAR**

Mayor Batchelor noted he will be abstaining from Item 9.6 because he owns property in the area.

Councilmember Ceremello requested Item 9.5 and Item 9.6 be considered separately from the Consent Calendar.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to approve the Consent Calendar, except Items 9.5 and 9.6. Roll call was taken as follows:

Ayes: Besneatte, Cayler, Ceremello, Fuller, Batchelor
Noes: None
Absent: None
Abstain: None

- 9.1 **Approved the City Council Minutes for the October 27, 2009, meeting.**
- 9.2 **Adopted Resolution No. 09-194 approving the Enumeration of Claims.**
- 9.3 **Approved minute action adopting the annual City Council meeting calendar for 2010.**
- 9.4 **Adopted Resolution No. 09-195 declaring found, abandoned, and lost bicycles as surplus property.**
- 9.5 **Resolution finding exempt from the California Environmental Quality Act (CEQA) and establishing multi-way traffic controls at the intersection of North Almond Street and West F Street.**

See Minutes for this item below.

- 9.6 **Resolution finding exempt from CEQA and establishing multi-way traffic controls at the intersection of Fountain Way and Afton Way.**

See Minutes for this item on Page 6.

- 9.7 **Adopted Resolution No. 09-196 accepting the State Route (SR) 113 Pedestrian Improvement Project (#2009-04) as complete and authorizing the City Clerk to file a Notice of Completion. (Federal-Aid No. CML-5056(015))**

- 9.5 **TAKEN OUT OF ORDER**

Resolution finding exempt from the California Environmental Quality Act (CEQA) and establishing multi-way traffic controls at the intersection of North Almond Street and West F Street

Councilmember Ceremello thought traffic controls were not necessary at this location, that it should be closer to the school, or alternate locations should be reviewed.

Mayor Batchelor asked for public comment.

Thom Bogue preferred installing speed bumps and thought they were more effective.

Larry Simmons noted that Winters supported shallow speed bumps in select locations.

Drew Graska supported installation of speed bumps.

Royce Cunningham, City Engineer, noted that the Transportation Advisory Commission will be reviewing types of speed bumps being used in other communities and other traffic calming methods.

Vice Mayor Fuller noted speed bumps reduce public safety response, though other traffic calming methods are available, and felt that not enough information has been provided.

A motion was made by Councilmember Ceremello, seconded by Councilmember Besneatte, to table the matter to a date uncertain and for TAC to reconsider. Roll call was taken as follows:

Ayes: Besneatte, Ceremello, Fuller
Noes: Cayler, Batchelor
Abstain: None
Absent: None

9.6 **TAKEN OUT OF ORDER**

Resolution finding exempt from CEQA and establishing multi-way traffic controls at the intersection of Fountain Way and Afton Way.

Mayor Batchelor recused himself.

Ginger Emerson expressed concern that older residential streets are narrower and have curves, but are being neglected.

Councilmember Ceremello noted the impact for Fountain Way is only during the hours where kids are going and leaving the school.

Councilmember Cayler reported from the TAC meeting that they felt it is critical because cars speeding and young students and families walking to school from the apartments and condominiums.

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

A motion was made by Councilmember Besneatte, seconded by Councilmember Ceremello, to not approve the stop signs as recommended. Roll call was taken as follows:

Ayes: Besneatte, Ceremello, Fuller
Noes: Cayler
Abstain: Batchelor
Absent: None

10. **PUBLIC HEARINGS**

None

11. **UNFINISHED BUSINESS**

11.1 **Joint Resolution extending the term of the Joint Exercise of Powers Agreement (JEPA) with the Solano Irrigation District (SID) through March 31, 2010.**

Royce Cunningham, City Engineer, noted an extension had been adopted, but negotiations have not been completed and a few more months are necessary. Mr. Cunningham and City Manager Huston responded to Council questions.

Councilmember Ceremello requested the negotiating points for the Joint Powers Agreement.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to adopt Resolution No. 09-197 extending the term of the JEPA with SID through March 31, 2010. Roll call was taken as follows:

Ayes: Besneatte, Cayler, Ceremello, Fuller, Batchelor
Noes: None
Abstain: None
Absent: None

11.2 **Ordinance amendments for Section 12.16 relating to height limitation exceptions and adding Section 12.34 relating to telecommunication facilities. (PA 09-08) (ZON 09-05) (Introduced 11-24-09 #10.1)**

Dave Dowswell, Community Development Director, noted the requested changes from the last meeting have been incorporated into this ordinance.

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

A motion was made by Councilmember Ceremello, seconded by Councilmember Besneatte, to adopt Ordinance No. 09-024 adding telecommunication facilities to the Zoning Ordinance. Roll call was taken as follows:

Ayes: Besneatte, Cayler, Ceremello, Fuller, Batchelor
Noes: None
Abstain: None
Absent: None

- 11.3 **Matters relating to subdivision regulations:** (Introduced 11-24-09 #11.1)
1. **Ordinance repealing Chapter 10 of Article II of the Dixon City Code relating to subdivision regulations.**
 2. **Ordinance adding Title 17 to the Dixon Municipal Code relating to subdivision regulations.**

Dave Dowswell, Community Development Director, noted the requested changes from the last meeting have been incorporated into this ordinance.

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

A motion was made by Councilmember Cayler, seconded by Vice Mayor Fuller, to adopt Ordinance No. 09-025 repealing Chapter 10 from the Dixon City Code and adopt Ordinance No. 09-026 adding Title 17 to the Dixon Municipal Code relating to the subdivision regulations. Roll call was taken as follows:

Ayes: Besneatte, Cayler, Fuller, Batchelor
Noes: Ceremello
Abstain: None
Absent: None

- 11.4 **Ordinance adding Chapter 11.04 to Title 11 of the Dixon Municipal Code relating to social host accountability.** (Introduced 11-24-09 #12.1)

Tony Welch, Police Captain, reported this ordinance was introduced on November 24, 2009, and this is the second reading of the ordinance.

Mayor Batchelor read a letter from Nancy Wells in support of the social host ordinance.

Mayor Batchelor asked for public comment.

Dave Scholl agreed with the intent of the ordinance, but expressed concern that there may be a violation of civil rights and constitutional issues.

Michael Dean, City Attorney, stated this ordinance is no different than any other relating to police work and the police can not violate the Constitution.

Drew Graska felt it should be personal responsibility and to use laws that are already in existence.

Larry Simmons noted the police will not enter without reasonable cause.

Thom Bogue provided a scenario where kids were in the front yard with beer, to which Captain Welch responded.

Councilmember Besneatte and Councilmember Ceremello provided reasons for why they could not support the ordinance.

A motion was made by Vice Mayor Fuller, seconded by Councilmember Cayler, to adopt Ordinance No. 09-027 relating to the social host ordinance. Roll call was taken as follows:

Ayes:	Cayler, Fuller, Batchelor
Noes:	Besneatte, Ceremello
Abstain:	None
Absent:	None

The City Council recessed for a break at 8:32 p.m.

The City Council reconvened the meeting at 8:42 p.m.

12. **NEW BUSINESS**

12.1 **First Quarter Budget for Fiscal Year (FY) 2009-10.**

Jeremy Craig, Finance and Technology Director, reviewed the current financial situation, projected fund balance, and the five year projections. Mr. Craig responded to Council questions.

Mayor Batchelor asked for public comment.

Dave Scholl discussed discouraging businesses to come to Dixon because of the length of time to process and the City should become more business friendly.

Drew Graska asked for review of upper management salaries and workload.

This item was filed.

12.2 **City of Dixon's Local Hazard Mitigation Plan Update and Infrastructure Mitigation Strategies Survey to be include in the Association of Bay Area Governments (ABAG) Multi-Jurisdictional Hazard Mitigation Plan for Natural Disasters.**

Ed Tubbs, Assistant Fire Chief, discussed Local Hazard Mitigation Plan Update and Infrastructure Mitigation Strategies Survey as part of the ABAG plan for natural disasters. Chief Tubbs responded to Council questions.

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

This item was filed.

12.3 **Alternatives relating to Core Area and South Almond Street drainage issues.**
(Requested by Councilmember Ceremello)

Councilmember Cayler reported that she lives in this area, but because this is an informational report she does not have to recuse herself.

Royce Cunningham, City Engineer, discussed numerous alternatives and summarized the costs for each. Staff's preferred alternative for the South Almond area is Alternative 6, but there is no funding available until the Southwest Project develops or an assessment district is formed. Staff's preferred alternative for the Core Area is Alternative 3. Mr. Cunningham discussed the phases of the project, estimated costs, and work that has been already completed. Mr. Cunningham and City Manager Huston responded to Council questions.

Mayor Batchelor asked for public comment.

Drew Graska would like Almond Street done and implored the Council to have staff move forward without waiting for new development.

Dan Figueroa discussed the importance of the Core Area drainage, the phases proposed, impact fees, willingness to pay their fair share, and hoped design work will move forward.

Staff was directed to move forward as soon as possible.

13. **OTHER AGENCY BUSINESS**

None

14. **ITEMS FROM THE CITY ATTORNEY**

14.1 Michael Dean, City Attorney, wished everyone a Merry Christmas and Happy New Year.

15. **ITEMS FROM THE CITY MANAGER**

15.1 Nancy Huston, City Manager, announced a toy, coat, and food drive, organized by Police Chief Jon Cox, will be held at WalMart on December 12th. She also wished everyone a Merry Christmas, Happy New Year, and Happy Holiday.

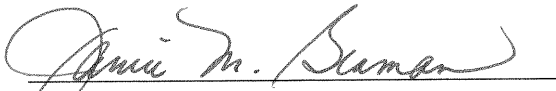
16. **CLOSED SESSION**

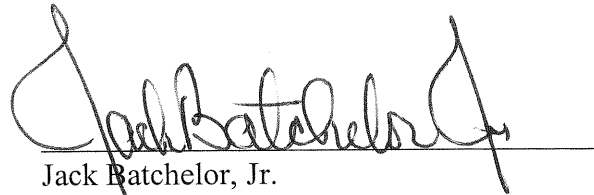
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17. **ADJOURNMENT**

The City Council meeting adjourned at the hour of 10:27 p.m.

ATTEST:


Janice Beaman, CMC
City Clerk


Jack Batchelor, Jr.
Mayor